

April 9, 2009

**H 1296. EST. DRUG AND MEDICAL DEVICE REPOSITORY/DHHS.** Filed 4/8/09. *TO ESTABLISH THE DRUG, SUPPLIES, AND MEDICAL DEVICE REPOSITORY PROGRAM IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH.*

Enacts new Part 1 of Article 7 of GS Chapter 130A as title indicates. The purpose of the program is to allow a patient or the patient's family to donate unused drugs, supplies to administer drugs, and medical devices to uninsured and underinsured patients in NC through free clinic facilities and pharmacies that elect to participate in the program. Specifies conditions under which pharmacists may accept and dispense drugs, supplies, and medical devices donated to the program. Allows pharmacists and free clinic facilities to charge eligible patients a handling fee (not to exceed the amount specified by the NC Board of Pharmacy) for receiving donated drugs, supplies, or medical devices. Requires DHHS, in consultation with the NC Board of Pharmacy, to establish eligibility criteria for individuals to receive drugs, supplies, or medical devices under the program. Requires that priority be given to uninsured and underinsured persons. Requires DHHS, in consultation with the NC Board of Pharmacy, to establish rules to implement the program.

Provides that, unless a pharmaceutical manufacturer exercises bad faith, the manufacturer is not subject to criminal or civil liability for injury, death, or loss to a person or property arising from the donation, acceptance, or dispensing of a drug or medical device that is manufactured by the manufacturer and donated under the program, including liability for failure to transfer or communicate product or consumer information or the expiration date of the donated drug or medical device. Provides that donors of drugs, supplies, or medical devices, practitioners, pharmacists, pharmacies, and free clinic facilities are immune from civil liability and disciplinary actions for acts or omissions that cause death or injury to an individual to whom drugs, supplies, or medical devices are dispensed under the program.

Effective July 1, 2009, appropriates \$100,000 from the General Fund to the DHHS Division of Public Health for 2009-10 to implement the act.

**Intro. by Stewart.**

GS 90, 130A, APPROP

May 13, 2009

**H 1296. EST. DRUG AND MEDICAL DEVICE REPOSITORY/BOP (NEW).** Filed 4/8/09. House committee substitute makes the following changes to 1st edition. Changes title to *AN ACT TO ESTABLISH THE DRUG, SUPPLIES, AND MEDICAL DEVICE REPOSITORY PROGRAM IN THE NORTH CAROLINA BOARD OF PHARMACY*. Makes changes in proposed new GS 130A-216 by placing authority for a drug and medical device repository program with the North Carolina Board of Pharmacy (was, with Department of Health and Human Services, Division of Public Health). Eliminates provision appropriating money from the General Fund to the Division of Public Health to implement this act. Makes technical changes.

July 15, 2009

**H 1296. EST. DRUG AND MEDICAL DEVICE REPOSITORY/BOP.** Filed 4/8/09. Senate committee substitute makes the following changes to 2nd edition. Effective October 1, 2009, designates GS 90-85.2 through GS 90-85.43 as Part 1. North Carolina Pharmacy Practice Act.

Moves the provisions from proposed GS 130A-216 into a new Part 2 in GS Chapter 90, Article 4A, Drugs, Supplies, and Medical Device Repository Program. Modifies the definitions of *Board*, *dispense*, *drug*, *pharmacist*, and *pharmacy* to make them identical to those in GS 90-85.3. Provides that *eligible patient* means an uninsured or underinsured patient who meets the eligibility criteria established by the NC Pharmacy Board, free clinic, or pharmacy (was, by the Department of Health and Human Services, health care facility, or pharmacy). Adds definitions for (1) *eligible donor* to include a patient or the patient's family member, a manufacturer, wholesaler, or supplier of drugs, supplies, or medical devices, or a pharmacy, free clinic, hospital, or a hospice care program; (2) *medical device* to mean a device as defined in GS 90-85.3(e); and (3) *Program* to mean The Drug, Supplies, and Medical Device Repository Program established under this act. Replaces the term *free clinic facility* with *free clinic* throughout the act. Removes from that definition that a *free clinic* (1) provides health care services through partnerships with other

health providers and (2) must be licensed by the state. Deletes the definition for *pharmaceutical care*.

Requires in proposed GS 90-85.44(f) that the NC Board of Pharmacy (Board) eligibility criteria must provide that individuals meeting free clinic or pharmacy eligibility criteria are eligible patients. Requires in GS 90-85.44(g) that rules adopted by the Board provide for the requirements for free clinics and pharmacies to accept and dispense donated drugs, supplies, and medical devices pursuant to the Program, including eligibility criteria, *confidentiality of donors*, and standards and procedures for a free clinic or pharmacy to accept and safely store and dispense donated drugs, *supplies*, and medical devices. Deletes that the rules must include providing a list of *supplies to administer drugs* (retains that a list of supplies must be provided) that the Program will accept for dispensing. Also makes technical, conforming, and organizational changes to GS 90-85.44.

Deletes proposed GS 90-85.42, which allowed a pharmacy to elect to participate in the cancer drug and medical device repository program.

Makes new Part 2 in GS Chapter 90, Article 4A, effective October 1, 2009.

August 5, 2009

**SL 2009-423 (H 1296). ESTABLISH DRUG AND MEDICAL DEVICE REPOSITORY/BOARD OF PHARMACY.** *AN ACT TO ESTABLISH THE DRUG, SUPPLIES, AND MEDICAL DEVICE REPOSITORY PROGRAM IN THE NORTH CAROLINA BOARD OF PHARMACY.* Summarized in *Daily Bulletin* 4/9/09, 5/13/09, and 7/15/09. Enacted August 5, 2009. Effective August 5, 2009.