

**Suspend the Rules and Pass the Bill, H.R. 5041, With an Amendment**

**(The amendment strikes all after the enacting clause and inserts a new text)**

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> 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.

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## 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

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## 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,*

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.”.

Amend the title so as to read: “A bill 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.”.