

SECOND REGULAR SESSION

HOUSE BILL NO. 1618

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BARNES (60).

4387H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 195.070, RSMo, and to enact in lieu thereof two new sections relating to a controlled substance take back program, with an emergency clause for a certain section.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 195.070, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 195.070 and 195.265, to read as follows:

195.070. 1. A physician, podiatrist, dentist, a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, or an assistant physician in accordance with section 334.037 or a physician assistant in accordance with section 334.747 in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

2. An advanced practice registered nurse, as defined in section 335.016, but not a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, who holds a certificate of controlled substance prescriptive authority from the board of nursing under section 335.019 and who is delegated the authority to prescribe controlled substances under a collaborative practice arrangement under section 334.104 may prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, and may have restricted authority in Schedule II. Prescriptions for Schedule II medications prescribed by an advanced practice registered nurse who has a certificate of controlled substance prescriptive authority are restricted to only those medications containing hydrocodone. However, no such certified advanced practice registered nurse shall prescribe controlled substance for his or her own self

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 or family. Schedule III narcotic controlled substance and Schedule II - hydrocodone
18 prescriptions shall be limited to a one hundred twenty-hour supply without refill.

19 3. A veterinarian, in good faith and in the course of the veterinarian's professional
20 practice only, and not for use by a human being, may prescribe, administer, and dispense
21 controlled substances and the veterinarian may cause them to be administered by an assistant or
22 orderly under his or her direction and supervision.

23 4. A practitioner shall not accept any portion of a controlled substance unused by a
24 patient, for any reason, if such practitioner did not originally dispense the drug. **However,**
25 **unused controlled substances may be accepted from the public through collection**
26 **receptacles, drug disposal boxes, and other means provided through drug take back**
27 **programs by a Drug Enforcement Agency (DEA) authorized collector in accordance with**
28 **federal regulations.**

29 5. An individual practitioner shall not prescribe or dispense a controlled substance for
30 such practitioner's personal use except in a medical emergency.

195.265. 1. The department of health and senior services shall establish a
2 **controlled substance take back program to allow practitioners to accept unused controlled**
3 **substances for safe disposal. The department shall develop an education and awareness**
4 **program regarding drug disposal, including controlled substances, within one year of the**
5 **effective date of this section. The education and awareness program may include, but not**
6 **be limited to:**

7 (1) A web-based resource that:

8 (a) Describes available drug disposal options including take back, take back events,
9 mailers, in-home disposal options that render a product safe from misuse, or any other
10 methods that comply with state and federal laws and regulations and may reduce the
11 availability of unused controlled substances and minimize the potential environmental
12 impact of drug disposal;

13 (b) Provides a list of drug disposal take back sites, which may be sorted and
14 searched by name or location; and

15 (c) Provides a list of take back events in the state, including the date, time, and
16 location information for each event; and

17 (2) Promotional activities designed to ensure consumer awareness of proper storage
18 and disposal of prescription drugs, including controlled substances.

19 2. This section shall supersede and preempt any local drug disposal ordinances or
20 regulations, including any such ordinances or regulations enacted by any political
21 subdivision of the state.

22 **3. The department may promulgate rules and regulations to implement the**
23 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**
24 **536.010, that is created under the authority delegated in this section shall become effective**
25 **only if it complies with and is subject to all of the provisions of chapter 536 and, if**
26 **applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of**
27 **the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
28 **the effective date, or to disapprove and annul a rule are subsequently held**
29 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
30 **after August 28, 2018, shall be invalid and void.**

 Section B. Because immediate action is necessary to allow for the safe disposal of
2 unused pharmaceuticals, the repeal and reenactment of section 195.070 of section A of this act
3 is deemed necessary for the immediate preservation of the public health, welfare, peace, and
4 safety, and is hereby declared to be an emergency act within the meaning of the constitution, and
5 the repeal and reenactment of section 195.070 of section A of this act shall be in full force and
6 effect upon its passage and approval.

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