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HOUSE BILL NO. 501

Offered January 10, 2018

Prefiled January 8, 2018

A BILL to amend and reenact § 54.1-3411.2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 32.1-162.5:2, relating to home hospice programs; disposal of drugs.

Patrons—Hodges and Kory

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 and that the Code of Virginia is amended by adding a section numbered 32.1-162.5:2 as follows:

§ 32.1-162.5:2. Disposal of dispensed drugs in home hospice programs.

The Board, in consultation with the Board of Pharmacy and pursuant to § 54.1-3411.2:1, shall promulgate regulations requiring a hospice program to establish a process for mitigating the risk of diversion of drugs dispensed to a hospice patient residing at home and providing for the disposal of any unneeded dispensed drugs by an employee of the hospice program in a manner that is witnessed by the patient, patient's family member, or another employee of the hospice program and documented.

§ 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 pharmacy 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 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 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.

D. *Unused drugs dispensed to hospice patients residing at home at the time of death shall be disposed of in accordance with § 32.1-162.5:2 and regulations promulgated by the Board of Health in consultation with the Board.*

INTRODUCED

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