

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1661

S.P. 538

In Senate, April 30, 2019

An Act To Create the Drug Donation and Redispensing Program

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant".

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CLAXTON of Androscoggin.

Cosponsored by Senators: GRATWICK of Penobscot, MOORE of Washington, SANBORN, H. of Cumberland, Representatives: MEYER of Eliot, O'CONNOR of Berwick, PERRY of Calais.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §2700, sub-§§3 and 4**, as amended by PL 2013, c. 121, §1, are
3 further amended to read:

4 **3. Return of pharmaceuticals.** The agency may create systems for the safe,
5 effective and proper disposal of unused pharmaceuticals. The systems may include the
6 use of prepaid mailing envelopes into which the unused pharmaceuticals are placed and
7 returned to a single collection location. The prepaid mailing envelopes must be made
8 available to the public at various locations, including, but not limited to, pharmacies,
9 physicians' offices and post offices. The agency may randomly assess the toxicity of
10 materials received under the program as long as the assessment results do not identify the
11 patient, person who mailed the material, prescriber or pharmacy. The agency shall
12 consult with the department to determine the suitability of unused pharmaceuticals for
13 donation to the drug donation and redispensing program under section 2700-B and
14 transfer suitable pharmaceuticals to the drug donation and redispensing program.

15 **4. Disposal of pharmaceuticals.** All Except for pharmaceuticals donated to the
16 drug donation and redispensing program under subsection 3, all unused pharmaceuticals
17 received under the program must be disposed of in a manner that is designed to be
18 effective, secure and in compliance with local, state and federal environmental
19 requirements, including the federal Resource Conservation and Recovery Act of 1976, as
20 amended.

21 **Sec. 2. 22 MRSA c. 606** is enacted to read:

22 **CHAPTER 606**

23 **DRUG DONATION AND REDISPENSING PROGRAM**

24 **§2700-B. Drug donation and redispensing program**

25 **1. Program established.** The department shall establish a drug donation and
26 redispensing program, referred to in this chapter as "the program." For purposes of this
27 chapter, "drug" means a prescription drug or legend drug under Title 32, section
28 13702-A, subsection 30.

29 **2. Program components.** To the extent authorized by federal law, components of
30 the program include:

31 A. Any person, including a drug manufacturer, licensed physician, pharmacy, health
32 care facility licensed under this Title or the Unused Pharmaceutical Disposal Program
33 under section 2700, may donate a drug to the program;

34 B. A drug may be donated at:

35 (1) A donation site provided by the department under subsection 4, paragraph A;

36 (2) A take-back event approved by the United States Department of Justice,
37 Drug Enforcement Administration; or

1 (3) A pharmacy, licensed health care provider's or professional's office or a
2 licensed health care facility that elects to participate in the program and meets
3 criteria established by the department under subsection 4, paragraph E;

4 C. The program may redispense a donated drug only if the drug is in the drug's
5 original, unopened, sealed packaging or, if the outside packaging is opened or
6 disturbed, the contents are one or more single-unit doses that are individually
7 contained in unopened, tamper-evident packaging;

8 D. The program may not redispense a donated drug if the drug is within 2 months of
9 the drug's expiration date, if the drug appears to be adulterated or misbranded or if the
10 drug is a scheduled drug as defined in Title 17-A, section 1101, subsection 11;

11 E. The program shall inventory all drugs donated and deliver the drugs to a
12 pharmacy that elects to participate in the program and meets criteria established by
13 the department under subsection 4, paragraph F; and

14 F. A pharmacy shall dispense a drug under paragraph E to a qualified recipient under
15 subsection 3 and may charge the recipient a handling fee.

16 **3. Qualifications of recipients.** A person is a qualified recipient and may receive a
17 donated drug from a pharmacy under subsection 2, paragraph E if the person has a family
18 income equal to or less than 350% of the federal poverty level, the person's family incurs
19 unreimbursed expenses for drugs that equal 5% or more of family income or the person's
20 total unreimbursed medical expenses equal 15% or more of family income. For purposes
21 of this subsection, "federal poverty level" means that measure defined by the federal
22 Department of Health and Human Services and updated annually in the Federal Register
23 under authority of 42 United States Code, Section 9902(2).

24 **4. Department duties.** The department shall:

25 A. Provide donation sites in locations convenient to consumers throughout the State;

26 B. Implement by rule procedures for the documentation of all donated drugs;

27 C. Implement by rule procedures for the transfer to the Unused Pharmaceutical
28 Disposal Program under section 2700 of all drugs determined unfit for redispensing;

29 D. Provide for public education of the availability of the program, including the
30 location of donation sites and pharmacies that participate in the redispensing of the
31 drugs;

32 E. Implement by rule procedures by which a person can participate as a donor in the
33 program;

34 F. Implement by rule procedures by which a pharmacy can participate as a dispenser
35 of donated drugs under the program; and

36 G. Administer the program.

37 **5. Rules.** The department may adopt rules to carry out the purposes of the program.
38 Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5,
39 chapter 375, subchapter 2-A.

SUMMARY

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This bill establishes the drug donation and redispensing program under the Department of Health and Human Services. The program collects donations of unused prescription and legend drugs from health care providers, health care facilities and other sources, including at drop-off locations throughout the State, and redispenses the drugs through participating pharmacies to qualified low-income persons.