



# HOUSE BILL 658: Allow Donations of Unexpired Drugs.

2019-2020 General Assembly

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<b>Committee:</b> Senate Rules and Operations of the Senate	<b>Date:</b> June 13, 2019
<b>Introduced by:</b> Reps. Sasser, Hanig, Humphrey	<b>Prepared by:</b> Shawn Middlebrooks
<b>Analysis of:</b> First Edition	Staff Attorney

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**OVERVIEW:** *House Bill 658 would amend the criteria for drugs donated to pharmacists or free clinics participating in the Drug, Supplies, and Medical Device Repository Program to require that the drug not have reached its expiration date, rather than having an expiration date that is six months from the date the drug was donated.*

**CURRENT LAW:** G.S. 90-85.44(b) provides that the purpose of the Drug, Supplies, and Medical Device Repository Program is to allow an eligible donor to donate unused drugs, supplies, and medical devices to uninsured and underinsured patients in this State. The unused drugs, supplies, and medical devices must be donated to a free clinic or pharmacy that elects to participate in the Program. A free clinic that receives a donated unused drug, supplies, or medical device under the Program may distribute the drug, supplies, or medical device to another free clinic or pharmacy for use under the Program.

G.S. 90-85.44(c) provides the criteria below for drugs dispensed from the Drug, Supplies, and Medical Device Repository Program.

(c) Requirements of Participating Pharmacists or Free Clinics. – A pharmacist may accept and dispense drugs, supplies, and medical devices donated to the Program to eligible patients if all of the following requirements are met:

- (1) The drug, supplies, or medical device is in the original, unopened, sealed, and tamper-evident packaging or, if packaged in single-unit doses, the single-unit dose packaging is unopened.
- (2) The pharmacist has determined that the drug, supplies, or medical device is safe for redistribution.
- (3) The drug bears an expiration date that is later than six months after the date that the drug was donated.
- (4) The drug, supplies, or medical device is not adulterated or misbranded, as determined by a pharmacist.
- (5) The drug, supplies, or medical device is prescribed by a practitioner for use by an eligible patient and is dispensed by a pharmacist.

**BILL ANALYSIS:** House Bill 658 would amend the requirements for drugs donated to pharmacists or free clinics participating in the Drug, Supplies, and Medical Device Repository Program to only require that the drug not have reached its expiration date. Currently, a pharmacist may only accept drugs that bear an expiration date that is later than six months after the date the drug is donated.

**EFFECTIVE DATE:** This bill would become effective when it becomes law.

*Staff member, Theresa Matula, substantially contributed to this summary.*

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