

**CHARITABLE PRESCRIPTION DRUG RECYCLING  
PROGRAM**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Evan J. Vickers**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends the Charitable Prescription Drug Recycling Act.

**Highlighted Provisions:**

This bill:

- expands eligibility for the Charitable Prescription Drug Recycling Program;
- authorizes an individual to transfer certain unused prescription drugs to a physician's office for donation to the program; and
- amends rulemaking requirements for the program.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**58-17b-902**, as enacted by Laws of Utah 2016, Chapter 405

**58-17b-903**, as enacted by Laws of Utah 2016, Chapter 405

**58-17b-907**, as enacted by Laws of Utah 2016, Chapter 405

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*Be it enacted by the Legislature of the state of Utah:*



Section 1. Section **58-17b-902** is amended to read:

**58-17b-902. Definitions.**

As used in this part:

(1) "Assisted living facility" means the same as that term is defined in Section [26-21-2](#).

(2) "Cancer drug" means a drug that controls or kills neoplastic cells and includes a drug used in chemotherapy to destroy cancer cells.

(3) "Charitable clinic" means a charitable nonprofit corporation that:

(a) holds a valid exemption from federal income taxation issued under Section 501(a), Internal Revenue Code;

(b) is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code;

(c) provides, on an outpatient basis, for a period of less than 24 consecutive hours, to an individual not residing or confined at a facility owned or operated by the charitable nonprofit corporation:

(i) advice;

(ii) counseling;

(iii) diagnosis;

(iv) treatment;

(v) surgery; or

(vi) care or services relating to the preservation or maintenance of health; and

(d) has a licensed outpatient pharmacy.

(4) "Charitable pharmacy" means an eligible pharmacy that is operated by a charitable clinic.

(5) "County health department" means the same as that term is defined in Section [26A-1-102](#).

(6) "Donated prescription drug" means a prescription drug that an eligible donor donates to an eligible pharmacy under the program.

(7) "Eligible donor" means a donor that donates a prescription drug from within the state and is:

(a) a nursing care facility;

(b) an assisted living facility;

- 59 (c) a licensed intermediate care facility for people with an intellectual disability;  
60 (d) a manufacturer;  
61 (e) a pharmaceutical wholesale distributor;  
62 (f) an eligible pharmacy; or  
63 (g) a physician's office.
- 64 (8) "Eligible pharmacy" means a pharmacy that:  
65 (a) is registered by the division as eligible to participate in the program; and  
66 (b) is operated by:  
67 (i) a county;  
68 (ii) a county health department;  
69 (iii) a pharmacy under contract with a county health department;  
70 (iv) the Department of Health, created in Section 26-1-4;  
71 (v) the Division of Substance Abuse and Mental Health, created in Section  
72 62A-15-103; or  
73 (vi) a charitable clinic.
- 74 (9) "Eligible prescription drug" means a prescription drug, described in Section  
75 58-17b-904, that is not:  
76 (a) a controlled substance; or  
77 (b) a drug that can only be dispensed to a patient registered with the drug's  
78 manufacturer in accordance with federal Food and Drug Administration requirements.
- 79 (10) "Licensed intermediate care facility for people with an intellectual disability"  
80 means the same as that term is defined in Section 58-17b-503.
- 81 (11) "Medically indigent individual" means an individual who:  
82 (a) (i) does not have health insurance; and  
83 (ii) lacks reasonable means to purchase prescribed medications; or  
84 (b) (i) ~~[is covered under Medicaid or Medicare]~~ has health insurance; and  
85 (ii) lacks reasonable means to pay the insured's portion of the cost of the prescribed  
86 medications.
- 87 (12) "Nursing care facility" means the same as that term is defined in Section  
88 26-18-501.
- 89 (13) "Physician's office" means a fixed medical facility that:

(a) is staffed by a physician, physician's assistant, nurse practitioner, or registered nurse, licensed under Title 58, Occupations and Professions; and

(b) treats an individual who presents at, or is transported to, the facility.

(14) "Program" means the Charitable Prescription Drug Recycling Program created in Section 58-17b-903.

(15) "Unit pack" means the same as that term is defined in Section 58-17b-503.

(16) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-17b-501.

(17) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-17b-502.

Section 2. Section 58-17b-903 is amended to read:

**58-17b-903. Charitable Prescription Drug Recycling Program -- Creation -- Requirements.**

(1) There is created the Charitable Prescription Drug Recycling Program.

(2) The division, in consultation with the board, shall:

(a) implement the program, on a statewide basis, to permit:

(i) an eligible donor to transfer an eligible prescription drug to an eligible pharmacy for dispensing to a medically indigent individual; and

(ii) an individual to transfer an eligible prescription drug to a physician's office:

(A) that is an eligible donor; and

(B) for transfer to an eligible pharmacy for dispensing to a medically indigent individual;

(b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules necessary to implement the program; and

(c) provide technical assistance to entities that desire to participate in the program.

Section 3. Section 58-17b-907 is amended to read:

**58-17b-907. Rules made by the division.**

The rules made by the division under Subsection 58-17b-903(2)(b) shall include:

(1) registration requirements to establish the eligibility of a pharmacy to participate in the program;

(2) a formulary that includes all eligible prescription drugs approved by the federal

Food and Drug Administration;

(3) standards and procedures for:

(a) verifying whether a pharmacy or pharmacist participating in the program is licensed and in good standing with the board;

(b) handling of ~~a donated~~ an eligible prescription drug transferred in accordance with Subsection 58-17b-903(2) to an eligible pharmacy or a physician's office, including:

(i) acceptance;

(ii) identification, including redundant criteria for verification;

(iii) documentation, under 21 U.S.C. Sec. 360eee-1, of transaction information, history, and statements;

(iv) safe storage;

(v) security;

(vi) inspection;

(vii) transfer; and

(viii) dispensing;

(c) a pharmacist or licensed pharmacy technician working in or consulting with a participating eligible donor;

(d) disposition of a donated prescription drug that is a controlled substance;

(e) record keeping regarding:

(i) the eligible donor that donated each prescription drug;

(ii) an individual who transferred an eligible prescription drug to a physician's office under Subsection 58-17b-903(2)(a)(ii);

~~[(ii)]~~ (iii) the identification and evaluation of a donated prescription drug by a pharmacist or licensed pharmacy technician; and

~~[(iii)]~~ (iv) the dispensing or disposition of a prescription drug;

(f) determining the status of a medically indigent individual;

(g) labeling requirements to:

(i) ensure compliance with patient privacy laws relating to:

(A) an individual who receives an eligible prescription drug; and

(B) patient information that may appear on a donated prescription drug;

(ii) clearly identify an eligible prescription drug dispensed under the program; and

152           (iii) communicate necessary information regarding the manufacturer's recommended  
153 expiration date or the beyond use date; and  
154           (h) ensuring compliance with the requirements of this part;  
155           (4) a process for seeking input from:  
156           (a) the Department of Health, created in Section 26-1-4, to establish program standards  
157 and procedures for assisted living facilities and nursing care facilities; and  
158           (b) the Division of Substance Abuse and Mental Health, created in Section  
159 62A-15-103, to establish program standards and procedures for mental health and substance  
160 abuse clients; and  
161           (5) the creation of a special training program that a pharmacist and a licensed pharmacy  
162 technician at an eligible pharmacy must complete before participating in the program.