HOUSE BILL NO. 1972

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BIVINS (Sponsor), FISHER (125), OXFORD, MUNZLINGER, GRISAMORE AND SMITH (150) (Co-sponsors).

4511L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 196.984, RSMo, and to enact in lieu thereof one new section relating to the prescription drug repository program.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 196.984, RSMo, is repealed and one new section enacted in lieu
2 thereof, to be known as section 196.984, to read as follows:

196.984. 1. In consultation with the board of pharmacy, the director of the department
2 of health and senior services shall adopt and promulgate rules to implement the prescription drug
3 repository program. Such rules shall include:
4   (1) Eligibility criteria for pharmacies, hospitals, and nonprofit clinics to receive and
5 dispense donated prescription drugs under the program;
6   (2) Standards and procedures for accepting, safely storing, and dispensing donated
7 prescription drugs**; except that, no rule shall be promulgated which prohibits or otherwise**
8 **excludes individuals from donating prescription drugs under the program**;
9   (3) Standards and procedures for inspecting donated prescription drugs to determine that
10 the original single-unit-dose packaging is sealed and tamper-evident and that the prescription
11 drugs are unadulterated, safe, and suitable for dispensing;
12   (4) Eligibility requirements for recipients in the program **which** shall be based on
13 economic need for persons to receive prescription drugs under the program. For purposes of this
14 subdivision, "economic need" means a net family income below three hundred percent of the
15 federal poverty level;

EXPLANATION — Matter enclosed in bold-faced brackets **[**thus**]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16   (5) An identification card by which a person who is eligible to receive donated
17   prescription drugs under the program may demonstrate eligibility to the pharmacy, hospital, or
18   nonprofit clinic;
19   (6) A form that a person receiving a prescription drug from the program must sign before
20   receiving the drug to confirm that such person understands the criminal and civil immunity from
21   liability provisions of the program;
22   (7) Establishing a maximum handling fee that pharmacies, hospitals, and nonprofit
23   clinics may charge to drug recipients to cover restocking and dispensing costs;
24   (8) For prescription drugs donated to the program by individuals:
25   (a) A list of prescription drugs, arranged by category or by individual drug, that the
26   program will and will not accept from individuals. If a drug is ineligible for donation, the list
27   must include a statement as to the reason the drug is ineligible for donation; and
28   (b) A form each donor must sign stating that the donor is the owner of the prescription
29   drugs and intends to voluntarily donate such drugs to the program;
30   (9) For prescription drugs donated to the program by health care facilities, a list of
31   prescription drugs, arranged by category or by individual drug, that the program will and will not
32   accept from health care facilities. If a drug is ineligible for donation, the list must include a
33   statement as to the reason the drug is ineligible for donation; and
34   (10) Any other standards and procedures the department deems appropriate or necessary
35   to implement the provisions of sections 196.970 to 196.984.
36   2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
37   is created under the authority delegated in sections 196.970 to 196.984 shall become effective
38   only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
39   applicable, section 536.028, RSMo. Sections 196.970 to 196.984 and chapter 536, RSMo, are
40   nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536,
41   RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently
42   held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
43   after August 28, 2004, shall be invalid and void.

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