COMMITTEE REPORT

March 29, 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 and King

S. Printed 3/29/17--H.

Read the first time February 22, 2017.

**THE COMMITTEE ON JUDICIARY**

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:

F. GREGORY DELLENEY, JR. for Committee.

**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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