

H. B. 4640

(By Delegate Manypenny)
[Introduced February 20, 2012; referred to the
Committee on Health and Human Resources then Finance.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2L-1, §16-2L-2, §16-2L-3, §16-2L-4, §16-2L-5, §16-2L-6 and §16-2L-7, all relating to establishing a two year pilot program on the disposal of unused pharmaceuticals; authorizing rulemaking; and requiring a legislative report.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §16-2L-1, §16-2L-2, §16-2L-3, §16-2L-4, §16-2L-5, §16-2L-6 and §16-2L-7, all to read as follows:

ARTICLE 2L. UNUSED PHARMACEUTICAL DISPOSAL PILOT PROGRAM.

§16-2L-1. Establishment; purpose.

There is established the Unused Pharmaceutical Disposal Pilot Program, referred to in this article as "the program." The purpose

1 of the program is to ensure the safe, effective and proper disposal
2 of unused pharmaceuticals.

3 **§16-2L-2. Administration.**

4 The program will be administered by the Bureau for Public
5 Health in the Department of Health and Human Resources, referred to
6 in this article as "the bureau."

7 **§16-2L-3. Return of pharmaceuticals.**

8 The bureau shall create a system for the return of unused
9 pharmaceuticals. The system must use prepaid mailing envelopes into
10 which the unused pharmaceuticals are placed and returned to a
11 single collection location. The prepaid mailing envelopes must be
12 made available to the public at various locations, including, but
13 not limited to, pharmacies, physicians' offices and post offices.
14 The bureau may randomly assess the toxicity of materials received
15 under the program as long as the assessment results do not identify
16 the patient, person who mailed the material, prescriber or
17 pharmacy. The system may include other ways that unused
18 pharmaceuticals may be collected.

19 **§16-2L-4. Disposal of pharmaceuticals.**

20 The bureau shall ensure that only bureau officers handle the
21 unused pharmaceuticals received pursuant to section three of this
22 article. The unused pharmaceuticals must be disposed of by the
23 bureau in a manner that is designed to be effective, secure and in
24 compliance with local, state and federal environmental

1 requirements, including the federal Resource Conservation and
2 Recovery Act of 1976, as amended.

3 **§16-2L-5. Unused Pharmaceutical Disposal Program Fund; funding.**

4 The Unused Pharmaceutical Disposal Program Fund, referred to
5 in this article as "the fund," is established within the bureau to
6 be used by the director of the bureau to fund or assist in funding
7 the program. Any balance in the fund does not lapse but is carried
8 forward to be expended for the same purposes in succeeding fiscal
9 years. The fund must be deposited with and maintained and
10 administered by the bureau. The bureau may accept funds into the
11 fund from any non General Revenue Fund source, including grants or
12 contributions of money or other things of value, that it determines
13 necessary to carry out the purposes of this article. Money received
14 by the bureau to establish and maintain the program must be used
15 for the expenses of administering this article.

16 **§16-2L-6. Rulemaking.**

17 The bureau shall propose rules for legislative approval in
18 accordance with the provisions of article three, chapter twenty-
19 nine-a of this code on or before December 1, 2012.

20 **§16-2L-7. Length of pilot program; report.**

21 The program shall be for a two-year period beginning on April
22 1, 2013. The bureau shall report to the Legislature's Joint
23 Committee on Government and Finance on or before October 1, 2015 on
24 the effectiveness of the pilot program and recommendations for

- 1 future legislation, including the feasibility of continuing,
- 2 expanding or discontinuing the program.

NOTE: The purpose of this bill is to establish a two-year pilot program on the disposal of unused pharmaceuticals. The bill authorizes rulemaking and requires a legislative report.

This article is new; therefore, it has been completely underscored.