HOUSE DOCKET, NO. 2375 FILED ON: 1/20/2011

HOUSE . . . . . No. 2359

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

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 passage of the accompanying:

An Act relative to prescription drug waste.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bradley H. Jones, Jr.	*20th Middlesex*
Donald F. Humason, Jr.	*4th Hampden*
Randy Hunt	*5th Barnstable*
Marc T. Lombardo	*22nd Middlesex*
Geoff Diehl	*7th Plymouth*
F. Jay Barrows	*1st Bristol*
Shaunna O'Connell	*3rd Bristol*
Susan Williams Gifford	*2nd Plymouth*
George T. Ross	*2nd Bristol*
Donald H. Wong	*9th Essex*
Todd M. Smola	*1st Hampden*
Kevin J. Kuros	*8th Worcester*
Ryan C. Fattman	*18th Worcester*
Sheila C. Harrington	*1st Middlesex*
Kimberly N. Ferguson	*1st Worcester*
Matthew A. Beaton	*11th Worcester*
Steven L. Levy	*4th Middlesex*
Bruce E. Tarr	*[District]*

Paul K. Frost	*7th Worcester*
Elizabeth A. Poirier	*14th Bristol*
George N. Peterson, Jr.	*9th Worcester*
Bradford Hill	*4th Essex*
Viriato Manuel deMacedo	*1st Plymouth*
Jeffrey Sánchez	*15th Suffolk*

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By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 2359) of Bradley H. Jones, Jr., and others relative to the Commissioner of Public Health being directed to establish regulations for the return of certain unused prescription medications to pharmacies. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *2070* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to prescription drug waste.

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

SECTION 1. Chapter 111 of the General Laws is hereby amended by striking out section 25I, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

Section 25I. The department, in conjunction with the board of registration in pharmacy and the division of medical assistance, shall establish and implement methods to reduce medication waste in facilities licensed by the departments of public health, mental health and corrections. The department shall establish such methods, based on its review, that are determined to be effective in reducing waste without imposing unreasonable costs on the health care delivery system. Such methods may be based on, but not be limited to, the following: (1) current technology, standards and reimbursement mechanisms for dispensing and distributing medications to facilities; (2) other states' requirements for limiting prescription drug waste and any cost savings realized; (3) the commonwealth's standards for the return and re-dispensing of patient-specific schedule VI prescription drugs; and (4) possible incentive mechanisms to prevent the creation of prescription drug waste. The department shall promulgate regulations to implement this section.

16 SECTION 2. The fifth paragraph of section 70E of said chapter 111, as so appearing, is
17 hereby amended by adding the following subsection:-

18 (p) to obtain from the facility in charge of the patient's care, upon discharge, any bulk
19 medications that were prescribed for the patient during the patient's stay including, but not
20 limited to, aerosol inhalers, topical products such as creams and powders eye drops, insulins and
21 special order items, provided that any such items are patient specific and personal and would not
22 otherwise be used in the treatment of another patient. Upon discharge from the hospital, these
23 bulk items shall be considered the personal property of the patient and at the prescribing
24 physician's discretion may include in discharge orders that the patient be provided with the
25 specific bulk products that were used in the hospital with use directions. The department shall
26 promulgate regulations to implement this section.

27 SECTION 3. The department of public health, in consultation with the board of
28 registration in pharmacy shall, as shall provide to the joint committee on health care financing
29 and the joint committee on public health, on or before April 1, 2012 a report and legislative
30 recommendations relative to issues of implementation of the programs established under
31 subsection p of section 70E of chapter 111 and section 25I of chapter 111, including, but not
32 limited to: savings and costs related to the implementation of the programs established and
33 recommendations related to penalties for violations of subsection p of section 70E of chapter 111
34 and section 25I of chapter 111.

35 SECTION 4. Notwithstanding any general or special law to the contrary, the department
36 of public health, in consultation with the department of environmental protection, shall make an
37 investigation and study regarding the issue of pharmaceutical drug waste and its effect on the
38 environment in the Commonwealth. The department shall report on the following: (1) the
39 estimated quantity of pharmaceutical drug waste in the Commonwealth; (2) the quantity of such
40 waste that may be recovered prior to disposal; (3) the methods and techniques used in other
41 states or local governments to reduce the amount of pharmaceutical drug waste, and identify
42 model programs used to recover or recycle such waste; and (4) the efforts of pharmaceutical drug
43 industry to mitigate waste through consumer support or take-back programs. The department
44 shall make recommendations, consistent with its report, regarding: (1) the feasibility of
45 expanding a drug recycling program similar to that prescribed in section 25I of chapter 111 to all
46 consumers; (2) the feasibility of adopting similar programs adopted by other states or local
47 governments to reduce drug waste; and (3) the feasibility of the department assisting municipal
48 governments to establish local programs to reduce such waste. The department shall make its
49 report and recommendations together with legislation to implement those recommendations by
50 filing the same with the clerks of the senate and house not later than July 31, 2012.