

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 590 because it conflicts with HEA 1098-2005 without properly recognizing the existence of HEA 1098-2005, has had Engrossed Senate Bill 590 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 590 be corrected as follows:

1 In the Conference Committee Report to ESB 590, page 10, line 17,
2 after "IC 25-26-13-4" insert ", AS AMENDED BY HEA 1098-2005,
3 SECTION 22,".
4 In the Conference Committee Report to ESB 590, page 11, between
5 lines 1 and 2, begin a new line block indented and insert:
6 "(3) Establishing standards and procedures before January 1,
7 2006, to ensure that a pharmacist:
8 (A) has entered into a contract that accepts the return of
9 expired drugs with; or
10 (B) is subject to a policy that accepts the return of expired
11 drugs of;
12 a wholesaler, manufacturer, or agent of a wholesaler or
13 manufacturer concerning the return by the pharmacist to the
14 wholesaler, the manufacturer, or the agent of expired legend drugs
15 or controlled drugs. In determining the standards and procedures,
16 the board may not interfere with negotiated terms related to cost,
17 expenses, or reimbursement charges contained in contracts
18 between parties, but may consider what is a reasonable quantity
19 of a drug to be purchased by a pharmacy. The standards and
20 procedures do not apply to vaccines that prevent influenza,
21 medicine used for the treatment of malignant hyperthermia, and
22 other drugs determined by the board to not be subject to a return
23 policy. An agent of a wholesaler or manufacturer must be
24 appointed in writing and have policies, personnel, and facilities to
25 handle properly returns of expired legend drugs and controlled
26 substances."

(Reference is to ESB 590 as printed March 18, 2005, and as amended by the Conference Committee Report to ESB 590 adopted by the House on April 27, 2005, and by the Senate on April 29, 2005).

Representative Whetstone, Chairperson

Representative Pelath, R.M.M.

Representative Budak, Sponsor