

1 SB113
2 125792-2
3 By Senator Orr
4 RFD: Finance and Taxation General Fund
5 First Read: 01-MAR-11

2
3
4 ENGROSSED

5
6
7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 To authorize the Alabama Department of Corrections
12 to accept and redispense unused prescription medications.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. As used in this act, the following terms
15 shall have the following meanings:

16 (1) CORRECTIONS FACILITY. Any facility or program
17 controlled or operated by the state Department of Corrections
18 or any of its agencies or departments and supported wholly or
19 in part by state funds for the correctional care of persons.

20 (2) CUSTOMIZED PATIENT MEDICATION PACKAGE. A package
21 that is prepared by a pharmacist for a specific patient and
22 that contains two or more prescribed solid oral dosage forms.

23 (3) REPACKAGING. The process by which the pharmacy
24 prepares a prescription it accepts pursuant to this act in a
25 unit-dose package, unit-of-issue package or customized patient
26 medication package for immediate dispensing in accordance with
27 a current prescription.

1 (4) UNIT-DOSE PACKAGE. A package that contains a
2 single-dose drug with the name, strength, control number, and
3 expiration date of that drug on the label.

4 (5) UNIT-OF-ISSUE PACKAGE. A package that provides
5 multiple doses of the same drug, but each drug is individually
6 separated and includes the name, lot number, and expiration
7 date of the drug.

8 Section 2. (a) A pharmacy operated by the Alabama
9 Department of Corrections (ADOC) or operated by a company
10 under contract with the ADOC, shall accept for the purpose of
11 redispensing a prescription drug that has been dispensed and
12 has left the control of the pharmacy or pharmacist if the
13 prescription drug is being returned by a corrections facility
14 that has met the requirements of routine on-site inspections
15 by the pharmacy or pharmacist and has a registered
16 professional nurse or a licensed practical nurse who is
17 responsible for the security, handling, and administration of
18 prescription drugs within that corrections facility and if all
19 of the following conditions are met:

20 (1) The pharmacy or pharmacist is satisfied that the
21 conditions under which the prescription drug has been
22 delivered, stored, and handled before and during its return
23 were such as to prevent damage, deterioration, or
24 contamination that would adversely affect the identity,
25 strength, quality, purity, stability, integrity, or
26 effectiveness of the prescription drug.

1 (2) The pharmacist is satisfied that the
2 prescription drug did not leave the control of the registered
3 professional nurse or licensed practical nurse responsible for
4 the security, handling, and administration of that
5 prescription drug and that the prescription drug did not come
6 into the physical possession of the individual for whom it was
7 prescribed.

8 (3) The pharmacist is satisfied that the labeling
9 and packaging of the prescription drug are accurate, have not
10 been altered, defaced, or tampered with and include the
11 identity, strength, expiration date, and lot number of the
12 prescription drug.

13 (4) The prescription drug was dispensed in a
14 unit-dose package or unit-of-issue package.

15 (b) A pharmacy operated by the ADOC or operated by a
16 company under contract with the ADOC shall not accept for
17 return prescription drugs as provided pursuant to this section
18 until the pharmacist in charge develops a written set of
19 protocols for accepting, returning to stock, repackaging,
20 labeling, and redispensing prescription drugs. The written
21 protocols shall be maintained on the premises of any pharmacy
22 dispensing prescriptions for the ADOC and shall be readily
23 accessible to each pharmacist on duty. The written protocols
24 shall include, at a minimum, each of the following:

25 (1) Methods for ensuring that damage, deterioration,
26 or contamination has not occurred during the delivery,
27 handling, storage, or return of the prescription drugs such

1 that it would adversely affect the identity, strength,
2 quality, purity, stability, integrity, or effectiveness of the
3 prescription drugs or otherwise render the drugs unfit for
4 distribution.

5 (2) Methods for accepting, returning to stock,
6 repackaging, labeling, and redispensing the prescription drugs
7 returned pursuant to this section.

8 (3) A uniform system of recording and tracking
9 prescription drugs that are returned to stock, repackaged,
10 labeled, and redistributed pursuant to this section.

11 (c) If the condition of a prescription drug and its
12 package meets the standards set forth in subsection (b), a
13 prescription drug shall be returned to stock and redistributed
14 as follows:

15 (1) A prescription drug that was originally
16 dispensed in the manufacturer's unit-dose package or
17 unit-of-issue package that is returned in that same package
18 may be returned to stock, repackaged, and redispensed as
19 needed.

20 (2) A prescription drug that is repackaged into a
21 unit-dose package or a unit-of-issue package by the pharmacy,
22 dispensed and returned to that pharmacy in that unit-dose
23 package or unit-of-issue package may be returned to stock, but
24 it shall not be repackaged. A unit-dose package or
25 unit-of-issue package prepared by the pharmacist and returned
26 to stock shall only be redispensed in that same unit-dose
27 package or unit-of-issue package and shall only be redispensed

1 once. A pharmacist shall not add unit-dose package drugs to a
2 partially used unit-of-issue package.

3 (d) This section does not apply to any of the
4 following:

5 (1) A controlled substance.

6 (2) A prescription drug that is dispensed as part of
7 a customized patient medication package.

8 (3) A prescription drug that is not dispensed as a
9 unit-dose package or a unit-of-issue package.

10 (4) A prescription drug that is not properly labeled
11 with the identity, strength, lot number, and expiration date.

12 Section 3. This act shall become effective
13 immediately following its passage and approval by the
14 Governor, or its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10

11
12
13
14
15
16
17

Senate

Read for the first time and referred to the Senate
committee on Finance and Taxation General Fund ... 01-MAR-11

Read for the second time and placed on the calen-
dar 1 amendment..... 03-MAR-11

Read for the third time and passed as amended 24-MAR-11

Yeas 35
Nays 0

Patrick Harris
Secretary