

IC 25-26-20

Chapter 20. Regional Drug Repository Program

IC 25-26-20-1

Definitions

Sec. 1. The definitions in IC 25-26-13-2 apply throughout this chapter.

As added by P.L. 75-2004, SEC. 4.

IC 25-26-20-2

"Nonprofit health clinic"

Sec. 2. As used in this chapter, "nonprofit health clinic" means any of the following:

- (1) A federally qualified health center (as defined in 42 U.S.C. 1396d(l)(2)(B)).
- (2) A rural health clinic (as defined in 42 U.S.C. 1396d(l)(1)).
- (3) A nonprofit health clinic that provides medical care to patients who are indigent, uninsured, or underinsured.

As added by P.L. 75-2004, SEC. 4.

IC 25-26-20-3

Voluntary regional drug repository program to collect and redistribute drugs to nonprofit health clinics

Sec. 3. (a) The board may organize a voluntary regional drug repository program to collect and redistribute drugs to nonprofit health clinics.

(b) The board may enter into a voluntary agreement with any of the following to serve as a regional drug repository:

- (1) A pharmacist or pharmacy.
- (2) A wholesale drug distributor.
- (3) A hospital licensed under IC 16-21.
- (4) A health care facility (as defined in IC 16-18-2-161).
- (5) A nonprofit health clinic.

(c) A regional drug repository may not receive compensation for participation in the program.

As added by P.L. 75-2004, SEC. 4.

IC 25-26-20-4

Donations of unadulterated drugs; exceptions

Sec. 4. (a) Except as provided in subsections (b) and (c), unadulterated drugs that meet the requirements set forth in IC 25-26-13-25(k) may be donated without a prescription or drug order to the regional drug repository program by the following:

- (1) A pharmacist or pharmacy.
- (2) A wholesale drug distributor.
- (3) A hospital licensed under IC 16-21.
- (4) A health care facility (as defined in IC 16-18-2-161).
- (5) A hospice.
- (6) A practitioner.

(b) An unadulterated drug that:

(1) was returned under IC 25-26-13-25; and
(2) was prescribed for a Medicaid recipient;
may not be donated under this section unless the Medicaid program has been credited for the product cost of the drug as provided in policies under the Medicaid program.

(c) A controlled drug may not be donated under this section.
As added by P.L.75-2004, SEC.4. Amended by P.L.204-2005, SEC.19; P.L.159-2012, SEC.8.

IC 25-26-20-5

Sale of donated drug prohibited; Medicaid recipients and participants in state funded prescription drug plan ineligible

Sec. 5. (a) A drug that is given by a regional drug repository to a nonprofit health clinic may not be:

- (1) sold; or
- (2) given to a patient, except upon a practitioner's prescription or drug order.

(b) An individual who is eligible to participate in:

- (1) the state Medicaid program under IC 12-15; or
- (2) a program that:
 - (A) provides a prescription drug benefit; and
 - (B) is funded in whole or in part by state funds;

is not eligible to receive a drug donated under the voluntary regional drug repository program organized under section 3 of this chapter.

As added by P.L.75-2004, SEC.4.

IC 25-26-20-6

Immunity

Sec. 6. (a) The following are not subject to liability under IC 34-20-2-1:

- (1) A person or entity who donates a drug to a regional drug repository program under this chapter in accordance with rules adopted by the board under section 7 of this chapter.
- (2) A non-profit health clinic or practitioner who accepts or dispenses a drug under the regional drug repository program in accordance with rules adopted by the board under section 7 of this chapter.
- (3) A regional drug repository that distributes a drug under the program in accordance with rules adopted by the board under section 7 of this chapter.

(b) Except in cases of negligence or willful misconduct by the manufacturer, a drug manufacturer is not subject to liability under IC 34-20-2-1 for a claim arising from a drug that is donated, accepted, or dispensed under this chapter to the user or the consumer.

As added by P.L.75-2004, SEC.4.

IC 25-26-20-7

Adoption of rules

Sec. 7. The board may adopt rules under IC 4-22-2 to:

- (1) establish standards and procedures for accepting, storing,

- and dispensing drugs donated under this chapter;
- (2) establish the types of drugs that may be donated; and
 - (3) administer this chapter.

As added by P.L.75-2004, SEC.4.