Miss. Code Ann. § 73-21-129

Current with 2023 Regular Session legislation signed by the Governor and effective upon passage through March 18, 2023. The final official version of the statutes affected by 2023 legislation will appear on Lexis Advance and Lexis+ in the fall of 2023.

§ 73-21-129. Certain drug manufacturers required to make provision for return of outdated drugs from pharmacies; investigation and discipline of noncompliant manufacturers; exemption; definitions [Repealed effective July 1, 2025].

(1) Each manufacturer whose products are distributed within the State of Mississippi shall make adequate provision for the return of outdated drugs from pharmacies, both full and partial containers, excluding biological, infused or intravenously injected drugs and drugs that are inhaled during surgery, within six (6) months after the labeled expiration date, for prompt full credit or refund.

(2) Wholesale distributors and reverse distributors that are required to register with the board and have a permit under Section 73-21-105 shall implement and administer the return policies established by the manufacturer.

(3) If the board receives information that a manufacturer has failed to comply with this section, the board shall investigate the matter and present any evidence of the manufacturer's failure to comply to a review committee composed of the Dean of the University of Mississippi School of Pharmacy, the Executive Director of the State Board of Pharmacy and the Director of the Pharmacy Bureau of the Division of Medicaid, or the designee of any of those officials. The committee shall review the evidence of the manufacturer's failure to comply with this section and make a recommendation to the board regarding the discipline of the manufacturer for its failure to comply. After the board has received the recommendation of the committee, the board may discipline the manufacturer by providing that the manufacturer's products shall be ineligible for use in product selection in any state drug assistance programs.

(4) A pharmacist may not dispense a prescription drug or controlled drug unless the pharmacist has satisfactory evidence that the manufacturer of the drug has a procedure for the return of expired drugs.

(5) Any manufacturer that had a repurchase program in place on January 1, 2008, shall be exempt from the provisions of this section, provided that the repurchase program makes provision for the repurchase of outdated drugs in either full or partial amounts within six (6) months after the labeled expiration date.

(6) As used in this section, the term "biological drug" or "biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product or analogous product, or arsphenamine or derivative of arsphenamine or any other trivalent organic arsenic compound, applicable to the prevention, treatment or cure of a disease or condition of human beings.

History

Laws, 2008, ch. 512, § 1; Laws, 2011, ch. 546, § 28; Laws, 2016, ch. 448, § 34, eff from and after July 1, 2016; reenacted without change, Laws, 2020, ch. 419, § 33, eff from and after July 1, 2020.