

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 826

99TH GENERAL ASSEMBLY

Reported from the Committee on Seniors, Families and Children, February 1, 2018, with recommendation that the Senate Committee Substitute do pass.

5029S.03C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal section 195.070, RSMo, and to enact in lieu thereof two new sections relating to the disposal of unused controlled substances, with an emergency clause for a certain section.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 195.070, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 195.070 and 195.265, to read as
3 follows:

195.070. 1. A physician, podiatrist, dentist, a registered optometrist
2 certified to administer pharmaceutical agents as provided in section 336.220, or
3 an assistant physician in accordance with section 334.037 or a physician assistant
4 in accordance with section 334.747 in good faith and in the course of his or her
5 professional practice only, may prescribe, administer, and dispense controlled
6 substances or he or she may cause the same to be administered or dispensed by
7 an individual as authorized by statute.

8 2. An advanced practice registered nurse, as defined in section 335.016,
9 but not a certified registered nurse anesthetist as defined in subdivision (8) of
10 section 335.016, who holds a certificate of controlled substance prescriptive
11 authority from the board of nursing under section 335.019 and who is delegated
12 the authority to prescribe controlled substances under a collaborative practice
13 arrangement under section 334.104 may prescribe any controlled substances
14 listed in Schedules III, IV, and V of section 195.017, and may have restricted
15 authority in Schedule II. Prescriptions for Schedule II medications prescribed by
16 an advanced practice registered nurse who has a certificate of controlled
17 substance prescriptive authority are restricted to only those medications
18 containing hydrocodone. However, no such certified advanced practice registered

19 nurse shall prescribe controlled substance for his or her own self or
20 family. Schedule III narcotic controlled substance and Schedule II - hydrocodone
21 prescriptions shall be limited to a one hundred twenty-hour supply without refill.

22 3. A veterinarian, in good faith and in the course of the veterinarian's
23 professional practice only, and not for use by a human being, may prescribe,
24 administer, and dispense controlled substances and the veterinarian may cause
25 them to be administered by an assistant or orderly under his or her direction and
26 supervision.

27 4. A practitioner shall not accept any portion of a controlled substance
28 unused by a patient, for any reason, if such practitioner did not originally
29 dispense the drug. **However, unused controlled substances may be**
30 **accepted from ultimate consumers through collection receptacles, drug**
31 **disposal boxes, and other means provided through drug take back**
32 **programs by a Drug Enforcement Agency-authorized collector in**
33 **accordance with federal regulations, even if the authorized collector**
34 **did not originally dispense the drug. This subsection shall supercede**
35 **and preempt any local ordinances or regulations, including any**
36 **ordinances or regulations enacted by any political subdivision of the**
37 **state, regarding the disposal of unused controlled substances.**

38 5. An individual practitioner shall not prescribe or dispense a controlled
39 substance for such practitioner's personal use except in a medical emergency.

195.265. By August 28, 2019, the department of health and senior
2 **services shall develop an education and awareness program regarding**
3 **drug disposal, including controlled substances. The education and**
4 **awareness program may include, but not be limited to:**

5 (1) A web-based resource that:

6 (a) Describes available drug disposal options including take
7 back, take back events, mailers, in-home disposal options that render
8 a product safe from misuse, or any other methods that comply with
9 state and federal laws and regulations, may reduce the availability of
10 unused controlled substances, and may minimize the potential
11 environmental impact of drug disposal;

12 (b) Provides a list of drug disposal take back sites, which may be
13 sorted and searched by name or location;

14 (c) Provides a list of take back events in the state, including the
15 date, time, and location information for each event; and

16 **(d) Provides information for authorized collectors regarding**
17 **state and federal requirements to comply with the provisions of**
18 **subsection 4 of section 195.090; and**

19 **(2) Promotional activities designed to ensure consumer**
20 **awareness of proper storage and disposal of prescription drugs,**
21 **including controlled substances.**

Section B. Because immediate action is necessary to allow for the safe
2 disposal of unused pharmaceuticals, the repeal and reenactment of section
3 195.070 of this act is deemed necessary for the immediate preservation of the
4 public health, welfare, peace, and safety, and is hereby declared to be an
5 emergency act within the meaning of the constitution, and the repeal and
6 reenactment of section 195.070 of this act shall be in full force and effect upon its
7 passage and approval.

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Bill

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