

115TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To amend the Controlled Substances Act to authorize employees of hospice programs to handle controlled substances in the residences of certain hospice patients to assist in disposal of those controlled substances.

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IN THE SENATE OF THE UNITED STATES

Ms. COLLINS (for herself, Ms. HASSAN, Mrs. CAPITO, Ms. BALDWIN, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the Controlled Substances Act to authorize employees of hospice programs to handle controlled substances in the residences of certain hospice patients to assist in disposal of those controlled substances.

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 CER-**  
2 **TAIN HOSPICE PATIENTS BY EMPLOYEES OF**  
3 **QUALIFIED HOSPICE PROGRAMS.**

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

7 “(5)(A)(i) An employee of a qualified hospice pro-  
8 gram or an emergency medical services professional, act-  
9 ing within the scope of employment and for the purpose  
10 of assisting in the disposal of a controlled substance in  
11 a case described in clause (ii), may handle, in the place  
12 of residence of a hospice patient, any controlled substance  
13 that was lawfully dispensed to the hospice patient.

14 “(ii) A case described in this clause is a case in  
15 which—

16 “(I) the hospice patient has died; or

17 “(II) the controlled substance is expired.

18 “(iii)(I) For purposes of clause (i), if a State has in  
19 place requirements to allow an employee of a hospice pro-  
20 gram, acting within the scope of employment and for the  
21 purpose of assisting in the disposal of a controlled sub-  
22 stance in a case described in clause (ii), to handle, in the  
23 place of residence of a hospice patient, any controlled sub-  
24 stance that was lawfully dispensed to the hospice patient,  
25 and the Attorney General determines that those require-  
26 ments provide safeguards equivalent to the safeguards

1 provided under subparagraph (C)(vi), the employee of the  
2 hospice program shall not be required to be an employee  
3 of a qualified hospice program.

4 “(II) If the Attorney General determines that the re-  
5 quirements of a State described in subclause (I) do not  
6 provide safeguards equivalent to the safeguards provided  
7 under subparagraph (C)(vi), the State may file a petition  
8 for judicial review of the determination with an appro-  
9 priate district court of the United States.

10 “(B) The Attorney General, in consultation with the  
11 Secretary, may promulgate regulations to authorize an  
12 employee of a hospice program, acting within the scope  
13 of employment and for the purpose of assisting in the dis-  
14 posal of a controlled substance, to handle, in the place of  
15 residence of a hospice patient, any controlled substance  
16 that was lawfully dispensed to the hospice patient if—

17 “(i) with respect to the controlled substance,  
18 the plan of care of the hospice patient has been  
19 modified; and

20 “(ii) pursuant to the modification of the plan of  
21 care, the hospice patient no longer requires the con-  
22 trolled substance.

23 “(C) In this paragraph—

1           “(i) the term ‘emergency medical services pro-  
2           fessional’ has the meaning given the term in section  
3           303;

4           “(ii) the term ‘employee of a hospice pro-  
5           gram’—

6                   “(I) means a person who is—

7                           “(aa) employed by, or pursuant to ar-  
8                           rangements made by, a hospice program;  
9                           and

10                           “(bb) licensed or certified to perform  
11                           such employment in accordance with appli-  
12                           cable State law; and

13                   “(II) includes—

14                           “(aa) a physician; and

15                           “(bb) a registered nurse;

16           “(iii) the term ‘employee of a qualified hospice  
17           program’—

18                   “(I) means a person who is—

19                           “(aa) employed by, or pursuant to ar-  
20                           rangements made by, a qualified hospice  
21                           program; and

22                           “(bb) licensed or certified to perform  
23                           such employment in accordance with appli-  
24                           cable State law; and

25                   “(II) includes—

1 “(aa) a physician; and

2 “(bb) a registered nurse;

3 “(iv) the terms ‘hospice care’ and ‘hospice pro-  
4 gram’ have the meanings given those terms in sec-  
5 tion 1861(dd) of the Social Security Act (42 U.S.C.  
6 1395x(dd));

7 “(v) the term ‘hospice patient’ means an indi-  
8 vidual receiving hospice care; and

9 “(vi) 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 a controlled sub-  
13 stance of a hospice patient in each of the cases  
14 described in subparagraph (A)(ii);

15 “(II) at the time when the controlled sub-  
16 stance of a hospice patient is first ordered—

17 “(aa) provides a copy of the written  
18 policies and procedures described in sub-  
19 clause (I) to the hospice patient, or the  
20 representative of the hospice patient, and  
21 the family of the hospice patient; and

22 “(bb) discusses the policies and proce-  
23 dures described in subclause (I) with the  
24 hospice patient, or the representative of  
25 the hospice patient, and the family of the

1 hospice patient in a language and manner  
2 that those individuals understand to ensure  
3 that those individuals are educated regard-  
4 ing the safe disposal of controlled sub-  
5 stances; and

6 “(III) documents in the clinical record of  
7 the hospice patient that the written policies and  
8 procedures described in subclause (I) were pro-  
9 vided and discussed; and

10 “(IV) at the time when an employee of the  
11 hospice program disposes of a controlled sub-  
12 stance of a hospice patient in a case described  
13 in subparagraph (A)(ii), documents the disposal  
14 in the clinical record of the hospice patient.”.

15 (b) NO REGISTRATION REQUIRED.—Section 302(c)  
16 of the Controlled Substances Act (21 U.S.C. 822(c)) is  
17 amended by adding at the end the following:

18 “(4) An employee of a qualified hospice pro-  
19 gram or an emergency medical services professional,  
20 as those terms are defined in subsection (g)(5), who  
21 possesses the controlled substance for the purpose of  
22 assisting in the disposal of the controlled substance  
23 in accordance with subparagraph (A) of that sub-  
24 section.

1           “(5) An employee of a hospice program, as de-  
2           fined in subsection (g)(5), who possesses the con-  
3           trolled substance for the purpose of assisting in the  
4           disposal of the controlled substance in accordance  
5           with a regulation issued under subparagraph (B) of  
6           that subsection.”.