

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 1503
Version: As introduced

DATE: March 14, 2016

Authors: Barrett

Subject: Disposal of Controlled Substances and Legend Drugs

Analyst: Randall Chun

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

Overview

This bill modifies state procedures for the disposal of controlled substances and other legend drugs, to in part reflect adoption of federal regulations to implement the federal Secure and Responsible Drug Disposal Act of 2010. Significant provisions of this bill include:

- allowing pharmacies to collect controlled substances and legend drugs from the ultimate user, or from a long-term care facility on behalf of an ultimate user, and dispose of the drugs as pharmaceutical waste
- allowing persons to whom a legend drug has been dispensed to transfer the drug to a wider range of entities for disposal
- requiring the collection and disposal of controlled substances to comply with applicable federal regulations

Section

- 1 Ultimate user.** Amends § 151.01, by adding subd. 39. Defines “ultimate user” as a person who possesses a legend drug lawfully obtained for personal use, or the use of a household member or animal owned by the person or a household member.
- 2 Prescribing and filling.** Amends § 151.37, subd. 2. Updates cross-references to pharmacies located within the state and outside the state, in a section of law that prohibits pharmacists from dispensing legend drugs based on a prescription that is not valid.
- 3 Exclusion for course of employment.** Amends § 151.37, subd. 6. Modifies an exemption for various entities from the general prohibition on possessing legend drugs, by clarifying that the exemption applies to employees of those entities while acting in the course of their

Section

employment, and requiring that controlled substances in schedules II to V be collected and disposed of only as allowed under section 152.105 (a section added by this bill). Also modifies the descriptions and criteria for the entities employing the individuals, and removes counties that operate disposal programs from the list of entities.

4 **Collection of legend drugs by pharmacies.** Amends § 151.37, by adding subd. 6a. Allows a licensed pharmacy to collect a legend drug from an ultimate user, or from a long-term care facility acting on behalf of an ultimate user, for purposes of disposing of the legend drug as pharmaceutical waste, provided that: (1) the pharmacy collects and disposes of controlled substances as allowed under section 152.105; and (2) noncontrolled substance legend and nonlegend drugs maybe collected and disposed of only by a pharmacy with a controlled substance disposal program, in the same manner in which it collects and disposes of controlled substances.

5 **Exclusion for prescriptions.** Amends § 151.37, subd. 7. Allows persons to whom a legend drug has been dispensed to transfer the drug to an entity identified in subd. 6. (These entities are: (1) law enforcement agencies; (2) certain hazardous waste transporters; (3) certain facilities permitted to treat, store, or dispose of hazardous waste; (4) certain collection programs; and (5) sanitary districts. Current law only allows transfer to a county operating a legend drug disposal program; this provision is stricken in the bill.) Requires controlled substances to be collected, stored, transported, and disposed of only as allowed under section 152.105.

6 **Disposal.** Adds § 152.105. States that controlled substances in schedules II to V may be collected and disposed of only pursuant to the provisions of Code of Federal Regulations, Title 21, parts 1300, 1301, 1304, 1305, 1307, and 1317 that are applicable to the disposal of controlled substances. Requires the disposal of controlled substances and legend and nonlegend drugs to comply with the requirements of section 116.07 (power and duties of the Pollution Control Agency), and related rules, governing the disposal of hazardous waste.