COMMITTEE REPORT

April 25, 2017

**H. 3817**

Introduced by Reps. Bedingfield, Fry, Henderson, Huggins, Johnson, Hewitt, Crawford, Duckworth, Arrington, Allison, Tallon, Hamilton, Elliott, Jordan, B. Newton, Martin, G.M. Smith, Yow, D.C. Moss, Wheeler, Erickson, V.S. Moss, Long, G.R. Smith, Magnuson, Bradley, Weeks, Taylor, Putnam, Cogswell, Collins, King and Henegan

S. Printed 4/25/17--S.

Read the first time April 4, 2017.

**THE COMMITTEE ON MEDICAL AFFAIRS**

To whom was referred a Bill (H. 3817) to amend the Code of Laws of South Carolina, 1976, by adding Section 44‑53‑362 so as to allow pharmacies and other entities to register as a collector, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, page 2, by striking lines 22-28 and inserting:

/ (B) The Department of Health and Environmental Control shall develop guidance for pharmacies and other entities qualified to register as a collector to encourage participation. The department shall coordinate with law enforcement, health care providers, and the U.S. Drug Enforcement Administration to encourage registration as a collector and to promote public awareness of controlled substance take‑back events and mail‑back programs.” /

Renumber sections to conform.

Amend title to conform.

HARVEY S. PEELER, JR. for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced on February 22, 2017**

**State Expenditure**

The bill allows pharmacies, narcotic treatment programs, and controlled substance manufacturers and/or distributers to apply to the federal Drug Enforcement Administration (DEA) as a registered collector to receive controlled substances listed in Schedules II, III, IV and V from an ultimate user. Collectors must comply with state and federal requirements to insure the safe disposal of the drugs and prevent diversion. The bill allows the Department of Health and Environmental Control to develop registration guidelines to encourage participation. The department may coordinate with law enforcement, health care providers, and the DEA to encourage registration and promote public awareness of take-back events and mail-back programs.

**Department of Health and Environmental Control**. The department reports that this bill would not have an expenditure impact on the general fund, federal funds, or other funds as the bill does not require DHEC to take any prescribed actions.

**Department of Labor, Licensing and Regulation**. The department reports that this bill would not have an expenditure impact on the general fund, federal funds, or other funds as the bill does not place any additional requirements on the Board of Pharmacy.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑53‑362 SO AS TO ALLOW PHARMACIES AND OTHER ENTITIES TO REGISTER AS A COLLECTOR TO RECEIVE CONTROLLED SUBSTANCES AS PART OF LAW ENFORCEMENT CONTROLLED SUBSTANCE TAKE‑BACK EVENTS AND OPERATE CONTROLLED SUBSTANCE MAIL‑BACK PROGRAMS AND TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO FACILITATE AND ENCOURAGE REGISTRATION AND PARTICIPATION.

Whereas, unused medicines in the home are a problem contributing to substance abuse and overdose. According to a 2016 National Survey on Drug Use and Health, the majority of the nearly six and one‑half million Americans who abused controlled prescription drugs in 2015, including the almost four million who abused prescription painkillers, obtained those drugs from friends and family, including from a home medicine cabinet; and

Whereas, four out of five new heroin users began with painkillers. Almost thirty thousand people, seventy‑eight people a day, died from overdosing on these controlled substances or heroin in 2014, according to the Centers for Disease Control and Prevention; and

Whereas, take‑back events and mail‑back programs offer a safe, simple, and anonymous way to keep dangerous prescription drugs out of the wrong hands and prevent substance abuse; and

Whereas, in 2014, federal regulations were promulgated that make the disposal of controlled prescription drugs easier for patients and their caregivers, and pave the way for pharmacies, hospitals, and clinics to partner with law enforcement to increase the collection of these medications as part of take‑back events and mail‑back programs. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 3, Chapter 53, Title 44 of the 1976 Code is amended by adding:

“Section 44‑53‑362. (A) A controlled substance manufacturer, distributer, or reverse distributer; a narcotic treatment program; a hospital or clinic with an onsite pharmacy; or a retail pharmacy operating in the State may apply to be registered as a collector by the federal Drug Enforcement Administration, pursuant to 21 C.F.R 1317.40, to receive Schedule II, III, IV and V controlled substances from an ultimate user, or a person entitled to dispose of an ultimate user decedent’s property, as part of law enforcement take‑back events or collector mail‑back programs. A collector must comply with any state and federal requirements to ensure the safe disposal of controlled substances and to prevent diversion of collected controlled substances, including as provided in 21 C.F.R. Part 1317.

(B) The Department of Health and Environmental Control may develop guidance for pharmacies and other entities qualified to register as a collector to encourage participation. The department may coordinate with law enforcement, health care providers, and the U.S. Drug Enforcement Administration to encourage registration as a collector and to promote public awareness of controlled substance take‑back events and mail‑back programs.”

SECTION 2. This act takes effect upon approval by the Governor.

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