

115TH CONGRESS
2D SESSION

H. R. 5041

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2018

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

AN ACT

To amend the Controlled Substances Act to authorize the employees of a hospice program to handle controlled substances lawfully in the possession of a deceased hospice patient for the purpose of disposal.

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 Disposal of Un-
3 used Medication Act”.

4 **SEC. 2. DISPOSAL OF CONTROLLED SUBSTANCES OF A DE-**
5 **CEASED HOSPICE PATIENT BY EMPLOYEES**
6 **OF A QUALIFIED HOSPICE PROGRAM.**

7 Subsection (g) of section 302 of the Controlled Sub-
8 stances Act (21 U.S.C. 822) is amended by adding at the
9 end the following:

10 “(5)(A) In the case of a person receiving hospice care,
11 an employee of a qualified hospice program, acting within
12 the scope of employment, may handle, without being reg-
13 istered under this section, any controlled substance that
14 was lawfully dispensed to the person receiving hospice
15 care, for the purpose of disposal of the controlled sub-
16 stance after the death of such person, so long as such dis-
17 posal occurs onsite in accordance with all applicable Fed-
18 eral, State, Tribal, and local law.

19 “(B) For the purposes of this paragraph:

20 “(i) The terms ‘hospice care’ and ‘hospice pro-
21 gram’ have the meanings given to those terms in
22 section 1861(dd) of the Social Security Act.

23 “(ii) The term ‘employee of a qualified hospice
24 program’ means a physician, nurse, or other person
25 who—

1 “(I) is employed by, or pursuant to ar-
2 rangements made by, a qualified hospice pro-
3 gram;

4 “(II)(aa) is licensed to perform medical or
5 nursing services by the jurisdiction in which the
6 person receiving hospice care was located; and

7 “(bb) is acting within the scope of such
8 employment in accordance with applicable State
9 law; and

10 “(III) has completed training through the
11 qualified hospice program regarding the dis-
12 posal of controlled substances in a secure and
13 responsible manner so as to discourage abuse,
14 misuse, or diversion.

15 “(iii) The term ‘qualified hospice program’
16 means a hospice program that—

17 “(I) has written policies and procedures for
18 assisting in the disposal of the controlled sub-
19 stances of a person receiving hospice care after
20 the person’s death;

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

23 “(aa) provides a copy of the written
24 policies and procedures to the patient or
25 patient representative and family;

1 “(bb) discusses the policies and proce-
2 dures with the patient or representative
3 and the family in a language and manner
4 that they understand to ensure that these
5 parties are educated regarding the safe
6 disposal of controlled substances; and

7 “(cc) documents in the patient’s clin-
8 ical record that the written policies and
9 procedures were provided and discussed;
10 and

11 “(III) at the time following the disposal of
12 the controlled substances—

13 “(aa) documents in the patient’s clin-
14 ical record the type of controlled sub-
15 stance, dosage, route of administration,
16 and quantity so disposed; and

17 “(bb) the time, date, and manner in
18 which that disposal occurred.”.

Passed the House of Representatives June 12, 2018.

Attest:

KAREN L. HAAS,

Clerk.