

111TH CONGRESS
2^D SESSION

H. R. 5809

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23, 2010

Received; read twice and referred to the Committee on the Judiciary

AN ACT

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,*

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
19 General to prevent diversion of controlled sub-
20 stances.

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

1 tions may not require any entity to establish or operate
2 a delivery or disposal program.

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

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

16 (b) CONFORMING AMENDMENT.—Section 308(b) of
17 the Controlled Substances Act (21 U.S.C. 828(b)) is
18 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
23 purpose of disposal by an ultimate user, long-term
24 care facility, or other person acting in accordance
25 with 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
4 Protection Agency, shall carry out a public education and
5 outreach campaign to increase awareness of how ultimate
6 users may lawfully and safely dispose of prescription
7 drugs, including controlled substances, through drug take-
8 back programs 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
12 disposal of controlled substances under section
13 302(g) of the Controlled Substances Act, as added
14 by section 2; 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, effec-
18 tiveness, and accessibility of disposal programs.

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

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

23 (1) in consultation with relevant State and local
24 officials and other sources of relevant technical ex-
25 pertise, 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
6 drug take-back programs and participation in
7 such programs by various communities, formu-
8 late appropriate recommendations on the de-
9 struction or ultimate disposal of prescription
10 drugs, including 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 ex-
14 isting legal authorities are insufficient to imple-
15 ment such recommendations; and

16 (2) not later than 18 months after the date of
17 the enactment of this Act, submit a report to the
18 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.

Passed the House of Representatives September 22,
2010.

Attest: LORRAINE C. MILLER,
Clerk.