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HOUSE BILL NO. 85

Offered January 9, 2008

Prefiled December 13, 2007

A *BILL to amend the Code of Virginia by adding a section numbered 54.1-3412.1 and to repeal § 54.1-3411.1 of the Code of Virginia, relating to donation of prescription medications.*

Patrons—Landes; Senator: Ruff

Referred to Committee on Health, Welfare and Institutions**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 54.1-3412.1 as follows:***§ 54.1-3412.1. Prescription Medication Donation Program.**A. There is hereby established the Prescription Medication Donation Program (Program) to accept and dispense prescription medications. The program shall be administered by the Board of Pharmacy.**B. Prescription medications other than controlled substances may be accepted and redispensed under the Program only when medications remain in manufacturer's packaging, individual-dose packaging, or unit-dose packaging that is original, sealed, and tamper-evident. Prescription medication that is packaged in single unit-doses may be accepted and dispensed if the outside packaging has been opened so long as the single unit-dose packaging is undisturbed. The Program shall not accept medication (i) that expires within six months after the donation or (ii) that may be adulterated pursuant to § 54.1-3461. The pharmacist-in-charge at the pharmacy shall be responsible for determining the suitability of the product for redispensing. No product shall be accepted for redispensing by the pharmacist when integrity cannot be assured.**C. Prescription medications that have been accepted under the Program may be dispensed by a pharmacy to patients of clinics organized in whole or in part for the delivery of health care services to the indigent or without charge, if the following procedures are satisfied:**1. The dispensing pharmacy and the clinic comply with all federal and state laws and regulations regarding storage and prescription of medications;**2. The drug name, strength, and expiration date or beyond-use date shall remain on the medication package label;**3. Physical transfer of the prescription medications shall be accomplished by a person authorized to carry out the transfer by the pharmacy; and**4. An inventory list of all drugs transferred from the pharmacy to the clinic shall accompany the drugs. Such inventory shall include, but not be limited to, the medication names, strengths, expiration dates, and quantities.**A redispensed prescription shall not be assigned an expiration date beyond the expiration date or beyond-use date on the label from the first dispensing, and no product shall be redispensed more than one time.**D. A pharmaceutical manufacturer participating in the Program is not liable for any claim or injury arising from the transfer of any prescription medication pursuant to this section, including liability for failure to transfer or communicate product or consumer information regarding the transferred prescription medication.**E. Persons and entities participating in the Program as prescribed by this section are not subject to civil liability or professional disciplinary action.**F. Nothing in this section shall authorize the donation of unused prescription drugs dispensed for use by persons eligible for coverage under Title XIX or Title XXI of the Social Security Act, as amended.***2. That § 54.1-3411.1 of the Code of Virginia is repealed.**

INTRODUCED

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