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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- DONATION OF
MEDICATIONS FOR USE BY NONPROFIT, STATE AND LOCAL FACILITIES

Introduced By: Representatives Serpa, Solomon, O'Brien, McNamara, and Bennett

Date Introduced: January 22, 2020

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 4 of the General Laws entitled "ANIMALS AND ANIMAL
2 HUSBANDRY" is hereby amended by adding thereto the following chapter:

3 CHAPTER 9.1

4 DONATION OF MEDICATIONS FOR USE BY NONPROFIT, STATE AND LOCAL

5 FACILITIES

6 **4-9.1-1. Definitions.**

7 As used in this chapter:

8 (1) "Animal rescue" means an entity, without a physical brick-and-mortar facility, that is
9 owned, operated, or maintained by a duly incorporated humane society, animal welfare society,
10 society for the prevention of cruelty to animals, or other nonprofit organization.

11 (2) "Animal shelter" means a brick-and-mortar facility that is used to house or contain
12 animals and that is owned, operated, or maintained by a duly incorporated humane society,
13 animal welfare society, society for the prevention of cruelty to animals, or other nonprofit
14 organization devoted to the welfare, protection, and humane treatment of animals.

15 (3) "Nonprofit corporation" means a corporation of which no part of the income or profit
16 is distributable to its members, directors, or officers, except as otherwise expressly permitted by
17 chapter 6 of title 7.

18 (4) "Pound" or "Dog pound" means a facility operated by the state, or any political

1 subdivision of the state, for the purpose of impounding or harboring seized, stray, homeless,
2 abandoned, or unwanted dogs, cats, and other animals, or a facility operated for that purpose
3 under contract with any municipal corporation or incorporated society for the prevention of
4 cruelty to animals.

5 (5) "Veterinarian-client patient relationship" or "VCPR" means a relationship where all of
6 the following conditions have been met:

7 (i) The veterinarian has assumed the responsibility for making medical judgments
8 regarding the health of the animal or animals and the need for medical treatment, and the client
9 (i.e. animal owner or custodian) has agreed to follow the instructions of the veterinarian.

10 (ii) The veterinarian has sufficient knowledge of the animal or animals to initiate at least
11 a general or preliminary (e.g. tentative) diagnosis of the medical condition of the animal or
12 animals. "Sufficient knowledge", as used in this subsection, means that the veterinarian has
13 recently seen and is personally acquainted with the keeping and care of the animal or animals,
14 and/or by medically appropriate and timely visits to the premises where the animal or animals are
15 kept.

16 (iii) The veterinarian is readily available for follow-up in cases of adverse reactions or
17 failure of the regimen of therapy.

18 (iv) The veterinarian maintains records, which document patient visits, diagnosis,
19 treatment, and other relevant information.

20 (6) "Veterinary clinic" means any premises to which animals are brought or where they
21 are temporarily kept, solely for the purpose of diagnosis or treatment of any illness or injury

22 **4-9.1-2. Allowable medication donations.**

23 (a) An owner of an animal may donate a drug that is dispensed for the animal, but will
24 not be used by that animal, to a licensed veterinarian or a facility in which veterinary medicine is
25 practiced if the licensed veterinarian or facility chooses to accept the drug.

26 (b) Except as provided in § 4-9.1-3, a licensed veterinarian may reissue a drug accepted
27 pursuant to this section to fill other prescriptions provided that:

28 (1) The veterinarian is licensed to practice veterinary medicine in Rhode Island;

29 (2) The drug is being dispensed to fill a prescription needed to treat an animal under the
30 care of a Rhode Island registered nonprofit shelter, municipal pound, shelter, veterinary clinic, or
31 animal rescue facility;

32 (3) Wildlife rehabilitators licensed by the state of Rhode Island will have access to these
33 medications under the direction of a licensed Rhode Island veterinarian;

34 (4) The prescription is authorized by the veterinarian within a valid VCPR;

1 (5) The licensed veterinarian determines that the drug is suitable for that purpose; and

2 (6) The drug was originally dispensed by a licensed veterinarian, a facility in which
3 veterinary medicine is practiced which is licensed by the state of Rhode Island, a licensed
4 pharmacy, an Internet pharmacy that is accredited through the National Association of Boards of
5 Pharmacy's Veterinary-Verified Internet Pharmacy Practice Sites program or its successor;

6 **4-9.1-3. Drugs not eligible for donation or reissuance.**

7 Drugs that will not be eligible for reissuance include:

8 (1) Drugs classified as a controlled substance;

9 (2) Drugs that require refrigeration unless it is a drug that only requires refrigeration after
10 being opened and the drug is donated in an unopened condition; and

11 (3) Drugs where the packaging or bottle does not list the expiration date of the usefulness
12 of the drug.

