

115TH CONGRESS
2D SESSION

H. R. 5041

To amend the Controlled Substances Act to authorize the employees of a hospice program to handle controlled substances in the residence of a deceased hospice patient to assist in disposal.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2018

Mr. WALBERG (for himself, Mrs. DINGELL, and Mr. HUDSON) introduced the following bill; which was referred to the Committee 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 jurisdiction of the committee concerned

A BILL

To amend the Controlled Substances Act to authorize the employees of a hospice program to handle controlled substances in the residence of a deceased hospice patient to assist in disposal.

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 Disposal of Un-
5 used Medication Act”.

1 **SEC. 2. DISPOSAL OF CONTROLLED SUBSTANCES OF A DE-**
2 **CEASED HOSPICE PATIENT BY EMPLOYEES**
3 **OF A HOSPICE PROGRAM.**

4 (a) IN GENERAL.—Subsection (g) of section 302 of
5 the Controlled Substances Act (21 U.S.C. 822) is amend-
6 ed by adding at the end the following:

7 “(5)(A) In the case of a person receiving hospice care,
8 an employee of a qualified hospice program, acting within
9 the scope of employment, may handle, in the person’s
10 place of residence, any controlled substance that was law-
11 fully dispensed to the person, for the purpose of assisting
12 in the disposal of the controlled substance after the per-
13 son’s death.

14 “(B) In this paragraph:

15 “(i) The terms ‘hospice care’ and ‘hospice pro-
16 gram’ have the meanings give to those terms in sec-
17 tion 1861(dd) of the Social Security Act.

18 “(ii) The term ‘employee of a hospice program’
19 means a person (including a physician or nurse)
20 who—

21 “(I) is employed by, or pursuant to ar-
22 rangements made by, a hospice program; and

23 “(II) is licensed or certified to perform
24 such employment in accordance with applicable
25 State law.

1 “(iii) The term ‘qualified hospice program’
2 means a hospice program that—

3 “(I) has written policies and procedures for
4 assisting in the disposal of the controlled sub-
5 stances of a person receiving hospice care after
6 the person’s death; and

7 “(II) at the time when the controlled sub-
8 stances are first ordered—

9 “(aa) provides a copy of the written
10 policies and procedures to the patient or
11 patient representative and family;

12 “(bb) discusses the policies and proce-
13 dures with the patient or representative
14 and the family in a language and manner
15 that they understand to ensure that these
16 parties are educated regarding the safe
17 disposal of controlled substances; and

18 “(cc) documents in the patient’s clin-
19 ical record that the written policies and
20 procedures were provided and discussed.”.

21 (b) NO REGISTRATION REQUIRED.—Subsection (c)
22 of section 302 of the Controlled Substances Act (21
23 U.S.C. 822) is amended by adding at the end the fol-
24 lowing:

1 “(4) An employee of a hospice program for the
2 purpose of assisting in the disposal of a controlled
3 substance in accordance with subsection (g)(5).”.

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