

HCS SCS SB 1160 -- PRESCRIPTION DRUG REPOSITORY PROGRAM

SPONSOR: Shields (Johnson, 47)

COMMITTEE ACTION: Voted "do pass" by the Committee on Senior Security by a vote of 17 to 0.

This substitute establishes the Prescription Drug Repository Program in the Department of Health and Senior Services. The program must be established by January 1, 2005.

In its main provisions, the substitute:

- (1) Requires the program to accept and dispense donated prescription drugs to Missouri residents who meet eligibility criteria;
- (2) Establishes criteria for the acceptance of drugs used in the program;
- (3) Specifies who can donate prescription drugs to the program and the facilities where the drugs will be collected;
- (4) Allows the voluntary participation of pharmacies, hospitals, and nonprofit clinics;
- (5) Requires that a participating pharmacy, hospital, or nonprofit clinic dispense the donated prescription drugs to eligible Missouri residents in compliance with applicable federal and state drug laws;
- (6) Allows a participating entity to charge a fee for the donated prescription drugs. The resale of donated prescription drugs is prohibited;
- (7) Prohibits persons or entities who do not violate provisions of the substitute and who act in good faith from being subject to criminal or civil liability;
- (8) Requires the director of the department, in consultation with the Missouri State Board of Pharmacy, to adopt rules to implement the program;
- (9) Specifies the subject areas and procedures that the rules are required to address and implement; and
- (10) Requires residential and skilled care facilities to return unused prescription drugs which were issued to residents enrolled in the state Medicaid Program.

The substitute contains penalty provisions.

FISCAL NOTE: No impact on state funds in FY 2005, FY 2006, and FY 2007.

PROPOSERS: Supporters say that there are large quantities of unused drugs, at least \$6 million, which are destroyed annually. In many instances, a cancer or nursing home patient dies or no longer can take drugs which have been prescribed and they are just thrown away. The bill will allow these drugs to be donated to the state and distributed to those who cannot afford them.

Testifying for the bill were Senator Shields; American Cancer Society; Missouri State Medical Association; and Missouri Association of Osteopathic Physicians and Surgeons.

OPPOSERS: There was no opposition voiced to the committee.

Bob Dominique, Legislative Analyst