
A BILL FOR AN ACT

RELATING TO DRUG DISPOSAL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to promote safe and
2 sensible practices for disposal of unused or unwanted controlled
3 substances by institutions and individuals within the State by
4 allowing authorized hospitals and clinics with an on-site
5 pharmacy, authorized retail pharmacies, and law enforcement
6 agencies to manage and maintain safe and regulated official
7 controlled substance collection receptacles.

8 SECTION 2. Chapter 329, Hawaii Revised Statutes, is
9 amended by adding a new part to be appropriately designated and
10 to read as follows:

11 "PART . COLLECTION BY AUTHORIZED COLLECTORS OF CONTROLLED
12 SUBSTANCES FOR DISPOSAL

13 §329- Scope. This part sets forth the requirements for
14 collection of damaged, expired, returned, recalled, unused, or
15 otherwise unwanted controlled substances by authorized
16 collectors. The purpose of these requirements is to provide
17 prompt, safe, and effective disposal methods while providing



1 effective controls against the diversion of controlled
2 substances. Nothing in this part shall be interpreted to
3 require any authorized collector to establish or operate a
4 program for the collection of controlled substances.

5 §329- Definitions. Whenever used in this part, unless a
6 different meaning clearly appears from the context:

7 "Authorized collector" means

8 (1) A hospital or clinic with an on-site pharmacy or a
9 retail pharmacy that is:

10 (A) Registered with the United States Drug
11 Enforcement Administration to collect controlled
12 substances for the purposes of safe disposal and
13 destruction;

14 (B) Approved by the department of public safety to
15 collect controlled substances for the purposes of
16 safe disposal and destruction; and

17 (C) Approved by the board of pharmacy to collect
18 controlled substances for the purposes of safe
19 disposal and destruction; or

20 (2) A law enforcement agency.



1 "Controlled substance" means any substance listed in
2 sections 329-16, 329-18, 329-20, or 329-22 as a Schedule II,
3 III, IV, or V substance. "Controlled substance" shall not
4 include any substance listed in section 329-14 as a Schedule I
5 controlled substance.

6 "Non-registrant" means a person who lawfully possesses a
7 pharmaceutical controlled substance for the purpose of disposal,
8 including:

- 9 (1) An ultimate user;
- 10 (2) Any person lawfully entitled to dispose of a deceased
11 ultimate user's property and to deliver the deceased
12 ultimate user's lawfully possessed pharmaceutical
13 controlled substances for the purpose of disposal; or
- 14 (3) A long-term care facility acting on behalf of an
15 ultimate user who resides or resided at the facility
16 and is or was in lawful possession of a pharmaceutical
17 controlled substance.

18 "Non-retrievably destroyed" means incapable of being
19 transformed to a physical or chemical condition or state as a
20 controlled substance or controlled substance analogue.



1 "Ultimate user" means a person who has lawfully obtained
2 and who possesses a pharmaceutical controlled substance for:

- 3 (1) The person's own use;
- 4 (2) The use of a member of the person's household; or
- 5 (3) An animal owned by the person or a member of the
6 person's household.

7 **§329- Authorization to collect from non-registrants.**

8 (a) Hospitals and clinics with on-site pharmacies and retail
9 pharmacies shall be authorized to collect controlled substances
10 from non-registrants using a collection receptacle that meets
11 the requirements of section 329- in compliance with this part;
12 provided that the entity is authorized to be a collector
13 pursuant to title 21 Code of Federal Regulations section
14 1317.40.

15 (b) Law enforcement agencies shall be authorized to
16 collect controlled substances using a collection receptacle that
17 meets the requirements of section 329- in compliance with this
18 part.

