

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

Senate Bill 774

BY SENATORS MARONEY, ROBERTS, STOLLINGS, AND

PLYMALE

[Introduced February 13, 2020; referred
to the Committee on Health and Human Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §30-5-37, relating to disposal of unused, unwanted, or expired medications;
 3 and pharmacists' duties in the process.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 5. PHARMACISTS, PHARMACY TECHNICIANS, PHARMACY INTERNS
 AND PHARMACIES.**

§30-5-37. Disposal of unused, unwanted, or expired medicines.

1 A pharmacy, other than a long-term care pharmacy, shall, when dispensing to an
 2 individual located in this state a prescription drug or medication which is a controlled substance,
 3 and when dispensing any other prescription drug or medication as may be designated by the
 4 board shall:

5 (1) Provide the patient with written informational materials concerning how to properly,
 6 safely, and promptly dispose of unused, unwanted, or expired drugs and medications, and
 7 include, but not be limited to, informational materials concerning drug disposal options available.

8 (2) Provide the patient with written informational materials advising that when unused,
 9 unwanted, or expired drugs and medications are not properly, safely, and promptly disposed of,
 10 that:

11 (A) There is risk that the drug or medication can be stolen, diverted, abused, misused, or
 12 accidentally ingested, which can pose a risk to the health and safety of the patient and other
 13 members of the patient's household;

14 (B) Children are particularly at risk of accidentally ingesting unused, unwanted, and
 15 expired medications that have not been properly, safely, and promptly disposed of;

16 (C) When drugs or medications are disposed of in the household trash or flushed down
 17 the drain, the drugs and medication can leach into ecosystem, which can have a potentially
 18 adverse or harmful effect on the environment, and;

19 (D) When drugs or medications are disposed of in the household trash without being
20 rendered unusable and unavailable, the drug or medications can be stolen by individuals seeking
21 to divert, abuse, or misuse the drug or medications.

22 (3) Make available on-site, for purchase, or at no cost to the patient, at least one consumer
23 method for individuals to dispose of unwanted or expired prescription drugs, including, but not
24 limited to, at-home solutions or secured medication collection kiosks or boxes.

25 (A) At-home drug disposal products must consist of a nontoxic composition, blend,
26 solution, or formulation that:

27 (1) Changes the physical integrity of the medication formulation so that it is no longer
28 recognizable as the therapeutic dose for which it was dispensed and intended, or

29 (2) Chemically renders the active ingredient(s) of the medication unusable, for all practical
30 purposes, and exhibits abuse deterrent properties which make the normal routes of administration
31 difficult and less rewarding.

32 (B) Secured medication collection kiosks or boxes shall follow the federal Drug
33 Enforcement Administration (DEA) requirements for collected pharmaceuticals, and must be
34 marked and identified by prominent signage.

NOTE: The purpose of this bill is to require pharmacists to instruct persons purchasing medicines the necessity of disposing unused, unwanted or expired medicines and methods of properly doing so.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.