

Union Calendar No. 360

111TH CONGRESS
2^D SESSION

H. R. 5809

[Report No. 111-618, Part I]

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

SEPTEMBER 22, 2010

Reported from the Committee on Energy and Commerce with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

SEPTEMBER 22, 2010

Additional sponsors: Ms. ZOE LOFGREN of California, Mrs. CAPPS, Mr. CONNOLLY of Virginia, Mr. LARSEN of Washington, Mr. GENE GREEN of Texas, Mr. BLUMENAUER, Mr. WOLF, Ms. BORDALLO, Mr. QUIGLEY, and Ms. SLAUGHTER

SEPTEMBER 22, 2010

Committee on the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on July 21, 2010]

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 Act*
5 *of 2010”.*

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

8 *(a) REGULATORY AUTHORITY.—Section 302 of the*
9 *Controlled Substances Act (21 U.S.C. 822) is amended by*
10 *adding at the end the following:*

11 *“(g)(1) An ultimate user who has lawfully obtained*
12 *a controlled substance in accordance with this title may,*
13 *without being registered, deliver the controlled substance to*
14 *another person for the purpose of disposal of the controlled*
15 *substance if—*

16 *“(A) the person receiving the controlled substance*
17 *is authorized under this title to receive and dispose of*
18 *the controlled substance; and*

19 *“(B) the delivery and disposal takes place in ac-*
20 *cordance with regulations issued by the Attorney Gen-*
21 *eral to prevent diversion of controlled substances.*

22 *The regulations referred to in subparagraph (B) shall be*
23 *consistent with the public health and safety. In developing*
24 *such regulations, the Attorney General shall take into con-*
25 *sideration the ease and cost of program implementation and*

1 *participation by various communities. Such regulations*
2 *may not require any entity to establish or operate a deliv-*
3 *ery or disposal program.*

4 “(2) *The Attorney General shall, by regulation, author-*
5 *ize long-term care facilities, as defined by the Attorney Gen-*
6 *eral by regulation, to deliver for disposal controlled sub-*
7 *stances on behalf of ultimate users in a manner that the*
8 *Attorney General determines will provide effective controls*
9 *against diversion and be consistent with the public health*
10 *and safety.*

11 “(3) *If a person dies while lawfully in possession of*
12 *a controlled substance for personal use, any person lawfully*
13 *entitled to dispose of the decedent’s property may deliver*
14 *the controlled substance to another person for the purpose*
15 *of disposal under the same conditions as provided in para-*
16 *graph (1) for an ultimate user.”.*

17 **(b) CONFORMING AMENDMENT.**—*Section 308(b) of the*
18 *Controlled Substances Act (21 U.S.C. 828(b)) is amended—*

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

21 (2) *by adding at the end the following:*

22 “(3) *the delivery of such a substance for the pur-*
23 *pose of disposal by an ultimate user, long-term care*
24 *facility, or other person acting in accordance with*
25 *section 302(g).”.*

1 **SEC. 3. PUBLIC EDUCATION CAMPAIGN.**

2 *The Director of National Drug Control Policy, in con-*
3 *sultation with the Administrator of the Environmental Pro-*
4 *tection Agency, shall carry out a public education and out-*
5 *reach campaign to increase awareness of how ultimate users*
6 *may lawfully and safely dispose of prescription drugs, in-*
7 *cluding controlled substances, through drug take-back pro-*
8 *grams and other appropriate means.*

9 **SEC. 4. GAO REPORT.**

10 *The Comptroller General of the United States shall—*

11 (1) *collect data on the delivery, transfer, and dis-*
12 *posal of controlled substances under section 302(g) of*
13 *the Controlled Substances Act, as added by section 2;*
14 *and*

15 (2) *not later than 4 years after the date of the*
16 *enactment of this Act, submit findings and rec-*
17 *ommendations to the Congress regarding use, effective-*
18 *ness, and accessibility of disposal programs.*

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

20 (a) *STUDY.—The Administrator of the Environmental*
21 *Protection Agency (in this section referred to as the “Ad-*
22 *ministrator”)* shall—

23 (1) *in consultation with relevant State and local*
24 *officials and other sources of relevant technical exper-*
25 *tise, conduct a study to—*

1 (A) *examine the environmental impacts re-*
2 *sulting from the ultimate disposal of controlled*
3 *substances through existing methods;*

4 (B) *taking into consideration such impacts,*
5 *and the ease and cost of implementation of drug*
6 *take-back programs and participation in such*
7 *programs by various communities, formulate ap-*
8 *propriate recommendations on the destruction or*
9 *ultimate disposal of prescription drugs, includ-*
10 *ing controlled substances; and*

11 (C) *identify additional authority needed to*
12 *carry out such recommendations if the Adminis-*
13 *trator determines that the Administrator's exist-*
14 *ing legal authorities are insufficient to imple-*
15 *ment such recommendations; and*

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

19 (b) *RULE OF CONSTRUCTION.—Nothing in this section*
20 *shall be construed to affect the Administrator's authority*
21 *under other provisions of law.*

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