13 **4-9.1-4. Reissuance of medications.**

14 (a) Any reissued medication shall have the name of the animal and the name of the owner
15 of the animal for which the drug was originally dispensed, the prescription number and any other
16 identifying marks obliterated from the packaging or bottle before the reissuance of the drug.
17 When medication is reissued to owned pets, the owner will be informed as to the fact that the
18 medication is supplied from a supply of turnover medications.

19 (b) A licensed veterinarian may not reissue a drug accepted pursuant to this section to fill
20 other prescriptions dispensed by the licensed veterinarian for an animal if the animal is raised to
21 produce food for human consumption or the animal is ordinarily consumed by animals that are
22 raised to produce food for human consumption.

23 (c) For expired medications, the veterinarian may elect to reissue these medications if
24 they are unopened and from a period of one year from their expiration date if the veterinarian
25 determines the medication to continue to maintain efficacy.

26 **4-9.1-5. Immunity from civil or criminal liability.**

27 (a) A licensed veterinarian or a facility or agency in which veterinary medicine is
28 practiced with one or more full-time or part-time veterinarians that complies with the provisions
29 of this chapter in the donation, acceptance, distribution or dispensation of a drug in accordance
30 with the provisions of this chapter and any regulations adopted pursuant thereto is not subject to
31 any civil or criminal liability or disciplinary action by a professional licensing board for any loss,
32 injury or death that results from the donation, acceptance, distribution or dispensation of the drug.

33 (b) A manufacturer of a drug is not subject to civil or criminal liability for any claim or
34 injury arising from the donation, acceptance, distribution or dispensation of the drug pursuant to

1 this chapter and any regulations adopted pursuant thereto.

2 **4-9.1-6. Sale of donated medications prohibited.**

3 A licensed veterinarian, shelter, pound, animal rescue or humane society shall not sell or
4 resell any drug accepted pursuant to this chapter.

5 **4-9.1-7. Handling of donated medications.**

6 (a) The facility receiving the turnover medication shall:

7 (1) Identify and maintain separately from other stock any drug accepted pursuant to this
8 chapter; and

9 (2) Make a record of each drug accepted pursuant to this chapter that includes, without
10 limitation:

11 (i) The date on which the drug was donated;

12 (ii) The name of the person who donated the drug; and

13 (iii) The expiration date of the drug.

14 (b) Any for-profit or nonprofit facility receiving turnover medications may then donate
15 them to another qualifying nonprofit facility provided that subsequent responsibility for
16 identifying and using the drug becomes the responsibility of the facility receiving the donation.

17 (c) All records must be maintained for not less than two (2) years.

18 **4-9.1-8. Rules and regulations.**

19 The board of veterinary medicine shall promulgate any rules or regulations deemed
20 necessary to carry out the provisions of this chapter, including, without limitation:

21 (1) Requirements for reissuing drugs pursuant to this chapter, including, without
22 limitation, requirements that provide appropriate safeguards for ensuring that the drugs are not
23 compromised or illegally diverted before being reissued;

24 (2) Requirements for accepting drugs donated to a licensed veterinarian or facility in
25 which veterinary medicine is practiced pursuant to this chapter; and

26 (3) Requirements for maintaining records relating to the acceptance and use of drugs to
27 fill other prescriptions pursuant to this chapter.

28 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- DONATION OF
MEDICATIONS FOR USE BY NONPROFIT, STATE AND LOCAL FACILITIES

- 1 This act would establish a process for the donation of unused medications for use by
- 2 nonprofit, state and local facilities by owners of animals.
- 3 This act would take effect upon passage.

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