

1 H.128

2 Introduced by Representatives Pugh of South Burlington, Brumsted of
3 Shelburne, Gregoire of Fairfield, Haas of Rochester, McFaun of
4 Barre Town, Nicoll of Ludlow, Noyes of Wolcott, Pajala of
5 Londonderry, Redmond of Essex, Rosenquist of Georgia, and
6 Wood of Waterbury

7 Referred to Committee on

8 Date:

9 Subject: Health; prescription drugs; unused prescription drug repository
10 program

11 Statement of purpose of bill as introduced: This bill proposes to create an
12 unused prescription drug repository program for Vermont by contracting with
13 an established program in Vermont or another state.

14 An act relating to an unused prescription drug repository program

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. 18 V.S.A. chapter 91, subchapter 5 is added to read:

17 Subchapter 5. Unused Prescription Drug Repository Program

18 § 4671. CREATION OF PROGRAM

1 The Agency of Human Services shall create and administer an unused
2 prescription drug repository program for Vermont by contracting with an
3 existing program in Vermont or another state.

4 § 4672. PRESCRIPTION DRUG DONATIONS

5 (a) The program shall collect unused prescription drugs from institutional
6 settings in Vermont, including:

7 (1) long-term care pharmacies;

8 (2) hospitals;

9 (3) facilities operated by the Vermont Department of Corrections; and

10 (4) facilities operated by the Veterans Health Administration of the U.S.
11 Department of Veterans Affairs.

12 (b) To be eligible for redistribution, unused prescription drugs shall:

13 (1)(A) be in sealed or original packaging;

14 (B) be in tamper-evident packaging, such as a blister pack; or

15 (C) be from opened bulk bottles obtained from a secured pharmacy
16 setting, such as a hospital;

17 (2) not require refrigeration;

18 (3) not be a controlled substance; and

19 (4) have an expiration date that is six months or more from the date of
20 donation.

1 (c) All prescription drugs to be redistributed shall be inspected by a
2 licensed pharmacist to ensure that the donated drugs are intact, safe for
3 appropriate use, and have not been adulterated, tampered with, or misbranded.

4 § 4673. ELIGIBILITY TO RECEIVE UNUSED PRESCRIPTION DRUGS

5 (a) To be eligible to receive unused prescription drugs from the repository
6 program, one or more of the following criteria must apply:

7 (1) the individual or family has income less than or equal to 400 percent
8 of the federal poverty level;

9 (2) the individual is uninsured;

10 (3) the individual is underinsured, as defined by the Agency of Human
11 Services by rule; or

12 (4) the individual is a Medicare beneficiary who is experiencing a
13 Medicare Part D coverage gap.

14 (b) A Medicaid beneficiary shall not be eligible to receive unused
15 prescription drugs pursuant to this subchapter.

16 (c) The dispensing pharmacy or clinic requesting drugs from the unused
17 prescription drug repository program shall determine a patient's eligibility for
18 the program as directed by the Agency of Human Services by rule.

19 § 4674. RULEMAKING

20 The Agency of Human Services shall adopt rules to carry out the purposes
21 of this subchapter, including rules regarding the process by which dispensing

1 pharmacies and clinics shall determine a patient's eligibility to receive drugs
2 from the unused prescription drug repository program. The Agency's rules
3 may also include:

4 (1) additional institutions that may donate unused prescription drugs
5 pursuant to this subchapter;

6 (2) additional criteria needed to ensure the safety of the prescription
7 drugs to be redistributed; and

8 (3) inspection criteria to be used by the licensed pharmacist inspecting
9 the drugs for redistribution.

10 Sec. 2. APPROPRIATIONS

11 The sum of \$315,000.00 is appropriated from the General Fund to the
12 Agency of Human Services in fiscal year 2020 for the purpose of
13 implementing an unused prescription drug repository program. The
14 \$315,000.00 shall be used as follows:

15 (1) \$240,000.00 shall be for a contract with an existing repository
16 program in Vermont or another state;

17 (2) \$25,000.00 shall be for administering the contract; and

18 (3) \$50,000.00 shall be for outreach to increase providers' and
19 pharmacists' awareness of the program and to educate them about which
20 patients may qualify and how to order drugs for redistribution.

21 Sec. 3. EFFECTIVE DATE

1 This act shall take effect on July 1, 2019.