

113TH CONGRESS
1ST SESSION

S. 1089

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

IN THE SENATE OF THE UNITED STATES

JUNE 4, 2013

Ms. COLLINS (for herself, Mr. BLUMENTHAL, Mrs. BOXER, Mr. MANCHIN, Ms. MURKOWSKI, and Mr. BOOZMAN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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 2013”.

6 **SEC. 2. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR**
7 **MEMBERS OF THE ARMED FORCES AND**
8 **THEIR DEPENDENTS.**

9 (a) DEFINITIONS.—In this section:

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

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

9 (3) DEPENDENT.—The term “dependent” has
10 the meaning given that term in section 1072 of title
11 10, United States Code.

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

14 (A) a member of the Armed Forces;

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

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

22 (D) any person lawfully entitled to dispose
23 of the property of a person described in sub-
24 paragraphs (A) through (C) who dies while law-

1 fully in possession of a covered controlled sub-
2 stance for personal use.

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

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

7 (b) PROGRAM REQUIRED.—

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

18 (2) DELIVERY OF CONTROLLED SUBSTANCES.—
19 Notwithstanding the requirement under section
20 302(g)(1) of the Controlled Substances Act (21
21 U.S.C. 822(g)(1)) that a person receiving a con-
22 trolled substance be authorized to receive the con-
23 trolled substance under such Act, the Secretary and
24 the Attorney General shall jointly specify the facili-

1 ties and persons to which covered controlled sub-
2 stances may be delivered under the program.

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

8 (d) ADMINISTRATION OF PROGRAM.—

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

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

18 **SEC. 3. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR**

19 **VETERANS AND THEIR DEPENDENTS.**

20 (a) DEFINITIONS.—In this section:

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

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

3 (A) a veteran;

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

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

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

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

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

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

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

25 (b) PROGRAM REQUIRED.—

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

11 (2) DELIVERY OF CONTROLLED SUBSTANCES.—
12 Notwithstanding the requirement under section
13 302(g)(1) of the Controlled Substances Act (21
14 U.S.C. 822(g)(1)) that a person receiving a con-
15 trolled substance be authorized to receive the con-
16 trolled substance under such Act, the Secretary and
17 the Attorney General shall jointly specify the facili-
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2 the date of enactment of this Act, the Secretary and
3 the Attorney General shall jointly prescribe regula-
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