
SD Rule 20-51-35-03.**Criteria for donating and accepting donated prescription drugs and supplies.**

A participating pharmacy may only accept the following donations from natural persons eighteen years or older or entities, who are in lawful possession of the donation:

(1) A prescription drug that:

(a) Is in its original sealed and tamper-evident packaging. However, a drug in a single-unit dose or blister pack with the outside packaging opened may be accepted if the single-unit package is not opened;

(b) Has packaging containing the lot number and expiration date of the drug. If the lot number is not retrievable, all specified medications must be destroyed in the event of a recall;

(c) Has an expiration date that is more than six months after the date the drug was donated. A donated prescription drug bearing an expiration date that is six months or less after the date the prescription drug was donated may be accepted and distributed if the drug is in high demand and can be dispensed for use prior to the drug's expiration date;

(d) Has no physical signs of tampering, misbranding, deterioration or adulteration, whether to the drug itself or its packaging, and there is no reason to otherwise believe that the drug is adulterated; and

(e) If the drug has not been continually under the control of a health care professional, a pharmacy, or other legally authorized entity allowed to possess prescription drugs, the participating pharmacy must collect a donation form that is signed by the donor or that person's authorized representative attesting to the manufacturer's recommended proper storage of the prescription drug; and

(2) A medical supply that is:

(a) In its original, unopened, sealed packaging; and

(b) Not adulterated or misbranded.

History: Adopted 49 SDR 51, effective November 27, 2022.