19 **§329- Collection of controlled substances.** (a) An
20 authorized collector authorized to collect controlled substances
21 from non-registrants pursuant to section 329- shall:



- 1 (1) Maintain any records of removal, storage, or
2 destruction of the controlled substances collected in
3 a manner that is consistent with that agency's
4 recordkeeping requirements for controlled substances;
- 5 (2) Store all collected controlled substances in a manner
6 that prevents the diversion of the controlled
7 substances and is consistent with that agency's
8 standard procedures for storing controlled substances;
- 9 (3) Transfer the collected controlled substance to a
10 destruction location in a manner that prevents the
11 diversion of the controlled substances and is
12 consistent with that agency's standard procedures for
13 transferring controlled substances;
- 14 (4) Permit non-registrants to deposit in a collection
15 receptacle only the substances listed in sections 329-
16 16, 329-18, 329-20, or 329-22 at a registered
17 location, and shall not permit the deposit of any
18 substance listed in section 329-14; and
- 19 (5) Have and update policies and procedures for the safe
20 and secure handling and disposal of controlled
21 substances on an annual basis.



1 (b) Authorized collectors may collect and comingle
2 controlled and non-controlled substances together in a
3 collection receptacle that meets the requirements of section
4 329- . The comingling of controlled and non-controlled
5 substances together shall not be required.

6 (c) Once a substance has been deposited into a collection
7 receptacle, the substance shall not be counted, sorted,
8 inventoried, or otherwise individually handled.

9 (d) For hospitals and clinics with on-site pharmacies and
10 retail pharmacies, a pharmacist shall not delegate to a pharmacy
11 technician the collection of controlled substances under this
12 part.

13 **§329- Collection receptacles.** (a) Authorized
14 collectors may manage and maintain collection receptacles for
15 the disposal of controlled and non-controlled substances.

16 (b) Collection receptacles shall be securely and
17 maintained:

18 (1) For hospitals and clinics with on-site pharmacies and
19 retail pharmacies, inside the entity's registered
20 premises and behind the prescription counter; and



1 (2) For law enforcement agencies, inside the agency's
2 physical premises.

3 (c) The collection receptacle shall be clearly identified
4 as a receptacle within which to place controlled substance for
5 disposal.

6 **§329- Disposal of controlled substances by authorized**
7 **collectors.** (a) Within thirty days after receipt of a
8 controlled substance, a hospital or clinic with an on-site
9 pharmacy or a retail pharmacy shall:

10 (1) Render the controlled substance non-retrievably
11 destroyed on-site; or

12 (2) Deliver the controlled substance to a reverse
13 distributor or similar third-party processor for
14 destruction.

15 (b) A law enforcement agency shall dispose of controlled
16 substances according to the agency's established policies and
17 procedures.

18 **§329- Reverse distributors.** (a) Any person that reverse
19 distributes a controlled substance shall be registered with the
20 United States Drug Enforcement Agency and the department of



1 public safety as a reverse distributor, unless exempted by
2 federal or state law, as applicable.

3 (b) A reverse distributor shall acquire, store, deliver,
4 and destroy controlled substances in accordance with state law
5 and federal requirements pursuant to title 21 Code of Federal
6 Regulations section 1317.15.

7 §329- **Take-back events.** Nothing in this part shall be
8 construed to prevent an authorized collector from conducting a
9 take-back event in compliance with state and federal law.

10 §329- **Mail-back programs.** Nothing in this part shall be
11 construed to prevent an authorized collector from conducting a
12 mail-back program in compliance with state and federal law.

13 §329- **Conflict between laws.** Application and
14 enforcement of this part shall comply with the federal
15 Comprehensive Drug Abuse Prevention and Control Act of 1970, as
16 amended, and the federal Secure and Responsible Drug Disposal
17 Act of 2010. In the event of a conflict between any provision
18 of this part and any federal law or regulation relating to
19 disposal of controlled substances, the applicable federal law or
20 regulation shall govern."



1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 4. This Act shall take effect on July 1, 2019.
5

INTRODUCED BY:

Allen A. Scialti
Jan B.
Or

JAN 24 2019



H.B. NO. 1443

Report Title:

Pharmacies; Drugs; Take-Back; Collection Receptacles

Description:

Permits hospitals and clinics with on-site pharmacies, retail pharmacies, and law enforcement agencies to install and maintain take-back collection receptacles for controlled substances.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

