

IC 25-26-23

Chapter 23. Returning Unused Medication

IC 25-26-23-1

"Board"

Sec. 1. For purposes of this chapter, "board" means the Indiana board of pharmacy.

As added by P.L.119-2011, SEC.4.

IC 25-26-23-2

Adoption of rules

Sec. 2. (a) The board shall adopt rules under IC 4-22-2 to implement this chapter.

(b) The board may adopt emergency rules under IC 4-22-2-37.1 to implement this chapter.

As added by P.L.119-2011, SEC.4.

IC 25-26-23-3

Determination of entities

Sec. 3. The board shall determine the entities that may participate in a program under this chapter, but must include health facilities licensed under IC 16-28 and pharmacies.

As added by P.L.119-2011, SEC.4.

IC 25-26-23-4

Rules for an entity to accept unused medications

Sec. 4. The rules adopted under this chapter must set forth the guidelines for an entity to accept unused medication. The rules must set forth:

- (1) the responsibilities of the entities who are accepting the unused medication;
- (2) details concerning record keeping of the medication collected;
- (3) the proper methods to destroy unused medication;
- (4) privacy protocols;
- (5) security standards; and
- (6) proper transportation procedures.

As added by P.L.119-2011, SEC.4.

IC 25-26-23-5

Rules allowing an entity to return unused medication

Sec. 5. The board may adopt rules allowing an entity determined under section 3 of this chapter to return unused medication to the pharmacy that dispensed the medication as described in IC 16-28-11-4(b).

As added by P.L.119-2011, SEC.4.

IC 25-26-23-6

Required board consultation with certain agencies and task force to promulgate rules

Sec. 6. The board shall consult with the following agencies and task force in promulgating rules under this chapter:

- (1) The department of environmental management.
- (2) The state department of health.
- (3) The state police department.
- (4) The Indiana hazardous waste task force.

As added by P.L.119-2011, SEC.4.

IC 25-26-23-7

Limitation of rules adopted under this chapter

Sec. 7. The rules adopted under this chapter may not:

- (1) mandate any public or private entity to establish, operate, or fund a disposal program under this chapter;
- (2) mandate that law enforcement participate in a program under this chapter;
- (3) require any new licensing or fees for a program under this chapter;
- (4) create liability for:
 - (A) an entity not participating in; or
 - (B) a patient not using;a program under this chapter; and
- (5) have a fiscal impact to the state or any state agencies.

As added by P.L.119-2011, SEC.4.

IC 25-26-23-8

Immunity from civil liability for certain entities or employees

Sec. 8. (a) An entity or employee of an entity described in section 3 of this chapter who is operating a program under this chapter is immune from civil liability for an act or omission related to the operation of the program.

(b) The civil immunity described in subsection (a) does not apply to:

- (1) an act or omission that constitutes gross negligence or willful, wanton, or intentional misconduct; and
- (2) the enforcement of rules adopted under this chapter by a government entity.

As added by P.L.119-2011, SEC.4.