

115TH CONGRESS  
1ST SESSION

# H. R. 4653

To provide for a prescription drug take-back program for members of the Armed Forces and veterans, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 14, 2017

Mr. CARTWRIGHT introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Armed Services, the Judiciary, and Veterans' Affairs, 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

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## A BILL

To provide for a prescription drug take-back program for members of the Armed Forces and veterans, 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 “Servicemembers and  
5 Veterans Prescription Drug Safety Act of 2017”.

1 **SEC. 2. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR**  
2 **MEMBERS OF THE ARMED FORCES AND**  
3 **THEIR DEPENDENTS.**

4 (a) DEFINITIONS.—In this section:

5 (1) COVERED BENEFICIARY.—The term “cov-  
6 ered beneficiary” has the meaning given that term  
7 in section 1072 of title 10, United States Code.

8 (2) COVERED CONTROLLED SUBSTANCE.—The  
9 term “covered controlled substance” means a con-  
10 trolled substance that is listed in schedule II, III,  
11 IV, or V of section 202(c) of the Controlled Sub-  
12 stances Act (21 U.S.C. 812(c)).

13 (3) DEPENDENT.—The term “dependent” has  
14 the meaning given that term in section 1072 of title  
15 10, United States Code.

16 (4) ELIGIBLE PERSON.—The term “eligible per-  
17 son” means—

18 (A) a member of the Armed Forces;

19 (B) an individual who is receiving or is en-  
20 titled to receive retired or retainer pay under  
21 chapter 71 of title 10, United States Code;

22 (C) a dependent of a member of the Armed  
23 Forces, if that dependent is a covered bene-  
24 ficiary in receipt of health care services under  
25 chapter 55 of title 10, United States Code; and

1 (D) any person lawfully entitled to dispose  
2 of the property of a person described in sub-  
3 paragraphs (A) through (C) who dies while law-  
4 fully in possession of a covered controlled sub-  
5 stance for personal use.

6 (5) PROGRAM.—The term “program” means  
7 the program established under subsection (b)(1).

8 (6) SECRETARY.—The term “Secretary” means  
9 the Secretary of Defense.

10 (b) PROGRAM REQUIRED.—

11 (1) IN GENERAL.—The Secretary and the At-  
12 torney General shall jointly carry out a program,  
13 which shall, except as provided in paragraph (2), be  
14 carried out in accordance with section 302(g) of the  
15 Controlled Substances Act (21 U.S.C. 822(g)),  
16 under which an eligible person who has lawfully ob-  
17 tained a covered controlled substance in accordance  
18 with such Act may deliver the covered controlled  
19 substance to be disposed of at a facility and by a  
20 person specified under paragraph (2).

21 (2) DELIVERY OF CONTROLLED SUBSTANCES.—  
22 Notwithstanding the requirement under section  
23 302(g)(1) of the Controlled Substances Act (21  
24 U.S.C. 822(g)(1)) that a person receiving a con-  
25 trolled substance be authorized to receive the con-

1 trolled substance under such Act, the Secretary and  
2 the Attorney General shall jointly specify the facili-  
3 ties and persons to which covered controlled sub-  
4 stances may be delivered under the program.

5 (c) PREVENTION OF ABUSE.—In implementing the  
6 program, the Secretary and the Attorney General shall  
7 jointly develop appropriate guidelines and procedures to  
8 prevent the diversion, misuse, theft, or loss of controlled  
9 substances delivered under the program.

10 (d) ADMINISTRATION OF PROGRAM.—

11 (1) REGULATIONS.—Not later than 1 year after  
12 the date of enactment of this Act, the Secretary and  
13 the Attorney General shall jointly prescribe regula-  
14 tions to carry out the program.

15 (2) IMPLEMENTATION.—Not later than 1 year  
16 after the date on which the Secretary and the Attor-  
17 ney General jointly prescribe regulations under para-  
18 graph (1), the Secretary shall fully implement the  
19 program.

20 **SEC. 3. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR**  
21 **VETERANS AND THEIR DEPENDENTS.**

22 (a) DEFINITIONS.—In this section:

23 (1) COVERED CONTROLLED SUBSTANCE.—The  
24 term “covered controlled substance” means a con-  
25 trolled substance that is listed in schedule II, III,

1 IV, or V of section 202(c) of the Controlled Sub-  
2 stances Act (21 U.S.C. 812(c)).

3 (2) ELIGIBLE PERSON.—The term “eligible per-  
4 son” means—

5 (A) a veteran;

6 (B) the spouse of a veteran, if the spouse  
7 is in receipt of medical services under laws ad-  
8 ministered by the Secretary;

9 (C) a dependent of a veteran, if the de-  
10 pendent is in receipt of medical services under  
11 laws administered by the Secretary;

12 (D) a person described in section 2(a)(4)  
13 who is in receipt of medical services at a facility  
14 of the Department of Veterans Affairs; and

15 (E) any person lawfully entitled to dispose  
16 of the property of a person described in sub-  
17 paragraphs (A) through (D) who dies while law-  
18 fully in possession of a covered controlled sub-  
19 stance for personal use.

20 (3) PROGRAM.—The term “program” means  
21 the program established under subsection (b)(1).

22 (4) SECRETARY.—The term “Secretary” means  
23 the Secretary of Veterans Affairs.

1           (5) VETERAN.—The term “veteran” has the  
2 meaning given that term in section 101 of title 38,  
3 United States Code.

4           (b) PROGRAM REQUIRED.—

5           (1) IN GENERAL.—The Secretary and the At-  
6 torney General shall jointly carry out a program,  
7 which shall, except as provided in paragraph (2), be  
8 carried out in accordance with section 302(g) of the  
9 Controlled Substances Act (21 U.S.C. 822(g)),  
10 under which an eligible person who has lawfully ob-  
11 tained a covered controlled substance in accordance  
12 with such Act may deliver the covered controlled  
13 substance to be disposed of at a facility and by a  
14 person specified under paragraph (2).

15           (2) DELIVERY OF CONTROLLED SUBSTANCES.—  
16 Notwithstanding the requirement under section  
17 302(g)(1) of the Controlled Substances Act (21  
18 U.S.C. 822(g)(1)) that a person receiving a con-  
19 trolled substance be authorized to receive the con-  
20 trolled substance under such Act, the Secretary and  
21 the Attorney General shall jointly specify the facili-  
22 ties and persons to which covered controlled sub-  
23 stances may be delivered under the program.

24           (c) PREVENTION OF ABUSE.—In implementing the  
25 program, the Secretary and the Attorney General shall

1 jointly develop appropriate guidelines and procedures to  
2 prevent the diversion, misuse, theft, or loss of controlled  
3 substances delivered under the program.

4 (d) ADMINISTRATION OF PROGRAM.—

5 (1) REGULATIONS.—Not later than 1 year after  
6 the date of enactment of this Act, the Secretary and  
7 the Attorney General shall jointly prescribe regula-  
8 tions to carry out the program.

9 (2) IMPLEMENTATION.—Not later than 1 year  
10 after the date on which the Secretary and the Attor-  
11 ney General jointly prescribe regulations under para-  
12 graph (1), the Secretary shall fully implement the  
13 program.

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