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HOUSE BILL NO. 1531

Offered January 9, 2020

A BILL to amend and reenact § 54.1-3411.2 of the Code of Virginia, relating to prescription drug disposal; hospitals and clinics.

Patrons—Jenkins; Senator: Spruill

Referred to Committee on Health, Welfare and Institutions

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~~ Drug disposal program" means ~~any voluntary~~ a drug disposal program located at or operated in accordance with state and federal law by a pharmacy ~~or a hospital or clinic with an on-site pharmacy~~.

B. A pharmacy ~~or a hospital or clinic with an on-site pharmacy~~ shall ~~may~~ 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 ~~or a hospital or clinic with an on-site pharmacy~~ that chooses to participate participating in a ~~pharmacy~~ drug disposal program shall notify the Board, and the Board shall maintain a list of all pharmacies, ~~hospitals, and clinics~~ in the Commonwealth that have chosen to participate in a ~~pharmacy~~ drug disposal program on a website maintained by the Board.

B. A pharmacy ~~or a hospital or clinic with an on-site pharmacy~~ shall ~~may~~ 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 participating~~ 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 participating~~ in a pharmacy drug disposal program on a website maintained by the Board.

C. No person that participates in a ~~pharmacy~~ drug disposal program ~~through a pharmacy or a hospital or clinic with an on-site pharmacy~~ 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, ~~hospital, or clinic~~ practice site is acting in good faith and in accordance with applicable state and federal law and regulations.

D. In order to mitigate the risk of diversion of drugs upon the death of a patient, any hospice licensed by the Department or exempt from licensure pursuant to § 32.1-162.2 shall develop policies and procedures for the disposal of drugs dispensed as part of the hospice plan of care. Such disposal shall be (i) performed in a manner that complies with all state and federal requirements for the safe disposal of drugs by a licensed nurse, physician assistant, or physician who is employed by or has entered into a contract with the hospice program; (ii) witnessed by a member of the patient's family or a second employee of the hospice program who is licensed by a health regulatory board within the Department of Health Professions; and (iii) documented in the patient's medical record.

INTRODUCED

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