

111TH CONGRESS
2D SESSION

H. R. 5809

To amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 21, 2010

Mr. INSLEE (for himself, Mr. SMITH of Texas, Mr. STUPAK, and Mr. MORAN of Virginia) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe Drug Disposal
5 Act of 2010”.

1 **SEC. 2. DELIVERY OF CONTROLLED SUBSTANCES BY ULTI-**
2 **MATE USERS FOR DISPOSAL.**

3 (a) REGULATORY AUTHORITY.—Section 302 of the
4 Controlled Substances Act (21 U.S.C. 822) is amended
5 by adding at the end the following:

6 “(g)(1) An ultimate user who has lawfully obtained
7 a controlled substance in accordance with this title may,
8 without being registered, deliver the controlled substance
9 to another person for the purpose of disposal of the con-
10 trolled substance if—

11 “(A) the person receiving the controlled sub-
12 stance is authorized under this title to receive and
13 dispose of the controlled substance; and

14 “(B) the delivery and disposal takes place in ac-
15 cordance with regulations issued by the Attorney
16 General to prevent diversion of controlled sub-
17 stances.

18 The regulations referred to in subparagraph (B) shall be
19 consistent with the public health and safety. In developing
20 such regulations, the Attorney General shall take into con-
21 sideration the ease and cost of program implementation
22 and participation by various communities.

23 “(2) The Attorney General shall, by regulation, au-
24 thorize long-term care facilities, as defined by the Attor-
25 ney General by regulation, to deliver for disposal con-
26 trolled substances on behalf of ultimate users in a manner

1 that the Attorney General determines will provide effective
2 controls against diversion and be consistent with the pub-
3 lic health and safety.

4 “(3) If a person dies while lawfully in possession of
5 a controlled substance for personal use, any person law-
6 fully entitled to dispose of the decedent’s property may
7 deliver the controlled substance to another person for the
8 purpose of disposal under the same conditions as provided
9 in paragraph (1) for an ultimate user.”.

10 (b) CONFORMING AMENDMENT.—Section 308(b) of
11 the Controlled Substances Act (21 U.S.C. 828(b)) is
12 amended—

13 (1) by striking the period at the end of para-
14 graph (2) and inserting “; or”; and

15 (2) by adding at the end the following:

16 “(3) the delivery of such a substance for the
17 purpose of disposal by an ultimate user, long-term
18 care facility, or other person acting in accordance
19 with section 302(g).”.

20 **SEC. 3. PUBLIC EDUCATION CAMPAIGN.**

21 The Director of National Drug Control Policy, in con-
22 sultation with the Administrator of the Environmental
23 Protection Agency, shall carry out a public education and
24 outreach campaign to increase awareness of how ultimate
25 users may lawfully and safely dispose of prescription

1 drugs, including controlled substances, through drug take-
2 back programs and other appropriate means.

3 **SEC. 4. GAO REPORT.**

4 The Comptroller General of the United States shall—

5 (1) collect data on the delivery, transfer, and
6 disposal of controlled substances under section
7 302(g) of the Controlled Substances Act, as added
8 by section 2; and

9 (2) not less than 4 years after the date of the
10 enactment of this Act, submit findings and rec-
11 ommendations to the Congress regarding use, effec-
12 tiveness, and accessibility of disposal programs.

13 **SEC. 5. EPA STUDY OF ENVIRONMENTAL IMPACTS.**

14 (a) STUDY.—The Administrator of the Environ-
15 mental Protection Agency (in this section referred to as
16 the “Administrator”) shall—

17 (1) in consultation with relevant state and local
18 officials and other sources of relevant technical ex-
19 pertise, conduct a study to—

20 (A) examine the environmental impacts re-
21 sulting from the ultimate disposal of controlled
22 substances in existing disposal systems;

23 (B) taking into consideration such impacts,
24 the ease and cost of implementation of drug
25 take-back programs, and participation in such

1 programs by various communities, formulate
2 appropriate recommendations on the destruc-
3 tion or ultimate disposal of prescription drugs,
4 including controlled substances; and

5 (C) identify any additional legal authority
6 needed by the Administrator to carry out such
7 recommendations; and

8 (2) not later than 18 months after the date of
9 the enactment of this Act, submit a report to the
10 Congress on the results of such study.

11 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion shall be construed to affect the Administrator’s au-
13 thority under other provisions of law.

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