

HOUSE No. 1908

The Commonwealth of Massachusetts

PRESENTED BY:

Leah Cole

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to prescription recycling.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Leah Cole</i>	<i>12th Essex</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Geoff Diehl</i>	<i>7th Plymouth</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Leonard Mirra</i>	<i>2nd Essex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Shaunna L. O'Connell</i>	<i>3rd Bristol</i>

<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>Susannah M. Whipps Lee</i>	<i>2nd Franklin</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>

HOUSE No. 1908

By Ms. Cole of Peabody, a petition (accompanied by bill, House, No. 1908) of Leah Cole and others relative to the reduction of medication waste. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to prescription recycling.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 111 of the General Laws, as appearing in the 2012 Official Edition,
2 is hereby amended by striking out section 25I, and inserting in place thereof the following
3 section:- Section 25I. The department, in conjunction with the board of registration in pharmacy
4 and the division of medical assistance, shall establish and implement methods to reduce
5 medication waste in facilities licensed by the departments of public health, mental health and
6 corrections. The department shall establish such methods, based on its review, that are
7 determined to be effective in reducing waste without imposing unreasonable costs on the health
8 care delivery system. Such methods may be based on, but not be limited to, the following: (1)
9 current technology, standards and reimbursement mechanisms for dispensing and distributing
10 medications to facilities; (2) other states' requirements for limiting prescription drug waste and
11 any cost savings realized; (3) the commonwealth's standards for the return and re-dispensing of
12 patient-specific schedule VI prescription drugs; and (4) possible incentive mechanisms to

13 prevent the creation of prescription drug waste. The department shall promulgate regulations to
14 implement this section.’

15 SECTION 2. Section 70E of said chapter 111, as so appearing, is hereby amended by
16 inserting after subsection (o), the following subsection:- (p) to obtain from the facility in charge
17 of the patient’s care, upon discharge, any bulk medications that were prescribed for the patient
18 during the patient’s stay including, but not limited to, aerosol inhalers, topical products such as
19 creams and powders eye drops, insulins and special order items, provided that any such items are
20 patient specific and personal and would not otherwise be used in the treatment of another patient.
21 Upon discharge from the hospital, these bulk items shall be considered the personal property of
22 the patient and at the prescribing physician’s discretion may include in discharge orders that the
23 patient be provided with the specific bulk products that were used in the hospital with use
24 directions. The department shall promulgate regulations to implement this section.

25 SECTION 3. The department of public health, in consultation with the board of
26 registration in pharmacy shall, as shall provide to the joint committee on health care financing
27 and the joint committee on public health, on or before April 1, 2016 a report and legislative
28 recommendations relative to issues of implementation of the programs established under
29 subsection p of section 70E of chapter 111 and section 25I of chapter 111, including, but not
30 limited to: savings and costs related to the implementation of the programs established and
31 recommendations related to penalties for violations of subsection (p) of section 70E of chapter
32 111 and section 25I of chapter 111.

33 SECTION 4. Notwithstanding any general or special law to the contrary, the department
34 of public health, in consultation with the department of environmental protection, shall make an

35 investigation and study regarding the issue of pharmaceutical drug waste and its effect on the
36 environment in the Commonwealth. The department shall report on the following: (1) the
37 estimated quantity of pharmaceutical drug waste in the Commonwealth; (2) the quantity of such
38 waste that may be recovered prior to disposal; (3) the methods and techniques used in other
39 states or local governments to reduce the amount of pharmaceutical drug waste, and identify
40 model programs used to recover or recycle such waste; and (4) the efforts of pharmaceutical drug
41 industry to mitigate waste through consumer support or take-back programs. The department
42 shall make recommendations, consistent with its report, regarding: (1) the feasibility of
43 expanding a drug recycling program similar to that prescribed in section 25I of chapter 111 to all
44 consumers; (2) the feasibility of adopting similar programs adopted by other states or local
45 governments to reduce drug waste; and (3) the feasibility of the department assisting municipal
46 governments to establish local programs to reduce such waste. The department shall make its
47 report and recommendations together with legislation to implement those recommendations by
48 filing the same with the clerks of the senate and house not later than July 31, 2016.