

111TH CONGRESS
2D SESSION

H. R. 5925

To authorize the Attorney General to make grants to States, units of local government, Indian tribes, and other entities for prescription drug disposal units and for prescription drug abuse education.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2010

Ms. SHEA-PORTER 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 authorize the Attorney General to make grants to States, units of local government, Indian tribes, and other entities for prescription drug disposal units and for prescription drug abuse education.

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 Prescription Drug
5 Disposal and Education Act”.

1 **SEC. 2. PRESCRIPTION DRUG DISPOSAL.**

2 (a) DELIVERY OF CONTROLLED SUBSTANCES BY UL-
3 TIMATE USERS FOR DISPOSAL.—

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

7 “(g)(1) For the purpose of carrying out a grant pro-
8 gram established by the Attorney General under section
9 2(b) of the Safe Prescription Drug Disposal and Edu-
10 cation Act—

11 “(A) an ultimate user (or an individual author-
12 ized to act on behalf of the ultimate user) who has
13 lawfully obtained a controlled substance in accord-
14 ance with this title may, without being registered,
15 deliver the controlled substance to another person
16 for the purpose of disposal of the controlled sub-
17 stance; and

18 “(B) a person to whom such controlled sub-
19 stance is being delivered may, without being reg-
20 istered, receive such controlled substance for such
21 purpose.

22 The Attorney General shall issue regulations to carry out
23 this subsection. Such regulations shall be consistent with
24 the public health and safety and ensure the safe disposal
25 of any controlled substances handled, delivered, received,
26 or disposed under this subsection.”.

1 (2) CONFORMING AMENDMENT.—Section
2 308(b) of the Controlled Substances Act (21 U.S.C.
3 828(b)) is amended—

4 (A) by striking the period at the end of
5 paragraph (2) and inserting “; or”; and

6 (B) by adding at the end the following:

7 “(3) the delivery or receipt of such a substance
8 for the purpose of disposal by a person acting in ac-
9 cordance with section 302(g).”.

10 (b) PRESCRIPTION DRUG DISPOSAL UNITS.—

11 (1) PROGRAM ESTABLISHED.—The Attorney
12 General may make grants to eligible entities to es-
13 tablish and operate prescription drug disposal units
14 for individuals to dispose of any prescription drug
15 that such individuals no longer need or want, or that
16 has expired at locations that the Attorney General
17 determines are appropriate pursuant to State and
18 local requirements related to waste or hazardous
19 waste management and any regulations issued by
20 the Food and Drug Administration.

21 (2) ELIGIBILITY.—For purposes of this section,
22 an eligible entity is a State, unit of local govern-
23 ment, nonprofit organization, local educational agen-
24 cy, Indian tribe, a Federal, State, and local govern-

1 mental agency, corporation, community coalition, or
2 any combination thereof.

3 (3) USE OF FUNDS.—An eligible entity receiv-
4 ing a grant under this section shall use the amounts
5 received under such grant only for each of the fol-
6 lowing purposes:

7 (A) To provide for the establishment, in-
8 stallation, replacement, maintenance, or oper-
9 ation of prescription drug disposal units meet-
10 ing the requirements of subsection (e).

11 (B) To hire a reverse distributor (as such
12 term is defined in section 1300.01 of title 21 of
13 the Code of Federal Regulations as of the date
14 of the enactment of this Act), an appropriate
15 waste or hazardous waste management organi-
16 zation, or any other appropriate entity in the
17 State or unit of local government, to collect
18 items contained in the prescription drug dis-
19 posal units funded with amounts from the grant
20 and dispose of such items.

21 (4) APPLICATION.—To be eligible to receive a
22 grant under this section, an eligible entity shall sub-
23 mit to the Attorney General an application at such
24 time, in such manner, and containing such informa-
25 tion as the Attorney General may require.

1 (5) PRESCRIPTION DRUG DISPOSAL UNIT RE-
2 QUIREMENTS.—Each prescription drug unit funded
3 with amounts from a grant under this section shall
4 meet the following requirements:

5 (A) The unit shall be secure against the
6 risk of theft and access by unauthorized indi-
7 viduals.

8 (B) The unit shall be placed in a location
9 that is easily accessible to individuals seeking to
10 dispose of prescription drugs.

11 (C) The unit shall be clearly and conspicu-
12 ously marked with “Prescription Drug Drop-
13 Off Box”.

14 (6) CONDITION.—As a condition of receiving a
15 grant under this section, an eligible entity receiving
16 a grant shall agree to comply with any rules promul-
17 gated by the Attorney General regarding the safe
18 and regular disposal of the prescription drugs con-
19 tained in each prescription drug disposal unit funded
20 by amounts from such grant.

21 (7) SELECTION OF GRANT RECIPIENTS.—

22 (A) SELECTION CRITERIA.—The Attorney
23 General shall issue regulations to establish se-
24 lection criteria for grants under this section.

