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By: **Senators Teitelbaum, Astle, Della, Dyson, Exum, Gladden, Haines,  
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Introduced and read first time: February 3, 2005

Assigned to: Finance

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A BILL ENTITLED

1 AN ACT concerning

2 **Prescription Drug Repository Program**

3 FOR the purpose of requiring Medbank of Maryland, Inc., in collaboration with the  
4 State Board of Pharmacy, to establish a Prescription Drug Repository Program  
5 to accept and dispense prescription drugs donated for the purpose of dispensing  
6 to certain individuals; providing that the Program may only accept and dispense  
7 drugs in certain unit dose packaging; providing for a certain exception;  
8 prohibiting the Program from accepting or dispensing drugs that bear a certain  
9 expiration date or may be adulterated; authorizing any person to donate  
10 prescription drugs to the Program; specifying that drugs may only be donated to  
11 certain entities that participate in the Program; requiring an entity that seeks  
12 to participate in the Program to apply to Medbank of Maryland, Inc. in the form  
13 and manner required; specifying the persons who can receive drugs donated  
14 through the Program; requiring a drug donated through the Program to be  
15 dispensed through a prescription issued by an authorized prescriber; requiring  
16 an entity that accepts donated drugs to comply with certain laws and conduct a  
17 certain inspection; authorizing an entity to charge a handling fee to individuals  
18 receiving donated drugs; prohibiting drugs donated to the Program from being  
19 resold; prohibiting for certain matters a certain person who acts in good faith  
20 from being subject to certain prosecution, liability, or disciplinary action;  
21 requiring Medbank of Maryland, Inc. to establish certain requirements,  
22 including certain items, on or before a certain date; defining certain terms; and  
23 generally relating to a Prescription Drug Repository Program.

24 BY adding to

25 Article - Health - General

26 Section 15-124.3

27 Annotated Code of Maryland

28 (2000 Replacement Volume and 2004 Supplement)

29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
30 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Health - General**

2 15-124.3.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
4 INDICATED.

5 (2) "HEALTH CARE FACILITY" MEANS:

6 (I) A HOSPITAL;

7 (II) A HOSPICE CARE PROGRAM;

8 (III) A NURSING HOME;

9 (IV) A HOME HEALTH AGENCY;

10 (V) AN INTERMEDIATE CARE FACILITY FOR THE MENTALLY  
11 RETARDED;12 (VI) A FACILITY THAT PROVIDES TREATMENT OR OTHER SERVICES  
13 FOR INDIVIDUALS WHO HAVE MENTAL DISORDERS; OR

14 (VII) AN ASSISTED LIVING PROGRAM.

15 (3) "HEALTH CARE PRACTITIONER" MEANS AN INDIVIDUAL LICENSED  
16 OR CERTIFIED UNDER THIS ARTICLE TO PROVIDE HEALTH CARE.17 (4) "NONPROFIT CLINIC" MEANS A PUBLIC OR PRIVATE NONPROFIT  
18 ORGANIZATION THAT PROVIDES PRIMARY OR SPECIALTY OUTPATIENT HEALTH CARE  
19 SERVICES TO INDIGENT AND UNINSURED INDIVIDUALS FOR FREE OR AT REDUCED  
20 COST.21 (5) "PRESCRIPTION DRUG" HAS THE MEANING STATED IN § 21-201 OF  
22 THIS ARTICLE.23 (6) "PROGRAM" MEANS THE PRESCRIPTION DRUG REPOSITORY  
24 PROGRAM.25 (B) MEDBANK OF MARYLAND, INC., IN COLLABORATION WITH THE STATE  
26 BOARD OF PHARMACY, SHALL ESTABLISH A PRESCRIPTION DRUG REPOSITORY  
27 PROGRAM TO ACCEPT AND DISPENSE PRESCRIPTION DRUGS DONATED FOR THE  
28 PURPOSE OF DISPENSING TO INDIVIDUALS WHO ARE RESIDENTS OF THE STATE AND  
29 MEET ELIGIBILITY REQUIREMENTS ESTABLISHED FOR THE PROGRAM.30 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE  
31 PROGRAM MAY ONLY ACCEPT AND DISPENSE DRUGS IN THEIR ORIGINAL UNOPENED,  
32 SEALED, AND TAMPER-EVIDENT UNIT DOSE PACKAGING.

