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SENATE BILL NO. 862

Offered January 17, 2018

A BILL to amend and reenact § 54.1-3411.2 of the Code of Virginia, relating to the pharmacy drug disposal program.

Patron—Vogel

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:**1. That § 54.1-3411.2 of the Code of Virginia is amended and reenacted as follows:****§ 54.1-3411.2. Prescription drug disposal programs.**

A. As used in this section:

"Authorized pharmacy disposal site" means a pharmacy that qualifies as a collection site pursuant to 21 C.F.R. § 1317.40.

"Pharmacy drug disposal program" means any ~~voluntary~~ drug disposal program located at or operated in accordance with state and federal law by a pharmacy.

B. ~~A~~ Except as provided in subsection C, each pharmacy ~~may~~ shall participate in a pharmacy drug disposal program in accordance with state and federal law regarding proper collection, storage, and destruction of prescription drugs, including controlled and noncontrolled substances. ~~A pharmacy that chooses to participate in a pharmacy drug disposal program shall notify the Board, and the Board shall maintain a list of all pharmacies in the Commonwealth that have chosen to participate in a pharmacy drug disposal program on a website maintained by the Board.~~

C. No pharmacy that (i) does not dispense Schedule II or III controlled substances; (ii) primarily dispenses by mail, common carrier, or delivery service; or (iii) is located within a hospital shall be subject to the provisions of subsection B, but may participate in such pharmacy drug disposal program. Any such pharmacy that chooses to participate in a pharmacy drug disposal program shall notify the Board.

D. The Board shall maintain a list of all pharmacies that are required to participate and all pharmacies that have chosen to participate in a pharmacy drug disposal program on a website maintained by the Board. Each such pharmacy shall conspicuously display signage in the pharmacy notifying the public about the disposal program.

E. No person that turns over drugs to a pharmacy for the purposes of disposal shall be required to provide identification.

F. No person that participates in a pharmacy drug disposal program shall be liable for any theft, robbery, or other criminal act related to its participation in the pharmacy drug disposal program nor shall such person be liable for acts of simple negligence in the collection, storage, or destruction of prescription drugs collected through such pharmacy drug disposal program, provided that the pharmacy practice site is acting in good faith and in accordance with applicable state and federal law and regulations.

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