

SB 50 - AS AMENDED BY THE SENATE

02/09/2023 0295s

2023 SESSION

23-0892

07/04

SENATE BILL **50**

AN ACT relative to pharmaceutical drug take-back programs.

SPONSORS: Sen. Lang, Dist 2; Sen. Avarad, Dist 12; Sen. Pearl, Dist 17; Rep. Bogert, Belk. 5;  
Rep. Coker, Belk. 2

COMMITTEE: Health and Human Services

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ANALYSIS

This bill allows drug take-back programs to occur in long-term care facilities, nursing homes, and assisted living facilities.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Three*

AN ACT relative to pharmaceutical drug take-back programs.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1       1 New Paragraph; Controlled and Non-Controlled Pharmaceutical Drug Take-Back Programs;  
2       Pharmaceutical Drug Take-Back Programs Authorized. Amend RSA 318-E:1 by inserting after  
3       paragraph VI the following new paragraph:

4       VII.(a) An authorized collector may establish and maintain a pharmaceutical drug take-back  
5       program at the site of a long-term care facility, nursing home, or assisted living facility, provided  
6       that all parties comply with the United States Drug Enforcement Administration regulations, 21  
7       C.F.R. Part 1300 et. seq., and any applicable state and federal laws and regulations. A long-term  
8       care facility, nursing home, or assisted living facility may utilize a collection receptacle under such a  
9       drug take-back program on behalf of the ultimate user residing at, or who has resided at, the long-  
10      term care facility, nursing home or assisted living facility.

11       (b) The disposal requirements for controlled drugs stipulated in RSA 318-B:17-a by the  
12      board of pharmacy, its officers, agents, and inspectors, shall not apply to controlled drugs collected in  
13      accordance with a drug take-back program authorized by paragraph VII of this section.

14       (c) The board of pharmacy shall establish rules and regulations to allow for the take-  
15      back program authorized by paragraph VII of this section.

16      2 Controlled Drug Act; Disposal of Controlled Drugs in Possession of a Practitioner. Amend  
17      RSA 318-B:17-a to read as follows:

18      318-B:17-a Disposal of Controlled Drugs in Possession of Practitioner. No person other than the  
19      pharmacy board, its officers, agents, and inspectors shall destroy any out-dated, deteriorated,  
20      excessive or otherwise unwanted or confiscated controlled drugs which are in the possession of a  
21      practitioner, veterinarian, pharmacy, peace officer, nursing home, manufacturer, wholesaler, clinic,  
22      laboratory, or hospital. No payment shall be made to any person or institution for any drug  
23      surrendered for destruction. A record shall be maintained which indicates the name, strength, and  
24      quantity of all drugs destroyed; the place and manner of destruction; the date and time destroyed;  
25      the name of the practitioner or institution surrendering the drugs; and the signature and title of the  
26      person witnessing destruction. Such records shall conform to any federal requirements and shall be  
27      open to inspection by all federal or state officers charged with the enforcement of federal or state  
28      controlled drug laws. This section shall not apply to residual amounts in hypodermic syringes and  
29      needles. ***Notwithstanding any language in this section to the contrary, controlled drugs***  
30      ***collected in a long-term care facility, nursing home, or assisted living facility for***  
31      ***destruction pursuant to a pharmaceutical drug take-back program authorized by RSA 318-***

1 *E, shall be disposed of in accordance with the disposal requirements for controlled drugs*  
2 *set forth under RSA 318-E and any applicable federal or state laws or regulations.*

3 3 Pharmacists and Pharmacies; Regulation of Pharmacies; Dealing in or Possessing Prescription  
4 Drugs. Amend RSA 318:42, XVII to read as follows:

5 XVII. Persons who possess prescription drugs pursuant to a lawful prescription or who are  
6 acting as an authorized agent for a person holding a lawful prescription, from delivering any  
7 unwanted or unused prescription drugs to law enforcement officers for the purpose of disposal of  
8 such prescription drugs in conjunction with a pharmaceutical drug take-back program established  
9 pursuant to RSA 318-E, *or residents lawfully in possession of prescription drugs in long-term*  
10 *care facilities, nursing homes, or assisted living facilities, or persons lawfully acting as an*  
11 *authorized agent for said resident, from disposing of any discontinued, unused, unwanted,*  
12 *or expired prescription drug, including controlled drugs, in accordance with a drug take-*  
13 *back program set forth under RSA 318-E and any applicable federal or state laws or*  
14 *regulations.*

15 4 Effective Date. This act shall take effect 60 days after its passage.