

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 129

H.P. 105

House of Representatives, January 11, 2005

An Act To Establish the Unused Prescription Drug Program

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative WATSON of Bath.

Cosponsored by Representatives: BRANNIGAN of Portland, PERRY of Calais, PINGREE of North Haven, SMITH of Monmouth, Senator: MAYO of Sagadahoc.

2
3 Be it enacted by the People of the State of Maine as follows:

4 Sec. 1. 22 MRSA §254-C is enacted to read:

6 **§254-C. Unused prescription drug program**

8 There is established within the department the unused
10 prescription drug program, referred to in this section as "the
12 program," to make prescription drugs available to low-income
14 persons.

16 **1. Collaboration.** The department shall work
18 collaboratively with pharmacies, hospitals, health clinics and
20 federally qualified health centers, Indian health centers and
22 rural health centers to make prescription drugs available to
24 qualified persons through the program.

26 **2. Qualified persons.** An individual is a qualified person
28 if that individual meets the eligibility criteria set forth in
30 this subsection.

32 **A.** An individual must have a family income below 350% of
34 the federal nonfarm income official poverty level, as
36 defined by the federal Office of Management and Budget and
38 revised annually in accordance with the United States
40 Consolidated Omnibus Budget Reconciliation Act of 1981,
42 Section 673, Subsection 2.

44 **B.** An individual must be a legal resident of the State.

46 **C.** An individual must have a valid prescription for the
48 drug to be dispensed through the program.

50 **D.** An individual may not be receiving MaineCare
prescription drug benefits.

3. Accepting unused prescription drugs. The program may
accept unused prescription drugs from drug manufacturers, drug
wholesale or terminal distributors, hospitals, health clinics,
federally qualified health centers, Indian health centers and
rural health centers and assisted living facilities licensed by
the department as provided in this subsection.

A. The program may accept unused prescription drugs that
are unopened and packaged in tamper-evident unit dose
packages or that are unopened injectable, aerosol or topical
medications.

B. The program may accept unused prescription drugs from an
entity donating under this subsection if:

2 (1) The entity is the owner of the prescription drug; or

4 (2) The entity has maintained custody of the
6 prescription drug for an individual and donation of the
8 prescription drug is accompanied by signed consent to
 the donation from the individual or authorized
 representative of the individual.

10 C. The program may accept unused prescription drugs that
 are controlled substances as defined by 21 Code of Federal
12 Regulations, Part 1308 and regulations adopted by the
 federal Department of Justice, Drug Enforcement
14 Administration as allowed by federal law and regulation.

16 D. The program may not accept unused prescription drugs
 that have been opened, tampered with or compromised in any
18 way; that are within 6 months of their expiration date; or
 that have been held in the custody of the person to whom the
20 prescription drug was originally dispensed.

22 4. Dispensing donated prescription drugs. The program
 shall dispense donated prescription drugs to qualified persons
24 through pharmacies, hospitals, health clinics and federally
 qualified health centers, Indian health centers and rural health
26 centers that volunteer to participate in the program. The
 program shall pay to the dispensing entity a dispensing fee equal
28 to the dispensing fee provided under the MaineCare program.

30 5. Fees. To support the program the department may charge
 nominal fees as provided in this subsection.

32 A. The department may charge fees to entities making
 donations of unused prescription drugs under subsection 3.

34 B. The department may charge fees to persons to whom
 prescription drugs are dispensed under the program. A fee
36 charged under this paragraph may not exceed the copayment
 charged for a similar prescription drug under the MaineCare
38 program.

40 6. Rulemaking. The department, after collaboration with
 the Maine Board of Pharmacy and the Maine Drug Enforcement
42 Agency, shall adopt rules to implement the program. Rules
 adopted pursuant to this subsection are routine technical rules
44 as defined in Title 5, chapter 375, subchapter 2-A.
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SUMMARY

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4 This bill establishes the unused prescription drug program
6 under which unused prescription drugs are accepted and dispensed
8 to low-income persons. To be eligible for the program a person
10 must have a family income below 350% of the federal poverty
12 level, may not be receiving MaineCare prescription drug benefits,
14 must be a Maine resident and must have a valid prescription for
 the drug to be dispensed. The program may accept unused and
 unopened prescription drugs from drug manufacturers, drug
 wholesale and terminal distributors, hospitals, health clinics,
 federally qualified health centers, Indian health centers and
 rural health centers and assisted living facilities licensed by
 the Department of Health and Human Services.