

## Committee Print

[SHOWING THE TEXT OF H.R. 5041 AS FORWARDED BY THE SUBCOMMITTEE  
ON HEALTH ON APRIL 25, 2018]

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.

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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 (a) IN GENERAL.—Subsection (g) of section 302 of  
8 the Controlled Substances Act (21 U.S.C. 822) is amend-  
9 ed by adding at the 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, in the person’s  
13 place of residence, any controlled substance that was law-  
14 fully dispensed to the person, for the purpose of assisting  
15 in the disposal of the controlled substance after the per-  
16 son’s death.

17 “(B) In this paragraph:

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

21 “(ii) The term ‘employee of a qualified hospice  
22 program’ means a person (including a physician or  
23 nurse) who—

24 “(I) is employed by, or pursuant to ar-  
25 rangements made by, a qualified hospice pro-  
26 gram;

1           “(II) is licensed or certified to perform  
2 such employment in accordance with applicable  
3 State law; and

4           “(III) has completed training through the  
5 qualified hospice program regarding the dis-  
6 posal of controlled substances in a secure and  
7 responsible manner so as to discourage abuse,  
8 misuse, or diversion.

9           “(iii) The term ‘qualified hospice program’  
10 means a hospice program that—

11           “(I) has written policies and procedures for  
12 assisting in the disposal of the controlled sub-  
13 stances of a person receiving hospice care after  
14 the person’s death;

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

17           “(aa) provides a copy of the written  
18 policies and procedures to the patient or  
19 patient representative and family;

20           “(bb) discusses the policies and proce-  
21 dures with the patient or representative  
22 and the family in a language and manner  
23 that they understand to ensure that these  
24 parties are educated regarding the safe  
25 disposal of controlled substances; and

1                   “(cc) documents in the patient’s clin-  
2                   ical record that the written policies and  
3                   procedures were provided and discussed;  
4                   and

5                   “(III) at the time following the disposal of  
6                   the controlled substances—

7                   “(aa) documents in the patient’s clin-  
8                   ical record the type of controlled sub-  
9                   stance, dosage, route of administration,  
10                  and quantity so disposed; and

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

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

17                  “(4) An employee of a qualified hospice pro-  
18                  gram for the purpose of assisting in the disposal of  
19                  a controlled substance in accordance with subsection  
20                  (g)(5).”.