

HOUSE BILL NO. HB0194

Surplus medication.

Sponsored by: Representative(s) Hastert, Hinckley, Iekel,
Meuli and Thompson and Senator(s) Barrasso,
Case and Job

A BILL

for

1 AN ACT relating to pharmaceutical drugs; directing the
2 department of health to establish a program for the
3 donation and dispensing of drugs as specified; providing
4 definitions; providing rulemaking authority; and providing
5 for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

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9 **Section 1.** W.S. 35-7-1601 through 35-7-1606 are
10 created to read:

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12 **35-7-1601. Short title.**

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14 This act shall be known and may be cited as the "Drug
15 Donation Program Act".

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1 **35-7-1602. Definitions.**

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3 (a) For purposes of this act:

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5 (i) "Prescription drug" means a pharmaceutical
6 drug which is required by any applicable federal or state
7 law to be dispensed only pursuant to a physician's
8 prescription; and

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10 (ii) "Health care facility" means as defined in
11 W.S. 35-2-901(a)(x) and that is additionally authorized to
12 maintain an inventory of pharmaceutical drugs for
13 dispensing to the facility's patients or residents.

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15 **35-7-1603. Drug donation program established; minimum**
16 **requirements.**

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18 (a) The department shall establish pursuant to its
19 rules and regulations a voluntary drug donation program
20 which allows designated providers to accept and dispense
21 donated medications to Wyoming residents.

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23 (b) The drug donation program shall have the
24 following features:

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2 (i) Any person or entity, including but not
3 limited to a drug manufacturer, physician or health care
4 facility, may donate drugs to the drug donation program;

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6 (ii) Drugs may be donated at a physician's
7 office, a pharmacy or health care facility that elects to
8 participate in the program and meets criteria established
9 by the department;

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11 (iii) Drugs shall be accepted or dispensed under
12 the drug donation program only if they are in their
13 original, unopened, sealed packaging or, if the outside
14 packaging is opened, the contents are single unit doses
15 that are individually contained in unopened, tamper evident
16 packaging;

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18 (iv) A drug shall not be accepted or dispensed
19 if it bears an expiration date that is earlier than six
20 months after the date the drug was donated or the drug
21 appears to be adulterated or misbranded in any way;

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23 (v) Drugs in the donation program may be
24 dispensed under the Medical Assistance and Services Act.

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2 **35-7-1604. Program participants.**

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4 (a) A physician, pharmacy or health care facility
5 that accepts donated drugs under the drug donation program
6 shall comply with all applicable provisions of state and
7 federal law relating to the storage, distribution and
8 dispensing of such drugs and shall inspect all donated
9 drugs prior to dispensing to determine if they appear to be
10 adulterated or misbranded in any way.

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12 (b) Donated drugs may be distributed to another
13 participating physician, pharmacy or health care facility
14 for dispensing.

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16 (c) Donated drugs shall only be dispensed to a
17 patient pursuant to prescription as required by law.

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19 (d) A physician, pharmacy or health care facility may
20 charge a handling fee for distributing or dispensing drugs
21 under the drug donation program, as established by
22 department rules and regulations, but shall not otherwise
23 resell or charge for donated drugs.

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1 **35-7-1605. Participant immunity.**

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3 (a) Any person who exercises reasonable care in
4 donating, accepting, distributing or dispensing drugs under
5 this act shall be immune from civil or criminal liability
6 or professional disciplinary action of any kind for any
7 related injury, death or loss.

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9 (b) The immunity provided by this section shall not
10 decrease or increase the civil or criminal liability of a
11 drug manufacturer, distributor or dispenser that would have
12 existed but for the donation.

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14 **35-7-1606. Rules and regulations; agency cooperation.**

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16 (a) The department, in cooperation with the Wyoming
17 board of pharmacy, shall promulgate rules and regulations
18 implementing the drug donation program established by this
19 act. Initial rules shall be promulgated within ninety (90)
20 days after the effective date of this act and shall
21 include:

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