1           (2)     THE PROGRAM MAY ACCEPT AND DISPENSE DRUGS PACKAGED IN  
2 SINGLE UNIT DOSES WHEN THE OUTSIDE PACKAGING IS OPENED IF THE SINGLE  
3 UNIT DOSE PACKAGING IS UNDISTURBED.

4           (3)     THE PROGRAM MAY NOT ACCEPT OR DISPENSE DRUGS THAT:

5                   (I)     BEAR AN EXPIRATION DATE THAT IS LESS THAN 6 MONTHS  
6 FROM THE DATE THE DRUG IS DONATED; OR

7                   (II)    MAY BE ADULTERATED ACCORDING TO THE STANDARDS OF §  
8 21-216 OF THIS ARTICLE.

9     (D)     (1)     ANY PERSON, INCLUDING AN INDIVIDUAL, A DRUG MANUFACTURER,  
10 OR A HEALTH CARE FACILITY, MAY DONATE PRESCRIPTION DRUGS TO THE  
11 PROGRAM.

12           (2)     DRUGS MAY ONLY BE DONATED AT A PHARMACY, HOSPITAL, OR  
13 NONPROFIT CLINIC THAT PARTICIPATES IN THE PROGRAM.

14     (E)     (1)     A PHARMACY, HOSPITAL, OR NONPROFIT CLINIC SEEKING TO  
15 PARTICIPATE IN THE PROGRAM SHALL APPLY IN THE FORM AND MANNER REQUIRED  
16 BY MEDBANK OF MARYLAND, INC.

17           (2)     A PHARMACY, HOSPITAL, OR NONPROFIT CLINIC THAT PARTICIPATES  
18 IN THE PROGRAM MAY ONLY DISPENSE DRUGS DONATED THROUGH THE PROGRAM  
19 TO INDIVIDUALS WHO ARE RESIDENTS OF THE STATE AND MEET THE ELIGIBILITY  
20 STANDARDS ESTABLISHED BY MEDBANK OF MARYLAND, INC.

21           (3)     A DRUG DONATED THROUGH THE PROGRAM MAY ONLY BE  
22 DISPENSED ON A PRESCRIPTION ISSUED BY AN AUTHORIZED PRESCRIBER.

23           (4)     A PHARMACY, HOSPITAL, OR NONPROFIT CLINIC THAT ACCEPTS  
24 DONATED DRUGS SHALL:

25                   (I)     COMPLY WITH ALL APPLICABLE FEDERAL LAWS AND LAWS OF  
26 THIS STATE PERTAINING TO STORAGE AND DISTRIBUTION OF DANGEROUS DRUGS;  
27 AND

28                   (II)    INSPECT ALL DRUGS BEFORE DISPENSING TO DETERMINE  
29 THAT THE DRUGS ARE NOT ADULTERATED.

30           (5)     THE PHARMACY, HOSPITAL, OR NONPROFIT CLINIC MAY CHARGE  
31 INDIVIDUALS RECEIVING DONATED DRUGS A HANDLING FEE ESTABLISHED IN  
32 ACCORDANCE WITH REQUIREMENTS ESTABLISHED BY MEDBANK OF MARYLAND,  
33 INC.

34           (6)     DRUGS DONATED TO THE PROGRAM MAY NOT BE RESOLD.

35     (F)     (1)     THIS SUBSECTION APPLIES TO:

36                   (I)     MEDBANK OF MARYLAND, INC.;

- 1 (II) THE STATE BOARD OF PHARMACY;
- 2 (III) THE SECRETARY OF HEALTH AND MENTAL HYGIENE;
- 3 (IV) ANY PERSON THAT DONATES DRUGS TO THE PROGRAM; AND
- 4 (V) ANY PHARMACY, HOSPITAL, NONPROFIT CLINIC, OR HEALTH
- 5 CARE PRACTITIONER THAT ACCEPTS OR DISPENSES DRUGS UNDER THE PROGRAM.

6 (2) FOR MATTERS RELATED TO DONATING, ACCEPTING, OR DISPENSING  
7 DRUGS UNDER THE PROGRAM, A PERSON DESCRIBED IN PARAGRAPH (1) OF THIS  
8 SUBSECTION THAT ACTS IN GOOD FAITH MAY NOT BE SUBJECT TO:

- 9 (I) CRIMINAL PROSECUTION;
- 10 (II) LIABILITY IN TORT OR OTHER CIVIL ACTION FOR INJURY,
- 11 DEATH, OR LOSS TO PERSON OR PROPERTY; OR
- 12 (III) DISCIPLINARY ACTION BY A PROFESSIONAL LICENSING BOARD.

