

HOUSE BILL No. 4911

May 12, 2009, Introduced by Reps. Moore, Mayes, Stamas and Ball and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 17775.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 17775. (1) THIS SECTION AND SECTIONS 17776 AND 17777
2 SHALL BE KNOWN AND MAY BE CITED AS THE "PROGRAM FOR ALLOCATING
3 LEFTOVER MEDICAL SUPPLIES".

4 (2) THE BOARD SHALL ESTABLISH, IMPLEMENT, AND ADMINISTER A
5 STATEWIDE UNUSED PRESCRIPTION DRUG REPOSITORY AND DISTRIBUTION
6 PROGRAM CONSISTENT WITH PUBLIC HEALTH AND SAFETY THROUGH WHICH
7 UNUSED PRESCRIPTION DRUGS, OTHER THAN CONTROLLED SUBSTANCES, MAY BE
8 TRANSFERRED FROM AN INDIVIDUAL, HEALTH FACILITY OR AGENCY, ADULT
9 FOSTER CARE FACILITY, ASSISTED LIVING FACILITY, OR MANUFACTURER TO
10 A PHARMACY OR A CHARITABLE CLINIC THAT ELECTS TO PARTICIPATE IN THE

1 PALMS. THE PALMS IS CREATED TO DISTRIBUTE UNUSED PRESCRIPTION
2 DRUGS, OTHER THAN CONTROLLED SUBSTANCES, TO ELIGIBLE PARTICIPANTS.

3 (3) PARTICIPATION IN THE PALMS BY AN INDIVIDUAL, HEALTH
4 FACILITY OR AGENCY, ADULT FOSTER CARE FACILITY, ASSISTED LIVING
5 FACILITY, MANUFACTURER, PHARMACY, OR CHARITABLE CLINIC IS
6 VOLUNTARY. NOTHING IN THIS SECTION OR SECTIONS 17776 AND 17777
7 REQUIRES ANY INDIVIDUAL, HEALTH FACILITY OR AGENCY, ADULT FOSTER
8 CARE FACILITY, ASSISTED LIVING FACILITY, MANUFACTURER, PHARMACY, OR
9 CHARITABLE CLINIC TO PARTICIPATE IN THE PALMS.

10 (4) PHARMACIES, HEALTH PROFESSIONALS, AND CHARITABLE CLINICS
11 SHALL USE THE FOLLOWING CRITERIA IN ACCEPTING AND DISPENSING UNUSED
12 PRESCRIPTION DRUGS FOR USE IN THE PALMS:

13 (A) ONLY PRESCRIPTION DRUGS IN THEIR ORIGINAL SEALED, TAMPER-
14 EVIDENT, AND UNOPENED UNIT DOSE PACKAGING SHALL BE ACCEPTED AND
15 DISPENSED. HOWEVER, PRESCRIPTION DRUGS PACKAGED IN SINGLE-UNIT DOSE
16 PACKAGING MAY BE ACCEPTED AND DISPENSED EVEN IF THE OUTSIDE
17 PACKAGING IS OPEN AS LONG AS THE SINGLE-UNIT DOSE PACKAGING IS
18 UNOPENED.

19 (B) THE FOLLOWING SHALL NOT BE ACCEPTED AND DISPENSED:

20 (i) EXPIRED PRESCRIPTION DRUGS.

21 (ii) CONTROLLED SUBSTANCES.

22 (iii) SAMPLE PRESCRIPTION DRUGS.

23 (C) A PRESCRIPTION DRUG SHALL NOT BE ACCEPTED AND DISPENSED IF
24 THE PERSON ACCEPTING OR DISPENSING THE DRUG HAS REASON TO BELIEVE
25 THAT THE DRUG IS ADULTERATED.

26 (D) SUBJECT TO THE LIMITATIONS PRESCRIBED IN THIS SUBSECTION,
27 UNUSED PRESCRIPTION DRUGS DISPENSED FOR PURPOSES OF A MEDICAL

1 ASSISTANCE PROGRAM OR DRUG PRODUCT DONATION PROGRAM MAY BE ACCEPTED
2 AND DISPENSED UNDER THE PALMS.

3 (E) A PRESCRIPTION DRUG OR ANY OTHER MEDICATION THAT IS
4 INELIGIBLE FOR DISTRIBUTION UNDER THE PALMS MAY BE ACCEPTED FOR
5 DESTRUCTION AND DISPOSAL SUBJECT TO RULES PROMULGATED UNDER SECTION
6 17777.

7 (F) ANY ADDITIONAL CRITERIA ESTABLISHED IN RULES PROMULGATED
8 UNDER SECTION 17777.

9 Enacting section 1. This amendatory act does not take effect
10 unless all of the following bills of the 95th Legislature are
11 enacted into law:

12 (a) Senate Bill No. _____ or House Bill No. 4910 (request no.
13 02447'09 *).

14 (b) Senate Bill No. 565 or House Bill No. _____ (request no.
15 02448'09 *).