


**U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons**



**PROGRAM STATEMENT
Over-the-Counter Medications**

Approved by	 William K. Marshall III Director, Federal Bureau of Prisons
DPI	HSD
Number	6541.03
Date	March 19, 2026

Summary of Changes

<i>Program Statement Rescinded:</i> <ul style="list-style-type: none">6541.02 Over-the-Counter Medications (11/17/2004)
<i>Changes:</i> <ul style="list-style-type: none">The BP-A0788, Inmate Request for Over-the-counter Medication form (Attachment A) is abolished and removed from this program statement. A list of over-the-counter (OTC) medications approved for indigent inmates will be maintained and updated, as needed, through the Bureau of Prisons (Bureau) National Pharmacy & Therapeutics Committee.Additional information is provided regarding inmates who are not indigent but have limited access to commissary or funds.

1. **§ 549.30 Purpose and scope.**

This subpart establishes procedures governing inmate access to Over-The-Counter (OTC) medications for all inmates except those in inpatient status at Federal Medical Centers. Inmates may buy OTC medications which are available at the commissary. Inmates may also obtain OTC medications at sick call if the inmate does not already have the OTC medication and:

- (a) Health services staff determine that the inmate has an immediate medical need which must be addressed before his or her regularly scheduled commissary visit; or
- (b) The inmate is without funds.

This program statement establishes a program allowing inmates improved access to OTC medications by making them available for sale in the commissary and improves the allocation of medical resources so inmates' medical needs will continue to be met.

a. **Program Objectives.**

- Inmates will have access to OTC medications through the institution commissary.
- Inmates will use their personal funds to obtain OTC medications that are indicated for cosmetic and general hygiene issues or symptoms of minor medical ailments.
- Health Services resources will be better used during inmate triage/sick-call.

b. **Institution Supplement.** None.

2. **REFERRING INMATES FOR OTC MEDICATIONS**

All Bureau institutions will stock at least 25 OTC medications as referenced in Program Statement **Trust Fund/Deposit Fund Manual**. The Administration Division, Trust Fund Branch and the Health Services Division's Medical Director will determine which OTC medications and other medically related items (e.g., dietary/herbal/natural products) will be approved or not approved for sale in the commissary.

The commissary will provide a current list of all OTC medication stocked in the commissary to the Health Services Administrator (HSA). The HSA will ensure the list of OTC medications is distributed to all health care providers.

The HSA and Institution Chief Pharmacist will meet at least once a year to ensure the local commissary medical items follow the restrictions of the Program Statement **Trust Fund/Deposit Fund Manual** and medical-related commissary items are appropriate for the medical conditions of the inmates housed at that institution.

During institution triage/sick call, medical staff will refer inmates to the commissary in response to complaints related to cosmetic and general hygiene issues or symptoms of minor medical ailments.

Examples of these complaints include but are not limited to:

- gastrointestinal complaints (e.g., constipation, occasional diarrhea, uncomplicated heartburn/stomach upset, etc.)
- seasonal allergies
- dandruff, seborrheic dermatitis
- fungal infections (e.g., uncomplicated athlete's foot)
- acne

- vitiligo
- chapped lips
- dry skin
- musculoskeletal aches and pains
- dry eyes

3. ACCESS TO COMMISSARY FOR OTC MEDICATIONS

To ensure appropriate use of health services resources and ensure inmates have continued access to self-managed care for minor medical ailments and hygiene needs, institutions will have a local procedure to provide inmates access to commissary to obtain OTC medications in each of the below instances:

- on additional days, outside of their assigned commissary day
- while in restricted housing units, including, but not limited to Special Housing Unit (SHU), Special Confinement Unit (SCU), Secure Mental Health Unit (SMHU), temporary or modified lockdown, etc.
- those with mental health conditions where a medical provider may establish more limited access to items and/or quantities for inmate safety (e.g., history of intentional overdose, enrolled in special mental health programming, etc.)

4. PAYMENT FOR OTC MEDICATIONS

Inmates will purchase OTC medications from the commissary with their personal funds. Inmates who are without funds (i.e., indigent) will be supplied with OTC medications through the institution pharmacy.

5. § 549.31 Inmates without funds.

(a) The Warden must establish procedures to provide up to two OTC medications per week for an inmate without funds. An inmate without funds is an inmate who has not had a trust fund account balance of \$6.00 for the past 30 days.

(b) An inmate without funds may obtain additional OTC medications at sick call if health services staff determine that he/she has an immediate medical need which must be addressed before the inmate may again apply for OTC medications under this section.

(c) To prevent abuses of this section (e.g., inmate shows a pattern of depleting his or her commissary funds before requesting OTC medications), the Warden may impose restrictions on the provisions of this section.

The Bureau National Pharmacy & Therapeutics (P&T) Committee will establish and maintain an approved list of OTC medications and quantity limits of each for an indigent inmate to request from the institution pharmacy. This list will be maintained in Part 1 of the National Formulary, available through the Chief Pharmacist, Health Services Division's page on the Bureau's intranet site. This list will include OTC medications used to treat or alleviate common symptoms safely without the need for a medical examination, consistent with self-treatment practices in the community. Other OTC medications stocked in the commissary but not on this list are for the inmates' convenience but are not considered medically necessary items which must be made available to indigent inmates. Local institutions may choose to utilize a list that is more, but not less, restrictive than approved through the Bureau National P&T Committee.

a. Procedures for providing OTC medications to indigent inmates.

- The inmate will select no more than two items from the Bureau-approved indigent OTC list no more than once weekly and submit the request to the institution pharmacy per local procedures. If they need more than two items, they must attend triage/sick call.
- Upon receipt of the OTC indigent request, the pharmacy will verify the inmate is indigent via the relevant Trust Fund application or by verifying with the appropriate Trust Fund personnel.
- A clinical encounter is not required prior to providing indigent medications.
- Pharmacy staff will record the issued OTCs in the inmate's profile in the electronic health record or other designated tracking system.
- If an indigent inmate desires an OTC medication that is not on the approved indigent OTC list or has depleted their weekly allotment, the inmate may access triage/sick call through the usual procedures and request the item. The health care provider will determine the request's medical necessity per the Program Statement **Patient Care** and may prescribe an appropriate quantity of the item to the inmate.

b. OTCs for inmates with encumbered funds or other restrictions. Inmates may not be indigent but still lack resources to purchase medications (e.g., new intakes whose funds have not yet posted). These inmates may access triage/sick call through the usual procedures and request the item. The health care provider will determine the request's medical necessity according to the Program Statement **Patient Care** and may prescribe an appropriate quantity of the item to the inmate.

Inmates with commissary restrictions or other encumbrances are not considered indigent and will be required to follow this program statement for the provision of OTCs through commissary.

6. SPECIAL PROCEDURES FOR FEDERAL MEDICAL CENTERS (FMCs)

This program statement does not apply to inmates in inpatient status at FMCs. Inmates classified as outpatient or general population at FMCs will participate in this program.

REFERENCES

Program Statements

Trust Fund/Deposit Fund Manual

Patient Care

Federal Regulations

28 CFR 549

ACA Standards

Performance-Based Standards and Expected Practices for Adult Correctional Institutions (5th Edition): 5-ACI-6A-44

Performance-Based Standards and Expected Practices for Adult Local Detention Facilities (5th Edition): 5-ALDF-4C-38

Records Retention Requirements

Requirements and retention guidance for records and information applicable to this program are available in the Records and Information Disposition Schedule (RIDS) on the Bureau's intranet site.