

ENROLLED ACT NO. 86, SENATE

SIXTIETH LEGISLATURE OF THE STATE OF WYOMING
2009 GENERAL SESSION

AN ACT relating to public health and safety; amending the drug donation program; providing for drop off and disposal of unused and expired prescription drugs; providing for nonliability for acts under the program as specified; providing an appropriation; authorizing a position; and providing for an effective date.

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

Section 1. W.S. 35-7-1603(a), (b)(intro), (ii), (iii), (iv), by creating new paragraphs (vi) and (vii) and by creating a new subsection (c) and 35-7-1605(a) are amended to read:

35-7-1603. Drug donation, redispensing and disposal program established; minimum requirements.

(a) The department shall establish pursuant to its rules and regulations a voluntary drug donation and disposal program ~~which allows designated providers to accept and dispense donated medications to Wyoming residents as provided in this section.~~

(b) The drug donation and redispensing program shall have the following features:

(ii) Drugs may be donated at a donation site maintained by the department, a take back event approved by the United States drug enforcement agency or at a physician's office, a pharmacy or a health care facility that elects to participate in the program and meets criteria established by the department;

(iii) Drugs shall be ~~accepted or dispensed~~ redispensed under the drug donation program only if they

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are in their original, unopened, sealed packaging or, if the outside packaging is opened, the contents are single unit doses that are individually contained in unopened, tamper evident packaging;

(iv) A drug shall not be ~~accepted or dispensed if it bears an expiration date that is earlier than six months after the date the drug was donated~~ redispensed within two (2) months of its expiration date or if the drug appears to be adulterated or misbranded in any way;

(vi) Drugs shall be delivered either to the department's central collection facility, a take back event approved by the United States drug enforcement agency or one (1) of its regional collection facilities;

(vii) Drugs available for redispensing shall be inventoried and posted on a list of drugs available for redispensing on the department's internet website.

(c) The drug drop off and disposal program shall have the following features:

(i) Drop off locations shall be located with donation sites as provided in paragraph (b)(ii) of this section or local law enforcement agencies approved by the United States drug enforcement agency to the extent necessary under federal law;

(ii) Procedures shall be maintained for the documentation of all collected unused medication;

(iii) Procedures shall be maintained for the environmentally safe disposal of unused medications;

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(iv) The department shall provide for public education of potential participating consumers about the availability of the drug disposal program and proper and effective disposal of unused medications;

(v) The department shall cooperate with law enforcement agencies to the extent required for the collection under law enforcement supervision or the secure collection, storage, transport and destruction of controlled substances.

35-7-1605. Participant immunity.

(a) In the absence of bad faith, any person who exercises reasonable care participates in donating, accepting, distributing or dispensing drugs under this act shall be immune from civil or criminal liability or professional disciplinary action of any kind for any related injury, death or loss. No person, in the absence of bad faith, shall be liable for the bad faith of another relating to the provisions of this act.

Section 2.

(a) There is appropriated one hundred twenty-eight thousand six hundred ninety-six dollars (\$128,696.00) from the general fund to the department of health. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2010. This appropriation shall only be expended for the purpose of the drug collection, redispensing and disposal program pursuant to W.S. 35-7-1603. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2010.

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(b) The department of health is authorized one (1) additional full-time equivalent position to implement the purposes of this act.

Section 3. This act is effective July 1, 2009.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk