
By: **Senators Teitelbaum, Astle, Della, Dyson, Exum, Gladden, Haines,
Hollinger, Hooper, Kelley, Lawlah, Middleton, Pipkin, and Ruben**

Introduced and read first time: February 3, 2005

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 17, 2005

CHAPTER _____

1 AN ACT concerning

2 **Task Force on the Establishment of a Prescription Drug Repository**
3 **Program**

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

1 of this Act; and generally relating to a Task Force on the Establishment of a
 2 Prescription Drug Repository Program.

3 ~~BY adding to~~
 4 ~~Article Health General~~
 5 ~~Section 15-124.3~~
 6 ~~Annotated Code of Maryland~~
 7 ~~(2000 Replacement Volume and 2004 Supplement)~~

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

10 ~~Article Health General~~

11 ~~15-124.3.~~

12 (A) (1) ~~IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
 13 ~~INDICATED.~~

14 (2) ~~"HEALTH CARE FACILITY" MEANS:~~

15 (I) ~~A HOSPITAL;~~

16 (II) ~~A HOSPICE CARE PROGRAM;~~

17 (III) ~~A NURSING HOME;~~

18 (IV) ~~A HOME HEALTH AGENCY;~~

19 (V) ~~AN INTERMEDIATE CARE FACILITY FOR THE MENTALLY~~
 20 ~~RETARDED;~~

21 (VI) ~~A FACILITY THAT PROVIDES TREATMENT OR OTHER SERVICES~~
 22 ~~FOR INDIVIDUALS WHO HAVE MENTAL DISORDERS; OR~~

23 (VII) ~~AN ASSISTED LIVING PROGRAM.~~

24 (3) ~~"HEALTH CARE PRACTITIONER" MEANS AN INDIVIDUAL LICENSED~~
 25 ~~OR CERTIFIED UNDER THIS ARTICLE TO PROVIDE HEALTH CARE.~~

26 (4) ~~"NONPROFIT CLINIC" MEANS A PUBLIC OR PRIVATE NONPROFIT~~
 27 ~~ORGANIZATION THAT PROVIDES PRIMARY OR SPECIALTY OUTPATIENT HEALTH CARE~~
 28 ~~SERVICES TO INDIGENT AND UNINSURED INDIVIDUALS FOR FREE OR AT REDUCED~~
 29 ~~COST.~~

30 (5) ~~"PRESCRIPTION DRUG" HAS THE MEANING STATED IN § 21-201 OF~~
 31 ~~THIS ARTICLE.~~

32 (6) ~~"PROGRAM" MEANS THE PRESCRIPTION DRUG REPOSITORY~~
 33 ~~PROGRAM.~~

1 (B) MEDBANK OF MARYLAND, INC., IN COLLABORATION WITH THE STATE
2 BOARD OF PHARMACY, SHALL ESTABLISH A PRESCRIPTION DRUG REPOSITORY
3 PROGRAM TO ACCEPT AND DISPENSE PRESCRIPTION DRUGS DONATED FOR THE
4 PURPOSE OF DISPENSING TO INDIVIDUALS WHO ARE RESIDENTS OF THE STATE AND
5 MEET ELIGIBILITY REQUIREMENTS ESTABLISHED FOR THE PROGRAM.

6 (C) (1) ~~EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE~~
7 ~~PROGRAM MAY ONLY ACCEPT AND DISPENSE DRUGS IN THEIR ORIGINAL UNOPENED,~~
8 ~~SEALED, AND TAMPER EVIDENT UNIT DOSE PACKAGING.~~

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

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

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

15 (II) ~~MAY BE ADULTERATED ACCORDING TO THE STANDARDS OF §~~
16 ~~21-216 OF THIS ARTICLE.~~

17 (D) (1) ~~ANY PERSON, INCLUDING AN INDIVIDUAL, A DRUG MANUFACTURER,~~
18 ~~OR A HEALTH CARE FACILITY, MAY DONATE PRESCRIPTION DRUGS TO THE~~
19 ~~PROGRAM.~~

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

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

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

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

31 (4) ~~A PHARMACY, HOSPITAL, OR NONPROFIT CLINIC THAT ACCEPTS~~
32 ~~DONATED DRUGS SHALL:~~

33 (I) ~~COMPLY WITH ALL APPLICABLE FEDERAL LAWS AND LAWS OF~~
34 ~~THIS STATE PERTAINING TO STORAGE AND DISTRIBUTION OF DANGEROUS DRUGS;~~
35 ~~AND~~

36 (II) ~~INSPECT ALL DRUGS BEFORE DISPENSING TO DETERMINE~~
37 ~~THAT THE DRUGS ARE NOT ADULTERATED.~~

1 (5) ~~THE PHARMACY, HOSPITAL, OR NONPROFIT CLINIC MAY CHARGE~~
2 ~~INDIVIDUALS RECEIVING DONATED DRUGS A HANDLING FEE ESTABLISHED IN~~
3 ~~ACCORDANCE WITH REQUIREMENTS ESTABLISHED BY MEDBANK OF MARYLAND,~~
4 ~~INC.~~

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

6 (F) (1) ~~THIS SUBSECTION APPLIES TO:~~

7 (1) ~~MEDBANK OF MARYLAND, INC.;~~

8 (II) ~~THE STATE BOARD OF PHARMACY;~~

9 (III) ~~THE SECRETARY OF HEALTH AND MENTAL HYGIENE;~~

10 (IV) ~~ANY PERSON THAT DONATES DRUGS TO THE PROGRAM; AND~~

11 (V) ~~ANY PHARMACY, HOSPITAL, NONPROFIT CLINIC, OR HEALTH~~
12 ~~CARE PRACTITIONER THAT ACCEPTS OR DISPENSES DRUGS UNDER THE PROGRAM.~~

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

16 (1) ~~CRIMINAL PROSECUTION;~~

17 (II) ~~LIABILITY IN TORT OR OTHER CIVIL ACTION FOR INJURY,~~
18 ~~DEATH, OR LOSS TO PERSON OR PROPERTY; OR~~

19 (III) ~~DISCIPLINARY ACTION BY A PROFESSIONAL LICENSING BOARD.~~

20 (3) ~~A DRUG MANUFACTURER ACTING IN GOOD FAITH MAY NOT BE~~
21 ~~SUBJECT TO CRIMINAL PROSECUTION OR LIABILITY IN TORT OR OTHER CIVIL~~
22 ~~ACTION FOR INJURY, DEATH, OR LOSS TO PERSON OR PROPERTY FOR MATTERS~~
23 ~~RELATED TO THE DONATION, ACCEPTANCE, OR DISPENSING OF A DRUG~~
24 ~~MANUFACTURED BY THE DRUG MANUFACTURER THAT IS DONATED BY ANY PERSON~~
25 ~~UNDER THE PROGRAM, INCLUDING LIABILITY FOR FAILURE TO TRANSFER OR~~
26 ~~COMMUNICATE PRODUCT OR CONSUMER INFORMATION OR THE EXPIRATION DATE~~
27 ~~OF THE DONATED DRUG.~~

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

31 (2) ~~THE REQUIREMENTS SHALL INCLUDE:~~

32 (1) ~~PARTICIPATION REQUIREMENTS FOR PHARMACIES,~~
33 ~~HOSPITALS, AND NONPROFIT CLINICS TO ACCEPT AND DISPENSE DONATED DRUGS~~
34 ~~UNDER THE PROGRAM;~~

1 (II) STANDARDS AND PROCEDURES FOR ACCEPTING, SAFELY
2 ~~STORING, AND DISPENSING DONATED DRUGS;~~

3 (III) STANDARDS AND PROCEDURES FOR INSPECTING DONATED
4 ~~DRUGS TO DETERMINE THAT:~~

5 1. ~~THE ORIGINAL UNIT DOSE PACKAGING IS SEALED AND~~
6 ~~TAMPER-EVIDENT; AND~~

7 2. ~~THE DRUGS ARE UNADULTERATED, SAFE, AND SUITABLE~~
8 ~~FOR DISPENSING;~~

9 (IV) ELIGIBILITY STANDARDS BASED ON ECONOMIC NEED FOR
10 ~~INDIVIDUALS TO RECEIVE DRUGS;~~

11 (V) A MEANS, SUCH AS AN IDENTIFICATION CARD, BY WHICH AN
12 ~~INDIVIDUAL WHO IS ELIGIBLE TO RECEIVE DONATED DRUGS MAY DEMONSTRATE~~
13 ~~ELIGIBILITY TO THE PHARMACY, HOSPITAL, OR NONPROFIT CLINIC DISPENSING THE~~
14 ~~DRUGS;~~

15 (VI) A FORM THAT AN INDIVIDUAL RECEIVING A DRUG FROM THE
16 ~~PROGRAM MUST SIGN BEFORE RECEIVING THE DRUG TO CONFIRM THAT THE~~
17 ~~INDIVIDUAL UNDERSTANDS THE IMMUNITY PROVISIONS OF THE PROGRAM;~~

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

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

22 2. ~~A LIST OF DRUGS THAT THE REPOSITORY WILL NOT~~
23 ~~ACCEPT, INCLUDING A STATEMENT AS TO WHY THE DRUG IS INELIGIBLE FOR~~
24 ~~DONATION; AND~~

25 3. ~~FOR AN INDIVIDUAL DONOR, A FORM EACH DONOR MUST~~
26 ~~SIGN STATING THAT THE DONOR IS THE OWNER OF THE DRUGS AND INTENDS TO~~
27 ~~VOLUNTARILY DONATE THEM TO THE PROGRAM; AND~~

28 (IX) ANY OTHER STANDARDS AND PROCEDURES MEDBANK OF
29 ~~MARYLAND, INC. CONSIDERS APPROPRIATE.~~

30 (a) There is a Task Force on the Establishment of a Prescription Drug
31 Repository Program.

32 (b) The Task Force consists of the following members:

33 (1) two members of the Senate of Maryland, appointed by the President
34 of the Senate;

35 (2) two members of the House of Delegates, appointed by the Speaker of
36 the House;

1 (3) the Secretary of Health and Mental Hygiene, or the Secretary's
2 designee;

3 (4) the Executive Director of the State Board of Pharmacy, or the
4 Executive Director's designee;

5 (5) the Executive Director of the Maryland Health Insurance Plan, or the
6 Executive Director's designee; and

7 (6) the following six members, appointed by the Governor:

8 (i) one representative of the American Cancer Society;

9 (ii) one hospital representative;

10 (iii) one nursing home representative;

11 (iv) one representative of a community health center;

12 (v) one pharmacy representative; and

13 (vi) one representative of the Medbank Program.

14 (c) The members shall elect a chair from among the members.

15 (d) The Department of Health and Mental Hygiene shall provide staff for the
16 Task Force.

17 (e) A member of the Task Force may not receive compensation.

18 (f) The Task Force shall:

19 (1) study and make recommendations regarding the establishment of a
20 Prescription Drug Repository Program in the State, including:

21 (i) types of drugs that may be donated to the Program;

22 (ii) types of drugs that may not be donated to the Program;

23 (iii) who may donate drugs to the Program;

24 (iv) entities that may receive drugs for distribution;

25 (v) standards and procedures for accepting, storing, and dispensing
26 donated drugs;

27 (vi) eligibility requirements for individuals wishing to receive
28 donated drugs;

29 (vii) standards and procedures for inspecting donated drugs;

30 (viii) the appropriate entity to operate the Program;

- 1 (ix) liability issues;
- 2 (x) fees; and
- 3 (xi) any other matter relating to the establishment of a Prescription
4 Drug Repository Program; and
- 5 (2) report its findings and recommendations to the Governor and, in
6 accordance with § 2-1246 of the State Government Article, the General Assembly, on
7 or before January 1, 2006.
- 8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
9 effect ~~October~~ July 1, 2005. It shall remain effective for a period of 1 year and, at the
10 end of June 30, 2006, with no further action required by the General Assembly, this
11 Act shall be abrogated and of no further force and effect.