

HOUSE BILL 229

By Shepard

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 10, relative to pharmacy drug disposal programs.

WHEREAS, it is the intention of the General Assembly to permit Tennessee-licensed pharmacies located within this state to participate in voluntary drug disposal programs as authorized by state and federal rules and regulations; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 10, is amended by adding Sections 2–4 of this act as a new part 7.

SECTION 2. This part shall be known and may be cited as the “Ensuring Patient Access to Pharmacy Drug Disposal Programs Act of 2015.”

SECTION 3. As used in this part:

(1) “Authorized pharmacy disposal site” means any pharmacy practice site that qualifies as a collection site under 21 CFR 1317.40; and

(2) “Pharmacy drug disposal program” means any voluntary drug disposal program located at, or implemented by, a Tennessee-licensed pharmacy located in this state, in accordance with all state and federal rules and regulations.

SECTION 4.

(a) Any Tennessee-licensed pharmacy located within this state is authorized to participate in a pharmacy drug disposal program that meets or exceeds the minimum requirements set forth in federal rules and regulations regarding collection and destruction of prescription drugs, including controlled and noncontrolled substances.

(b)

(1) Participation in a pharmacy drug disposal program by a Tennessee-licensed pharmacy located within this state shall be voluntary.

(2) The pharmacist-in-charge, as defined by § 63-10-204, for the pharmacy practice site shall be responsible for deciding whether the pharmacy participates in a pharmacy drug disposal program.

(3) No person shall mandate pharmacist participation in a pharmacy drug disposal program at a pharmacy practice site.

(c) Any pharmacy practice site voluntarily participating in a pharmacy drug disposal program shall be held harmless and shall not be held liable for any theft, robbery, or other criminal activity related to its participation in the pharmacy drug disposal program or the collection, storage, or destruction of prescription drugs, including controlled and noncontrolled substances collected through a pharmacy drug disposal program, as long as the pharmacy practice site is acting in good faith and operating in compliance with all state and federal rules and regulations regarding drug disposal.

(d) The board of pharmacy shall maintain a list of Tennessee-licensed pharmacies located within this state that participate in pharmacy drug disposal programs as authorized by state and federal rules and regulations.

(e) The board of pharmacy shall promulgate rules necessary for implementation of this part. All such rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 5. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2015, the public welfare requiring it.