

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. \_\_\_\_\_**  
**OFFERED BY M. \_\_\_\_\_**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Safe Drug Disposal  
3 Act of 2010”.

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

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

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

14               “(A) the person receiving the controlled sub-  
15 stance is authorized under this title to receive and  
16 dispose of the controlled substance; and

17               “(B) the delivery and disposal takes place in ac-  
18 cordance with regulations issued by the Attorney

1       General to prevent diversion of controlled sub-  
2       stances.

3       The regulations referred to in subparagraph (B) shall be  
4       consistent with the public health and safety. In developing  
5       such regulations, the Attorney General shall take into con-  
6       sideration the ease and cost of program implementation  
7       and participation by various communities.

8       “(2) The Attorney General shall, by regulation, au-  
9       thorize long-term care facilities, as defined by the Attor-  
10      ney General by regulation, to deliver for disposal con-  
11      trolled substances on behalf of ultimate users in a manner  
12      that the Attorney General determines will provide effective  
13      controls against diversion and be consistent with the pub-  
14      lic health and safety.

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

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

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

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

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

6 **SEC. 3. PUBLIC EDUCATION CAMPAIGN.**

7 The Director of National Drug Control Policy, in con-  
8 sultation with the Administrator of the Environmental  
9 Protection Agency, shall carry out a public education and  
10 outreach campaign to increase awareness of how ultimate  
11 users may lawfully and safely dispose of prescription  
12 drugs, including controlled substances, through drug take-  
13 back programs and other appropriate means.

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

15 The Comptroller General of the United States shall—

16 (1) collect data on the delivery, transfer, and  
17 disposal of controlled substances under section  
18 302(g) of the Controlled Substances Act, as added  
19 by section 2; and

20 (2) not later than 4 years after the date of the  
21 enactment of this Act, submit findings and rec-  
22 ommendations to the Congress regarding use, effec-  
23 tiveness, and accessibility of disposal programs.

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

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

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

8 (A) examine the environmental impacts re-  
9 sulting from the ultimate disposal of controlled  
10 substances through existing methods;

11 (B) taking into consideration such impacts,  
12 and the ease and cost of implementation of  
13 drug take-back programs and participation in  
14 such programs by various communities, formu-  
15 late appropriate recommendations on the de-  
16 struction or ultimate disposal of prescription  
17 drugs, including controlled substances; and

18 (C) identify additional authority needed to  
19 carry out such recommendations if the Adminis-  
20 trator determines that the Administrator’s ex-  
21 isting legal authorities are insufficient to imple-  
22 ment such recommendations; and

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

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

