

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2006

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Legislative Document

No. 1928

S.P. 728

In Senate, January 4, 2006

### **An Act Permitting the Recycling of Unused Prescription Drugs**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator SULLIVAN of York.

Cosponsored by Representative PERRY of Calais and

Senators: MARTIN of Aroostook, MAYO of Sagadahoc, ROSEN of Hancock,

Representatives: CAMPBELL of Newfield, GLYNN of South Portland, MARRACHÉ of Waterville, SHIELDS of Auburn, VAUGHAN of Durham.

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

Sec. 1. 22 MRSA §261 is enacted to read:

**§261. Unused prescription drug program**

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

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

2. Qualified persons. An individual is a qualified person for the purposes of the program if that individual:

A. Has a family income below 350% of the federal nonfarm income official poverty level, as defined by the federal Office of Management and Budget and revised annually in accordance with the United States Consolidated Omnibus Budget Reconciliation Act of 1981, Section 673, Subsection 2;

B. Is a legal resident of the State;

C. Has a valid prescription for the drug to be dispensed through the program; and

D. Is not 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 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:

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

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

12 C. The program may accept unused prescription drugs that  
14 are controlled substances as defined by 21 Code of Federal  
16 Regulations, Part 1308 (2004) and regulations adopted by the  
18 federal Department of Justice, Drug Enforcement  
20 Administration as allowed by federal law and regulation.

22 D. The program may not accept unused prescription drugs  
24 that have been tampered with or compromised in any way, that  
26 are within 6 months of their expiration dates or that have  
28 been held in the custody of the person to whom the  
30 prescription drug was originally dispensed.

32 4. Dispensing donated prescription drugs. The program  
34 shall dispense donated prescription drugs to qualified persons  
36 through pharmacies, hospitals, health clinics and federally  
38 qualified health centers, Indian health centers and rural health  
40 centers that volunteer to participate in the program. The  
42 program shall pay to the dispensing entity a dispensing fee equal  
44 to the dispensing fee provided under the MaineCare program.

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

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

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

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

## SUMMARY

This bill establishes an unused prescription drug program,  
under which unused prescription drugs are accepted and dispensed

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