

111TH CONGRESS
1ST SESSION

H. R. 1359

To amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2009

Mr. STUPAK (for himself and Mr. SMITH of Texas) 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 provide for take-back disposal of controlled substances in certain instances, and for other purposes.

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 “Secure and Respon-
5 sible Drug Disposal Act of 2009”.

1 **SEC. 2. DELIVERY OF CONTROLLED SUBSTANCES BY ULTI-**
2 **MATE USERS FOR DISPOSAL.**

3 (a) REGULATORY AUTHORITY.—Section 302 of the
4 Controlled Substances Act (21 U.S.C. 822) is amended
5 by adding at the end the following:

6 “(g)(1) An ultimate user who has lawfully obtained
7 a controlled substance in accordance with this title may,
8 without being registered, deliver the controlled substance
9 to another person for the purpose of disposal of the con-
10 trolled substance if—

11 “(A) the person receiving the controlled sub-
12 stance is authorized under this title to engage in
13 such activity; and

14 “(B) the disposal takes place in accordance
15 with regulations issued by the Attorney General to
16 prevent diversion of controlled substances.

17 “(2) The Attorney General may, by regulation, au-
18 thorize long-term care facilities, as defined by the Attor-
19 ney General by regulation, to dispose of controlled sub-
20 stances on behalf of ultimate users in a manner that the
21 Attorney General determines will provide effective controls
22 against diversion and be consistent with the public health
23 and safety.”.

24 (b) CONFORMING AMENDMENT.—Section 308(b) of
25 the Controlled Substances Act (21 U.S.C. 828(b)) is
26 amended—

1 (1) by striking the period at the end of para-
2 graph (2) and inserting “; or”; and
3 (2) by adding at the end the following:
4 “(3) the delivery of such a substance for the
5 purpose of disposal by an ultimate user or long-term
6 care facility acting in accordance with section 302(g)
7 of this title.”.

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