

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 136

HOUSE BILL 2382

AN ACT

AMENDING TITLE 32, CHAPTER 18, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1909; RELATING TO THE BOARD OF PHARMACY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, chapter 18, article 1, Arizona Revised Statutes,
3 is amended by adding section 32-1909, to read:

4 32-1909. Prescription medication donation program;
5 distribution; immunity; rules

6 A. PURSUANT TO BOARD RULES AND THIS SECTION, THE BOARD SHALL ESTABLISH
7 A PRESCRIPTION MEDICATION DONATION PROGRAM TO ACCEPT AND DISPENSE
8 PRESCRIPTION MEDICATIONS. PRESCRIPTION MEDICATIONS MAY BE DONATED AT A
9 PHYSICIAN'S OFFICE, A PHARMACY OR A HEALTH CARE INSTITUTION AS DEFINED IN
10 SECTION 36-401 THAT ELECTS TO PARTICIPATE IN THE PROGRAM AND THAT MEETS THE
11 REQUIREMENTS OF THIS SECTION AND BOARD RULES. PRESCRIPTION MEDICATIONS SHALL
12 BE ACCEPTED OR DISPENSED UNDER THE PRESCRIPTION MEDICATION DONATION PROGRAM
13 ONLY IN THEIR ORIGINAL SEALED AND TAMPER-EVIDENT UNIT DOSE PACKAGING.
14 PRESCRIPTION MEDICATION THAT IS PACKAGED IN SINGLE UNIT DOSES MAY BE ACCEPTED
15 AND DISPENSED EVEN IF THE OUTSIDE PACKAGING IS OPENED IF THE SINGLE UNIT DOSE
16 PACKAGING IS UNDISTURBED. THE PROGRAM SHALL NOT ACCEPT A DONATION OF A
17 PRESCRIPTION MEDICATION THAT EITHER:

- 18 1. EXPIRES WITHIN SIX MONTHS AFTER THE DONATION.
- 19 2. IS DEEMED ADULTERATED PURSUANT TO SECTION 32-1966.

20 B. A PERSON, MANUFACTURER OR HEALTH CARE INSTITUTION MAY DONATE
21 PRESCRIPTION MEDICATION TO A PHYSICIAN'S OFFICE, PHARMACY, HOSPITAL OR HEALTH
22 CARE INSTITUTION THAT VOLUNTEERS TO PARTICIPATE IN THE PROGRAM AND THAT MEETS
23 THE REQUIREMENTS PRESCRIBED BY THE BOARD.

24 C. A PHYSICIAN'S OFFICE, PHARMACY, HOSPITAL OR HEALTH CARE INSTITUTION
25 THAT PARTICIPATES IN THE PROGRAM SHALL DISPENSE DONATED PRESCRIPTION
26 MEDICATION:

- 27 1. EITHER DIRECTLY OR THROUGH PARTICIPATING GOVERNMENTAL OR NONPROFIT
28 PRIVATE ENTITIES.
- 29 2. ONLY PURSUANT TO A PRESCRIPTION ORDER.
- 30 3. ONLY TO A RECIPIENT WHO IS A RESIDENT OF THIS STATE AND WHO MEETS
31 THE ELIGIBILITY STANDARDS PRESCRIBED BY THE BOARD BY RULE.

32 D. BEFORE DISPENSING DONATED PRESCRIPTION MEDICATION, THE PHYSICIAN'S
33 OFFICE, PHARMACY, HOSPITAL OR HEALTH CARE INSTITUTIONS PARTICIPATING IN THE
34 PROGRAM:

- 35 1. SHALL COMPLY WITH ALL APPLICABLE FEDERAL LAWS AND THE LAWS OF THIS
36 STATE DEALING WITH THE STORAGE AND DISTRIBUTION OF DANGEROUS DRUGS.
- 37 2. SHALL EXAMINE THE DONATED PRESCRIPTION MEDICATION TO DETERMINE THAT
38 IT HAS NOT BEEN ADULTERATED AND CERTIFY THAT THE MEDICATION HAS BEEN STORED
39 IN COMPLIANCE WITH THE REQUIREMENTS OF THE PRODUCT LABEL.
- 40 3. MAY CHARGE PERSONS RECEIVING DONATED PRESCRIPTION MEDICATION
41 PURSUANT TO THIS SECTION A HANDLING FEE AS PRESCRIBED BY THE BOARD BY RULE TO
42 COVER THE COSTS OF INSPECTION, STOCKING AND DISPENSING THE PRESCRIPTION
43 MEDICATION.

44 E. A PHARMACEUTICAL MANUFACTURER IS NOT LIABLE FOR ANY CLAIM OR INJURY
45 ARISING FROM THE TRANSFER OF ANY PRESCRIPTION MEDICATION PURSUANT TO THIS

1 SECTION INCLUDING LIABILITY FOR FAILURE TO TRANSFER OR COMMUNICATE PRODUCT OR
2 CONSUMER INFORMATION REGARDING THE TRANSFERRED PRESCRIPTION MEDICATION,
3 INCLUDING THE EXPIRATION DATE OF THE TRANSFERRED PRESCRIPTION MEDICATION.

