

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

**HOUSE BILL NO. 1618**

**99TH GENERAL ASSEMBLY**

4387H.05P

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal section 195.070, RSMo, and to enact in lieu thereof two new sections relating to the disposal of unused controlled substances, with an emergency clause.

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Section A. Section 195.070, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 195.070 and 195.265, to read as follows: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

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

**195.265. 1. Unused controlled substances may be accepted from ultimate users,  
2 from hospice or home health care providers on behalf of ultimate users, or any person  
3 lawfully entitled to dispose of a decedent's property if the decedent was an ultimate user  
4 who died while in lawful possession of a controlled substance, through:**

5 **(1) Collection receptacles, drug disposal boxes, mail back packages, and other  
6 means by a Drug Enforcement Agency-authorized collector in accordance with federal  
7 regulations even if the authorized collector did not originally dispense the drug; or**

8 **(2) Drug take back programs conducted by federal, state, tribal, or local law  
9 enforcement agencies in partnership with any person or entity.**

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11 **This subsection shall supersede and preempt any local ordinances or regulations, including  
12 any ordinances or regulations enacted by any political subdivision of the state, regarding  
13 the disposal of unused controlled substances. For the purposes of this section, the term  
14 "ultimate user" shall mean a person who has lawfully obtained and possesses a controlled  
15 substance for his or her own use or for the use of a member of his or her household or for  
16 an animal owned by him or her or a member of his or her household.**

17 **2. By August 28, 2019, the department of health and senior services shall develop  
18 an education and awareness program regarding drug disposal, including controlled  
19 substances. The education and awareness program may include, but not be limited to:**

20 **(1) A web-based resource that:**

21 **(a) Describes available drug disposal options, including take back, take back events,  
22 mail back packages, in-home disposal options that render a product safe from misuse, or  
23 any other methods that comply with state and federal laws and regulations, may reduce  
24 the availability of unused controlled substances, and may minimize the potential  
25 environmental impact of drug disposal;**

26           **(b) Provides a list of drug disposal take back sites, which may be sorted and**  
27 **searched by name or location and is updated every six months by the department;**

28           **(c) Provides a list of take back events and mail back events in the state, including**  
29 **the date, time, and location information for each event and is updated every six months by**  
30 **the department; and**

31           **(d) Provides information for authorized collectors regarding state and federal**  
32 **requirements to comply with the provisions of subsection 1 of this section; and**

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

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 and the enactment of  
3 section 195.265 of this act are deemed necessary for the immediate preservation of the public  
4 health, welfare, peace, and safety, and are hereby declared to be an emergency act within the  
5 meaning of the constitution, and the repeal and reenactment of section 195.070 and the  
6 enactment of section 195.265 of this act shall be in full force and effect upon their passage and  
7 approval.

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