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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2073 Session of  
2018

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INTRODUCED BY HAGGERTY, DEAN, DRISCOLL, DAVIS, KIRKLAND,  
CHARLTON, THOMAS, O'NEILL, MURT, MOUL, ROZZI, BOBACK, HELM,  
A. DAVIS AND TOOHIL, FEBRUARY 26, 2018

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REFERRED TO COMMITTEE ON HUMAN SERVICES, FEBRUARY 26, 2018

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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 retail community  
8 pharmacies.

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

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

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

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16 (20) "Retail community pharmacy" means an independent  
17 pharmacy, chain pharmacy, supermarket pharmacy or mass  
18 merchandise pharmacy that is licensed as a pharmacy in this  
19 Commonwealth and dispenses medications to the general public at  
20 retail prices. The term does not include a pharmacy that

1 dispenses prescription medications to patients primarily through  
2 the mail, nursing home pharmacies, long-term care facility  
3 pharmacies, hospital pharmacies, nonresident pharmacies,  
4 clinics, charitable or not-for-profit pharmacies, government  
5 pharmacies or pharmacy benefit managers.

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

7 Section 4.2. Collection and Disposal of Drugs by Retail  
8 Community Pharmacies.--(a) A retail community pharmacy shall  
9 install and maintain a drug collection receptacle onsite where  
10 unused or expired drugs may be anonymously deposited by members  
11 of the public. The drug collection receptacle shall be made  
12 accessible to the public during the pharmacy's ordinary business  
13 hours. The retail community pharmacy shall pay all costs related  
14 to the installation and maintenance of a drug collection  
15 receptacle.

16 (b) A retail community pharmacy shall accept controlled  
17 substances listed under schedules II, III, IV and V of the act  
18 of April 14, 1972 (P.L.233, No.64), known as "The Controlled  
19 Substance, Drug, Device and Cosmetic Act," noncontrolled  
20 substances and over-the-counter medicines in a drug collection  
21 receptacle.

22 (c) Within one year after the effective date of this  
23 section, a retail community pharmacy located in this  
24 Commonwealth shall have installed a drug collection receptacle  
25 and shall be in compliance with all Federal laws applicable to  
26 this section.

27 (d) Drugs deposited in a collection receptacle shall be  
28 destroyed or otherwise disposed of as provided in Federal law.  
29 Disposal may include on-site destruction or transport or  
30 transfer to a person or entity authorized to accept controlled

1 substances for the purpose of destroying the controlled  
2 substance.

3 (e) The board shall promulgate rules and regulations to  
4 implement the provisions of this section.

5 (f) A retail community pharmacy found to be in violation of  
6 this section shall be subject to a civil penalty of two hundred  
7 fifty dollars (\$250) for each violation.

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