

HOUSE BILL 1310

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By: **Delegate Bhandari**

Introduced and read first time: February 7, 2025

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Prescription Drug Repository Program – Out-of-State Pharmacies**

3 FOR the purpose of defining “licensed pharmacy” for the purpose of allowing pharmacies
4 licensed in another state to be designated by the State Board of Pharmacy as a
5 repository under the Prescription Drug Repository Program; and generally relating
6 to the Prescription Drug Repository Program.

7 BY repealing and reenacting, with amendments,
8 Article – Health – General
9 Section 15–601
10 Annotated Code of Maryland
11 (2023 Replacement Volume and 2024 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article – Health – General
14 Section 15–605, 15–607, and 15–609
15 Annotated Code of Maryland
16 (2023 Replacement Volume and 2024 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That the Laws of Maryland read as follows:

19 **Article – Health – General**

20 15–601.

21 (a) In this subtitle the following words have the meanings indicated.

22 (b) “Board” means the State Board of Pharmacy.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(c) “Drop-off site” means a pharmacy or other health care facility designated by the Board that:

(1) Has voluntarily agreed to accept donated prescription drugs or medical supplies; and

(2) Does not have a final disciplinary order issued against it by a health occupations board.

(D) “LICENSED PHARMACY” MEANS A PHARMACY LICENSED BY THE BOARD OR A PHARMACY LICENSED IN ANOTHER STATE.

[(d)] (E) “Program” means the Prescription Drug Repository Program.

[(e)] (F) “Repository” means a licensed pharmacy that:

(1) Does not have a final disciplinary order issued against it by the Board of Pharmacy **OR, FOR AN OUT-OF-STATE LICENSED PHARMACY, THE APPLICABLE REGULATORY AUTHORITY;**

(2) Has voluntarily agreed to participate in the Program; and

(3) Has been approved by the Board to:

(i) Accept donated prescription drugs or medical supplies from a designated drop-off site;

(ii) Dispense the donated prescription drugs or medical supplies to needy individuals; or

(iii) Dispose of prescription drugs or medical supplies not accepted for dispensing to needy individuals.

15–605.

(a) The Board may approve Medbank of Maryland, Inc., or another licensed pharmacy, to be a repository.

(b) Consistent with its approval by the Board, a repository shall:

(1) Accept only donated prescription drugs and medical supplies forwarded by designated drop-off sites;

(2) Inspect all donated prescription drugs and medical supplies;

1 (3) Accept for dispensing to needy individuals only those donated
2 prescription drugs and medical supplies that meet the requirements of § 15–603 of this
3 subtitle;

4 (4) Dispose of donated prescription drugs and medical supplies not
5 accepted for dispensing to needy individuals in accordance with State and federal law;

6 (5) Maintain a separate inventory of donated prescription drugs and
7 medical supplies;

8 (6) Store donated prescription drugs and medical supplies in a secure
9 location used exclusively for the Program;

10 (7) Maintain separate prescription files for patients receiving donated
11 prescription drugs and medical supplies; and

12 (8) Obliterate from the labels of donated prescription drugs and medical
13 supplies any information specific to the patient for whom the donated prescription drugs
14 and medical supplies were originally dispensed.

15 (c) A repository shall dispense donated prescription drugs and medical supplies
16 only:

17 (1) To an individual who meets the requirements of § 15–606 of this
18 subtitle;

19 (2) On a new prescription, in the case of a prescription drug or medical
20 supply that requires a prescription; and

21 (3) In accordance with State and federal laws pertaining to:

22 (i) Storage, distribution, and dispensing of prescription drugs; and

23 (ii) Confidentiality of patient information.

24 (d) A repository may:

25 (1) Charge a fee, not to exceed \$10, for each prescription drug or medical
26 supply dispensed; and

27 (2) Dispense a donated prescription drug or medical supply by mail,
28 provided that the repository informs the patient that a delay may be entailed.

29 (e) A repository may not establish or maintain a waiting list for any prescription
30 drug or medical supply dispensed by the Program.

(f) A pharmacy may accept prescription drugs and medical supplies taken to the pharmacy for disposal only if the pharmacy is approved by the Board as a repository for this purpose.

(g) The Program may not require a private entity to establish, operate, or fund a drop-off site or disposal program.

(h) The Department shall develop a process for providing information about the availability of the State's earned income tax credit established under § 10-704 of the Tax – General Article to each individual receiving donated prescription drugs and medical supplies from the repository.

15-607.

(a) This section applies to:

(1) A person that donates prescription drugs or medical supplies to the Program;

(2) A drop-off site;

(3) A repository;

(4) The Board; and

(5) Pharmacists.

(b) For matters related to donating, accepting, disposing of, or dispensing prescription drugs or medical supplies under the Program, a person described in subsection (a) of this section that acts in good faith may not be subject to:

(1) Criminal prosecution; or

(2) Liability in tort or other civil action for injury, death, or loss to person or property.

(c) A drug manufacturer acting in good faith may not be subject to criminal prosecution or liability in tort or other civil action for injury, death, or loss to person or property for matters related to the donation, acceptance, or dispensing of a drug manufactured by the drug manufacturer that is donated by any person under the Program, including liability for failure to transfer or communicate product or consumer information or the expiration date of the donated drug.

15-609.

(a) A repository shall:

1 (1) Maintain records of donated prescription drugs and medical supplies;
2 and

3 (2) Submit periodic reports to the Board on its activities.

4 (b) To determine compliance with the requirements of this subtitle, the Board
5 shall:

6 (1) Inspect designated drop-off sites and repositories;

7 (2) Inspect records of donated prescription drugs and medical supplies
8 maintained by the repository; and

9 (3) Beginning January 1, 2007, and each January 1 thereafter, report to
10 the Governor and, in accordance with § 2-1257 of the State Government Article, the
11 General Assembly on the operation of the Program.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2025.