4 F. PERSONS AND ENTITIES PARTICIPATING IN THE PROGRAM AS PRESCRIBED BY
5 THIS SECTION AND BOARD RULES ARE NOT SUBJECT TO CIVIL LIABILITY OR
6 PROFESSIONAL DISCIPLINARY ACTION.

7 G. IN CONSULTATION WITH THE DIRECTOR OF THE DEPARTMENT OF HEALTH
8 SERVICES, THE BOARD SHALL ADOPT RULES PRESCRIBING THE FOLLOWING:

9 1. ELIGIBILITY CRITERIA FOR PHYSICIANS' OFFICES, PHARMACIES, HOSPITALS
10 AND HEALTH CARE INSTITUTIONS TO RECEIVE AND DISPENSE DONATED PRESCRIPTION
11 MEDICATION.

12 2. STANDARDS AND PROCEDURES FOR ACCEPTING, STORING AND DISPENSING
13 DONATED PRESCRIPTION MEDICATION.

14 3. STANDARDS AND PROCEDURES FOR INSPECTING DONATED PRESCRIPTION
15 MEDICATION TO DETERMINE THAT THE ORIGINAL UNIT DOSE PACKAGING IS SEALED AND
16 TAMPER-EVIDENT AND THAT THE DONATED PRESCRIPTION MEDICATION IS UNADULTERATED,
17 SAFE AND SUITABLE FOR DISPENSING.

18 4. ELIGIBILITY STANDARDS, BASED ON ECONOMIC NEED, FOR PERSONS
19 RECEIVING DONATED PRESCRIPTION MEDICATION.

20 5. A MEANS, SUCH AS AN IDENTIFICATION CARD, BY WHICH PERSONS PROVE
21 THAT THEY ARE ELIGIBLE TO RECEIVE DONATED PRESCRIPTION MEDICATION.

22 6. A FORM THAT EACH RECIPIENT SHALL SIGN BEFORE THE RECIPIENT MAY
23 RECEIVE DONATED PRESCRIPTION MEDICATION TO CONFIRM THAT THE RECIPIENT
24 UNDERSTANDS THE IMMUNITY PROVISIONS OF THE PROGRAM.

25 7. A FORMULA TO DETERMINE THE AMOUNT OF THE HANDLING FEE THAT A
26 PHYSICIAN'S OFFICE, PHARMACY, HOSPITAL OR HEALTH CARE INSTITUTION MAY CHARGE
27 RECIPIENTS.

28 8. A LIST OF PRESCRIPTION MEDICATION, ARRANGED EITHER BY CATEGORY OR
29 BY INDIVIDUAL DRUG, THAT THE PROGRAM MAY ACCEPT FROM INDIVIDUALS.

30 9. A LIST OF PRESCRIPTION MEDICATION, ARRANGED EITHER BY CATEGORY OR
31 BY INDIVIDUAL DRUG, THAT THE PROGRAM SHALL NOT ACCEPT FROM INDIVIDUALS.

32 10. A FORM EACH INDIVIDUAL SHALL SIGN STATING THAT THE DONOR IS THE
33 OWNER OF THE PRESCRIPTION MEDICATION AND WISHES TO VOLUNTARILY DONATE THE
34 PRESCRIPTION MEDICATION TO THE PROGRAM.

35 11. A LIST OF PRESCRIPTION MEDICATION, ARRANGED EITHER BY CATEGORY OR
36 BY INDIVIDUAL DRUG, THAT THE PROGRAM MAY ACCEPT FROM A HEALTH CARE
37 INSTITUTION.

38 12. A LIST OF PRESCRIPTION MEDICATION, ARRANGED EITHER BY CATEGORY OR
39 BY INDIVIDUAL DRUG, THAT THE PROGRAM SHALL NOT ACCEPT FROM A HEALTH CARE
40 INSTITUTION. THE LIST SHALL INCLUDE A STATEMENT AS TO WHY THE PRESCRIPTION
41 MEDICATION IS INELIGIBLE FOR DONATION.

42 13. ANY OTHER STANDARDS THE BOARD DETERMINES ARE NECESSARY AND
43 APPROPRIATE.

1 H. NOTWITHSTANDING ANY OTHER LAW, A DISPENSER OF DONATED PRESCRIPTION
2 MEDICATION PURSUANT TO THIS SECTION SHALL NOT SUBMIT A CLAIM OR OTHERWISE
3 SEEK REIMBURSEMENT FROM A PUBLIC OR PRIVATE THIRD-PARTY PAYOR FOR THE
4 DONATION AND A PUBLIC OR PRIVATE THIRD-PARTY PAYOR SHALL NOT PROVIDE
5 REIMBURSEMENT FOR DONATIONS MADE PURSUANT TO THIS SECTION.

APPROVED BY THE GOVERNOR APRIL 17, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2006.