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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2198 Session of  
2015

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INTRODUCED BY CRUZ, ACOSTA, ROZZI, O'BRIEN, D. COSTA, ENGLISH,  
GIBBONS AND DONATUCCI, JUNE 21, 2016

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REFERRED TO COMMITTEE ON HEALTH, JUNE 21, 2016

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AN ACT

1 Amending the act of September 27, 1961 (P.L.1700, No.699),  
2 entitled "An act relating to the regulation of the practice  
3 of pharmacy, including the sales, use and distribution of  
4 drugs and devices at retail; and amending, revising,  
5 consolidating and repealing certain laws relating thereto,"  
6 further providing for definitions; and providing for  
7 collection and disposal of drugs by pharmacies.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Section 2 of the act of September 27, 1961  
11 (P.L.1700, No.699), known as the Pharmacy Act, is amended by  
12 adding a paragraph to read:

13 Section 2. Definitions.--As used in this act:

14 \* \* \*

15 (20) "Ultimate user" means a person who lawfully possesses a  
16 controlled substance, other drug, device or cosmetic for the  
17 person's own use or for the use of a member of the person's  
18 household or for administering to an animal in the person's  
19 care.

20 Section 2. The act is amended by adding a section to read:

1 Section 9.5. Collection and Disposal of Drugs by  
2 Pharmacies.--(a) A licensed pharmacy may collect a legend drug  
3 from an ultimate user, or from a long-term care facility on  
4 behalf of an ultimate user who resides or resided at the long-  
5 term care facility, for the purpose of disposing of the legend  
6 drug as pharmaceutical waste, provided that:

7 (1) A pharmacy may collect and dispose of controlled  
8 substances listed in Schedules II through V of the act of April  
9 14, 1972 (P.L.233, No.64), known as "The Controlled Substance,  
10 Drug, Device and Cosmetic Act," as allowed under subsection (b).

11 (2) A pharmacy that has established a controlled substance  
12 disposal program under subsection (b) may also collect and  
13 dispose of noncontrolled substance legend and nonlegend drugs,  
14 but only in the same manner in which it collects and disposes of  
15 controlled substances.

16 (b) Controlled substances listed in Schedules II through V  
17 of the "The Controlled Substance, Drug, Device and Cosmetic Act"  
18 may be collected and disposed of only under the provisions of 21  
19 CFR Pts. 1300 (relating to definitions), 1301 (relating to  
20 registration of manufacturers, distributors, and dispensers of  
21 controlled substances), 1304 (relating to records and reports of  
22 registrants), 1305 (relating to orders for Schedule I and II  
23 controlled substances), 1307 (relating to miscellaneous) and  
24 1317 (relating to disposal) that are applicable to the disposal  
25 of controlled substances. Disposal of controlled substances and  
26 legend and nonlegend drugs must also comply with Federal and  
27 State requirements regarding hazardous waste.

28 Section 3. This act shall take effect in 60 days.