

2003 SENATE BILL 56

March 5, 2003 – Introduced by Senators S. FITZGERALD, WELCH, SCHULTZ, ROBSON, MOORE, LEIBHAM, CARPENTER, LAZICH and ROESSLER, cosponsored by Representatives J. FITZGERALD, WASSERMAN, ALBERS, BIES, CULLEN, BERCEAU, GIELOW, GOTTLIEB, HINES, GUNDERSON, VAN ROY, PETTIS, JESKEWITZ, HAHN, MUSSER, GRONEMUS, M. LEHMAN, LOEFFELHOLZ, OLSEN, KRAWCZYK, SUDER, PLOUFF, LEMAHIEU, VRAKAS, LASSA, YOUNG, KRUG, ZIEGELBAUER and VAN AKKEREN. Referred to Committee on Judiciary, Corrections and Privacy.

- 1 **AN ACT to create** 450.09 (7m) of the statutes; **relating to:** dispensing of returned
2 prescription drugs by state prison pharmacies.

Analysis by the Legislative Reference Bureau

Under current law, the Pharmacy Examining Board (board) has promulgated a rule regarding returning health items, including prescription drugs, to pharmacies. The rule allows for the return of health items to an inpatient health care facility, but only if the health items are in their original containers and the pharmacist determines that the contents are not adulterated or misbranded. The rule does not apply to prescription drugs that are controlled substances because current federal law generally does not authorize the return of controlled substances to a pharmacy. The rule defines “inpatient health care facility” as a hospital, nursing home, county home, county mental hospital, tuberculosis sanatorium, or similar facility. Certain facilities are excluded from the definition, including prison facilities.

Under this bill, prescription drugs may be returned to pharmacies that primarily serve patients confined in state prisons. The bill specifies that a returned prescription drug may be dispensed to any patient confined in any state prison. The returned prescription drug may be dispensed only if it was never in the possession of the patient to whom it was originally prescribed. In addition, the prescription drug must be returned in its original container and a pharmacist must determine that it has not been adulterated or misbranded. The bill does not affect the prohibition under federal law against returning controlled substances.

