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(Original Signature of Member)

111TH CONGRESS
2D SESSION

H. R. _____

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

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 _____

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
5 Act of 2010”.

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

3 (a) REGULATORY AUTHORITY.—Section 302 of the
4 Controlled Substances Act (21 U.S.C. 822) is amended
5 by adding at the end the following:

6 “(g)(1) An ultimate user who has lawfully obtained
7 a controlled substance in accordance with this title may,
8 without being registered, deliver the controlled substance
9 to another person for the purpose of disposal of the con-
10 trolled substance if—

11 “(A) the person receiving the controlled sub-
12 stance is authorized under this title to receive and
13 dispose of the controlled substance; and

14 “(B) the delivery and disposal takes place in ac-
15 cordance with regulations issued by the Attorney
16 General to prevent diversion of controlled sub-
17 stances.

18 The regulations referred to in subparagraph (B)
19 shall be consistent with the public health and safety.
20 In developing such regulations, the Attorney General
21 shall take into consideration the ease and cost of
22 program implementation and participation by var-
23 ious communities.

24 “(2) The Attorney General shall, by regulation, au-
25 thorize long-term care facilities, as defined by the Attor-
26 ney General by regulation, to deliver for disposal con-

1 trolled substances on behalf of ultimate users in a manner
2 that the Attorney General determines will provide effective
3 controls against diversion and be consistent with the pub-
4 lic health and safety.

5 “(3) If a person dies while lawfully in possession of
6 a controlled substance for personal use, any person law-
7 fully entitled to dispose of the decedent’s property may
8 deliver the controlled substance to another person for the
9 purpose of disposal under the same conditions as provided
10 in paragraph (1) for an ultimate user.”.

11 (b) CONFORMING AMENDMENT.—Section 308(b) of
12 the Controlled Substances Act (21 U.S.C. 828(b)) is
13 amended—

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

16 (2) by adding at the end the following:

17 “(3) the delivery of such a substance for the
18 purpose of disposal by an ultimate user, long-term
19 care facility, or other person acting in accordance
20 with section 302(g).”.

21 **SEC. 3. PUBLIC EDUCATION CAMPAIGN.**

22 The Director of National Drug Control Policy, in con-
23 sultation with the Administrator of the Environmental
24 Protection Agency, shall carry out a public education and
25 outreach campaign to increase awareness of how ultimate

1 users may lawfully and safely dispose of prescription
2 drugs, including controlled substances, through drug take-
3 back programs and other appropriate means.

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

5 The Comptroller General of the United States shall—

6 (1) collect data on the delivery, transfer, and
7 disposal of controlled substances under section
8 302(g) of the Controlled Substances Act, as added
9 by section 2; and

10 (2) not less than 4 years after the date of the
11 enactment of this Act, submit findings and rec-
12 ommendations to the Congress regarding use, effec-
13 tiveness, and accessibility of disposal programs.

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

15 (a) STUDY.—The Administrator of the Environ-
16 mental Protection Agency (in this section referred to as
17 the “Administrator”) shall—

18 (1) in consultation with relevant state and local
19 officials and other sources of relevant technical ex-
20 pertise, conduct a study to—

21 (A) examine the environmental impacts re-
22 sulting from the ultimate disposal of controlled
23 substances in existing disposal systems;

24 (B) taking into consideration such impacts,
25 the ease and cost of implementation of drug

1 take-back programs, and participation in such
2 programs by various communities, formulate
3 appropriate recommendations on the destruc-
4 tion or ultimate disposal of prescription drugs,
5 including controlled substances; and

6 (C) identify any additional legal authority
7 needed by the Administrator to carry out such
8 recommendations; and

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

12 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
13 tion shall be construed to affect the Administrator’s au-
14 thority under other provisions of law.