1 (B) GEOGRAPHIC DISTRIBUTION OF
2 GRANTS.—The Attorney General shall ensure
3 that, to the extent reasonable and practicable,
4 an equitable geographic distribution of grant
5 awards is made that considers the special needs
6 of rural and urban communities.

7 (8) AUTHORIZATION OF APPROPRIATIONS.—
8 There is authorized to be appropriated \$5,000,000
9 for each of fiscal years 2011 through 2014 to carry
10 out this section.

11 **SEC. 3. PRESCRIPTION DRUG ABUSE EDUCATION.**

12 (a) PUBLIC EDUCATION CAMPAIGN.—The Director
13 of National Drug Control Policy, in consultation with the
14 Administrator of the Environmental Protection Agency,
15 shall carry out a public education and outreach campaign
16 to increase awareness of how ultimate users may lawfully
17 and safely dispose of prescription drugs, including con-
18 trolled substances, through drug take-back programs and
19 other appropriate means.

20 (b) EDUCATIONAL PROGRAM GRANTS.—

21 (1) EDUCATIONAL PROGRAMS TO PREVENT
22 PRESCRIPTION DRUG ABUSE.—The Attorney General
23 may make grants to eligible entities to design and
24 implement educational programs on the abuse of the
25 following items:

1 (A) Prescription drugs.

2 (B) Household items that may be used to
3 have an altering effect on perception, emotion,
4 or behavior similar to that caused by the use of
5 psychotropic drugs.

6 (2) ELIGIBILITY.—For purposes of this section,
7 an eligible entity is an entity described in section
8 2(b) of this Act.

9 (3) USE OF FUNDS.—An eligible entity receiv-
10 ing a grant under this section shall use the amounts
11 received from such grant to develop and implement
12 educational programs designed to educate students
13 in the sixth through twelfth grades and parents and
14 legal guardians of such students, on topics related to
15 the abuse of prescription drugs, including the fol-
16 lowing:

17 (A) The health risks and legal liability
18 posed by the abuse of the items described in
19 paragraphs (1) and (2) of subsection (a).

20 (B) The dangers posed by stealing pre-
21 scription drugs from other individuals.

22 (C) For a parent or legal guardian, indica-
23 tions that a student may be abusing the items
24 described in paragraphs (1) and (2) of sub-
25 section (a).

1 (D) The behaviors that can lead to the
2 abuse of such items.

3 (E) Available methods for the safe disposal
4 and collection of such items.

5 (F) Resources available for an intervention
6 in the case of a person who has been abusing
7 such items.

8 (4) APPLICATION.—To be eligible to be selected
9 to receive a grant under this section, an eligible enti-
10 ty shall submit to the Attorney General an applica-
11 tion at such time, in such manner, and containing
12 such information as the Attorney General may re-
13 quire.

14 (5) SELECTION OF GRANT RECIPIENTS.—

15 (A) IN GENERAL.—In selecting recipients
16 for grants under this section, the Attorney Gen-
17 eral shall—

18 (i) consult with the peer review com-
19 mittee established under paragraph (2);

20 (ii) give priority to any eligible entity
21 in connection with an application sub-
22 mitted under subsection (d) that dem-
23 onstrates community support for the appli-
24 cation; and

1 (iii) ensure that, to the extent reason-
2 able and practical, an equitable geographic
3 distribution of grant awards is made that
4 considers the special needs of rural and
5 urban communities.

6 (B) PEER REVIEW COMMITTEE.—

7 (i) IN GENERAL.—The Attorney Gen-
8 eral shall establish a peer review committee
9 to review applications for a grant under
10 this section and to submit to the Attorney
11 General recommendations on which appli-
12 cations should be approved for a grant,
13 which shall consist of 7 members appointed
14 by the Attorney General.

15 (ii) COMPOSITION.—Such committee
16 shall be composed of at least one of each
17 of the following individuals:

18 (I) A substance abuse counselor.

19 (II) A psychological counselor.

20 (III) A public health official.

21 (IV) A physician.

22 (V) A community anti-drug coali-
23 tion leader.

24 (VI) An appropriate member of a
25 State or local law enforcement agency.

1 (iii) BASIC PAY.—Members of the
2 committee shall serve without pay.

3 (iv) TERMS.—Each member of the
4 committee shall serve for two years and
5 may serve for as many successive terms as
6 the member agrees to serve and as the At-
7 torney General may request.

8 (v) VACANCIES.—If a vacancy occurs
9 on such committee, the Attorney General
10 shall appoint a new member in the same
11 manner as the initial appointment was
12 made under this subsection.

13 (6) AUTHORIZATION OF APPROPRIATIONS.—
14 There is authorized to be appropriated \$5,000,000
15 for each of fiscal years 2011 through 2014 to carry
16 out this section.

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