

## COMMITTEE PRINT

[SHOWING THE TEXT OF H.R. 5809 AS FAVORABLY FORWARDED BY THE  
SUBCOMMITTEE ON HEALTH ON JULY 22, 2010]

111TH CONGRESS  
2D SESSION

# H. R. 5809

To amend the Controlled Substances Act to provide for take-back disposal  
of controlled substances in certain instances, and for other purposes.

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### 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 Com-  
mittee 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 juris-  
diction of the committee concerned

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## A BILL

To amend the Controlled Substances Act to provide for take-  
back disposal of controlled substances in certain in-  
stances, 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) shall be  
19 consistent with the public health and safety. In developing  
20 such regulations, the Attorney General shall take into con-  
21 sideration the ease and cost of program implementation  
22 and participation by various communities.

23 “(2) The Attorney General shall, by regulation, au-  
24 thorize long-term care facilities, as defined by the Attor-  
25 ney General by regulation, to deliver for disposal con-  
26 trolled substances on behalf of ultimate users in a manner

1 that the Attorney General determines will provide effective  
2 controls against diversion and be consistent with the pub-  
3 lic health and safety.

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

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

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

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

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

20 **SEC. 3. PUBLIC EDUCATION CAMPAIGN.**

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

1 drugs, including controlled substances, through drug take-  
2 back programs and other appropriate means.

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

4 The Comptroller General of the United States shall—

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

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

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

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

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

20 (A) examine the environmental impacts re-  
21 sulting from the ultimate disposal of controlled  
22 substances through existing methods;

23 (B) taking into consideration such impacts,  
24 and the ease and cost of implementation of  
25 drug take-back programs and participation in

1           such programs by various communities, formu-  
2           late appropriate recommendations on the de-  
3           struction or ultimate disposal of prescription  
4           drugs, including controlled substances; and

5                   (C) identify additional authority needed to  
6           carry out such recommendations if the Adminis-  
7           trator determines that the Administrator's ex-  
8           isting legal authorities are insufficient to imple-  
9           ment such recommendations; and

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

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