13 (3) A DRUG MANUFACTURER ACTING IN GOOD FAITH MAY NOT BE  
14 SUBJECT TO CRIMINAL PROSECUTION OR LIABILITY IN TORT OR OTHER CIVIL  
15 ACTION FOR INJURY, DEATH, OR LOSS TO PERSON OR PROPERTY FOR MATTERS  
16 RELATED TO THE DONATION, ACCEPTANCE, OR DISPENSING OF A DRUG  
17 MANUFACTURED BY THE DRUG MANUFACTURER THAT IS DONATED BY ANY PERSON  
18 UNDER THE PROGRAM, INCLUDING LIABILITY FOR FAILURE TO TRANSFER OR  
19 COMMUNICATE PRODUCT OR CONSUMER INFORMATION OR THE EXPIRATION DATE  
20 OF THE DONATED DRUG.

21 (G) (1) ON OR BEFORE OCTOBER 1, 2006, AND IN CONSULTATION WITH THE  
22 STATE BOARD OF PHARMACY AND THE SECRETARY, MEDBANK OF MARYLAND, INC.  
23 SHALL ESTABLISH REQUIREMENTS FOR THE PROGRAM.

24 (2) THE REQUIREMENTS SHALL INCLUDE:

25 (I) PARTICIPATION REQUIREMENTS FOR PHARMACIES,  
26 HOSPITALS, AND NONPROFIT CLINICS TO ACCEPT AND DISPENSE DONATED DRUGS  
27 UNDER THE PROGRAM;

28 (II) STANDARDS AND PROCEDURES FOR ACCEPTING, SAFELY  
29 STORING, AND DISPENSING DONATED DRUGS;

30 (III) STANDARDS AND PROCEDURES FOR INSPECTING DONATED  
31 DRUGS TO DETERMINE THAT:

- 32 1. THE ORIGINAL UNIT DOSE PACKAGING IS SEALED AND
- 33 TAMPER-EVIDENT; AND
- 34 2. THE DRUGS ARE UNADULTERATED, SAFE, AND SUITABLE
- 35 FOR DISPENSING;

1 (IV) ELIGIBILITY STANDARDS BASED ON ECONOMIC NEED FOR  
2 INDIVIDUALS TO RECEIVE DRUGS;

3 (V) A MEANS, SUCH AS AN IDENTIFICATION CARD, BY WHICH AN  
4 INDIVIDUAL WHO IS ELIGIBLE TO RECEIVE DONATED DRUGS MAY DEMONSTRATE  
5 ELIGIBILITY TO THE PHARMACY, HOSPITAL, OR NONPROFIT CLINIC DISPENSING THE  
6 DRUGS;

7 (VI) A FORM THAT AN INDIVIDUAL RECEIVING A DRUG FROM THE  
8 PROGRAM MUST SIGN BEFORE RECEIVING THE DRUG TO CONFIRM THAT THE  
9 INDIVIDUAL UNDERSTANDS THE IMMUNITY PROVISIONS OF THE PROGRAM;

10 (VII) A FORMULA TO DETERMINE THE AMOUNT OF A HANDLING FEE  
11 THAT PHARMACIES, HOSPITALS, AND NONPROFIT CLINICS MAY CHARGE TO DRUG  
12 RECIPIENTS TO COVER RESTOCKING AND DISPENSING COSTS;

13 (VIII) 1. A LIST OF DRUGS THAT THE REPOSITORY WILL ACCEPT;

14 2. A LIST OF DRUGS THAT THE REPOSITORY WILL NOT  
15 ACCEPT, INCLUDING A STATEMENT AS TO WHY THE DRUG IS INELIGIBLE FOR  
16 DONATION; AND

17 3. FOR AN INDIVIDUAL DONOR, A FORM EACH DONOR MUST  
18 SIGN STATING THAT THE DONOR IS THE OWNER OF THE DRUGS AND INTENDS TO  
19 VOLUNTARILY DONATE THEM TO THE PROGRAM; AND

20 (IX) ANY OTHER STANDARDS AND PROCEDURES MEDBANK OF  
21 MARYLAND, INC. CONSIDERS APPROPRIATE.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
23 effect October 1, 2005.