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INTRODUCED BY \_\_\_\_\_  
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT EXPANDING THE PROGRAM ALLOWING DONATION OF UNUSED PRESCRIPTION DRUGS FROM INSTITUTIONS ADMINISTERED BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; AMENDING SECTIONS 37-7-1401, 37-7-1402, AND 37-7-1408, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 37-7-1401, MCA, is amended to read:

**"37-7-1401. Department of public health and human services and board of pharmacy to create program for donation of unused prescription drugs -- rulemaking required.** (1) The board of pharmacy shall, in consultation and cooperation with the department of public health and human services, create a program for the donation of prescription drugs collected from long-term care facilities or from institutions administered by the department of public health and human services to qualified patients.

(2) For the purposes of the program created pursuant to subsection (1), prescription drugs, except those drugs defined as a dangerous drug in 50-32-101 or a drug designated as a precursor to a controlled substance in 50-32-401, unneeded by a resident or former resident of a long-term care facility or an institution administered by the department of public health and human services may be donated by the long-term care facility or institution to a provisional community pharmacy that provides or may provide prescription drugs to individuals who are qualified patients for transfer free of charge or at a reduced charge to those individuals.

(3) This section does not amend or otherwise change the law applicable to the prescribing of prescription drugs, the sale or dispensing of those drugs, or the licensing of long-term care facilities or pharmacies.

(4) The board of pharmacy shall adopt rules to implement this part. The rules must address the subjects of collection and receipt of donated prescription drugs from residents of long-term care facilities or institutions administered by the department of public health and human services, keeping of those drugs within the long-term care facility or institution, transfer of the drugs to provisional community pharmacies, which pharmacies may be considered provisional community pharmacies that may sell or give the drugs to others, and



1 the price for which the drugs may be sold. In adopting the rules, the board of pharmacy shall consider the ability  
2 of persons to pay for the drugs and the existence and operation of similar programs in other states.

3 (5) As used in this part, the following definitions apply:

4 (a) "Long-term care facility" has the meaning provided in 50-5-101.

5 (b) "Provisional community pharmacy" means the practice of pharmacy at a site that has been approved  
6 by the board, including but not limited to federally qualified health centers as defined in 42 CFR 405.2401, where  
7 prescription drugs are dispensed to appropriately screened, qualified patients.

8 (c) "Qualified patients" mean persons who are eligible for medicaid, uninsured, indigent, or have  
9 insufficient funds to obtain needed prescription drugs."

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11 **Section 2.** Section 37-7-1402, MCA, is amended to read:

12 **"37-7-1402. Long-term care facilities or institutions to delete identifying information from donated**  
13 **prescription drugs.** A long-term care facility or an institution administered by the department of public health  
14 and human services donating a prescription drug pursuant to the program created under this part shall delete  
15 from the container in which that drug is held any information by which the long-term care facility or institutional  
16 resident or former resident for whom the drugs were prescribed may be identified."

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18 **Section 3.** Section 37-7-1408, MCA, is amended to read:

19 **"37-7-1408. Immunity for long-term care patients and long-term care facilities donating**  
20 **prescription drugs.** A resident or former resident of a long-term care facility or of an institution administered  
21 by the department of public health and human services and ~~the~~ a long-term care facility donating a prescription  
22 drug as part of the program created pursuant to this part are not liable for simple negligence in the donation of  
23 a drug if the requirements of this part and the rules implementing this part have been complied with."

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25 **NEW SECTION. Section 4. Effective date.** [This act] is effective July 1, 2003.

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