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 Representatives 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 Unused Medication Act”.

5
SEC. 2. DISPOSAL OF CONTROLLED SUBSTANCES OF A DECEASED HOSPICE PATIENT BY EMPLOYEES OF A HOSPICE PROGRAM.

(a) In general.—Subsection (g) of section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended by adding at the end the following:

“(5)(A) In the case of a person receiving hospice care, an employee of a qualified hospice program, acting within the scope of employment, may handle, in the person’s place of residence, any controlled substance that was lawfully dispensed to the person, for the purpose of assisting in the disposal of the controlled substance after the person’s death.

“(B) In this paragraph:

“(i) The terms ‘hospice care’ and ‘hospice program’ have the meanings give to those terms in section 1861(dd) of the Social Security Act.

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

“(I) is employed by, or pursuant to arrangements made by, a hospice program; and

“(II) is licensed or certified to perform such employment in accordance with applicable State law.
“(iii) The term ‘qualified hospice program’ means a hospice program that—

“(I) has written policies and procedures for assisting in the disposal of the controlled substances of a person receiving hospice care after the person’s death; and

“(II) at the time when the controlled substances are first ordered—

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

“(bb) discusses the policies and procedures with the patient or representative and the family in a language and manner that they understand to ensure that these parties are educated regarding the safe disposal of controlled substances; and

“(cc) documents in the patient’s clinical record that the written policies and procedures were provided and discussed.”.

(b) No Registration Required.—Subsection (c) of section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended by adding at the end the following:
“(4) An employee of a hospice program for the purpose of assisting in the disposal of a controlled substance in accordance with subsection (g)(5).”.