

Amendment No. 407

Senate Amendment to Senate Bill No. 183	(BDR 54-576)
Proposed by: Senate Committee on Commerce and Labor	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

JDK/EWR



Date: 4/21/2023

S.B. No. 183—Establishes provisions relating to the collection and destruction of unused drugs. (BDR 54-576)



SENATE BILL NO. 183—SENATORS STONE, HANSEN, BUCK, TITUS, GOICOECHEA;
DONATE, HAMMOND, D. HARRIS, KRASNER, NGUYEN, SCHEIBLE AND
SEEVERS GANSERT

FEBRUARY 21, 2023

JOINT SPONSORS: ASSEMBLYMEN O'NEILL, DICKMAN,
GALLANT; HIBBETTS AND KOENIG

Referred to Committee on Commerce and Labor

SUMMARY—Establishes provisions relating to the collection and destruction of
unused drugs. (BDR 54-576)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to pharmacy; establishing requirements governing the
maintenance of secure drug take-back bins for the collection and
destruction of unused drugs; ~~indemnifying~~ **providing that** entities
that maintain a secure drug take-back bin in accordance with such
requirements ~~from liability and professional~~ **are not subject to**
certain discipline for certain injuries and harms; and providing other
matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal regulations authorize pharmacies, hospitals and other entities authorized to handle controlled substances to register with the Drug Enforcement Administration of the United States Department of Justice to obtain authorization to be a collector of controlled substances. Existing federal regulations authorize such collectors to: (1) conduct mail-back programs for the return of controlled substances; and (2) maintain collection receptacles for disposal of the controlled substances. (21 C.F.R. §§ 1317.40, 1317.70, 1317.75) Existing federal regulations also prescribe standards governing the disposal of controlled substances by entities authorized to handle and dispose of controlled substances. (21 C.F.R. Part 1317) Existing regulations of the State Board of Pharmacy require an entity that is authorized pursuant to federal law and conducts such a mail-back program or maintains such collection receptacles to provide to the Board: (1) written notification of the registration of the entity with the Drug Enforcement Administration to be a collector; and (2) copies of a certain federal form which is required to document the destruction of controlled substances. (NAC 639.050) Existing regulations of the Board also prescribe standards for the destruction of controlled substances, which mirror the relevant federal regulations. (NAC 639.498)

This bill prescribes requirements for the installation and maintenance of secure drug take-back bins by a collector that is registered with the Drug Enforcement Administration for the on-site collection and destruction of home-generated pharmaceutical waste. Specifically, this bill requires such a collector to: (1) comply with all applicable state and federal laws and

regulations; (2) ~~communicate with local law enforcement agencies and health authorities as to the existence and status of use of the secure drug take-back bin, including notifying~~ notify at least one local law enforcement agency of any suspected or known tampering or theft or significant loss of controlled substances ~~from a secure drug take-back bin that occurs while the bin is under the control of the collector;~~ (3) post signage notifying customers of ~~certain requirements relating to the use of~~ the substances that are and are not acceptable for deposit into the secure drug take-back bin; (4) regularly monitor and inspect the bin and surrounding area, including by limiting customer access to the bin to certain hours when the bin is being actively monitored; and (5) maintain records of such inspections and other records required by law. This bill also prohibits such a collector from receiving any compensation from a customer to maintain the secure drug take-back bin. This bill ~~indemnifies~~ : (1) provides that a collector who complies with such requirements ~~from civil or criminal liability and professional~~ is not subject to discipline by the Board for any injury or harm that directly results from the collector maintaining a secure drug take-back bin, unless the injury or harm directly resulted from the gross negligence or willful and wanton misconduct of the collector ~~;~~ ; and (2) relieves such a collector from compliance with any restriction established by the governing body of a county, city or other local governmental entity that would affect the collection and destruction of the contents of a secure drug take-back bin.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A collector that maintains a secure drug take-back bin for the collection and destruction of home-generated pharmaceutical waste shall:

(a) Comply with all applicable state and federal laws and regulations relating to the collection of home-generated pharmaceutical waste for destruction in secure drug take-back bins;

~~*(b) Notify a local law enforcement agency and the health authority of the premises of the collector; and*~~

~~*(1) The existence and location of any secure drug take-back bin on the Drug Enforcement Administration;*~~

~~*(2) The status of the registration of the collector as a collector with the*~~

~~*(c) Ensure that the secure drug take-back bin is placed in a location that is regularly monitored by employees of the collector;*~~

~~*(d) (c) Ensure that conspicuous signage is posted on the secure drug take-back bin that clearly notifies customers as to*~~

~~*(1) The substances that are and are not acceptable for deposit into the bin; and*~~

~~*(2) The hours during which deposit into the bin is permitted;*~~

~~*(e) (d) Ensure that public access to the secure drug take-back bin is limited to hours during which employees of the collector are present and able to monitor the operation of the secure drug take-back bin;*~~

~~*(f) (e) Regularly inspect the secure drug take-back bin and the area surrounding the secure drug take-back bin for potential tampering or diversion;*~~

~~*(g) (f) Maintain a record of inspections conducted pursuant to paragraph*~~

~~*(h) (g) that must:*~~

~~*(1) Be documented in writing or electronically and may be combined with records required to be maintained by other state or federal laws or regulations;*~~

~~*(2) Include the date and time of each inspection; and*~~

(3) Include the initials of the employee who conducted each inspection;
~~[(h)]~~ (g) Retain each record maintained pursuant to paragraph ~~[(g)]~~ (f) and any other record relating to the secure drug take-back bin required by state or federal laws or regulations for at least 2 years after the date of the event to which the record pertains; and

~~[(i)]~~ (h) Notify at least one local law enforcement agency of any suspected or known tampering or theft or significant loss of controlled substances that occurs while the secure drug take-back bin is under the control of the collector not later than 1 business day after the date on which the tampering, theft or significant loss is suspected or discovered. ~~and~~

~~[(j)] If the collector discontinues its maintenance of a secure drug take-back bin on the premises of the collector, provide to at least one local law enforcement agency and the health authority:~~

~~(1) Notification that the collector has discontinued such maintenance; and~~

~~(2) Proof that the collector has provided any notification to the Drug Enforcement Administration that is required by federal law.]~~

2. A collector shall not receive compensation from a customer of the collector to maintain a secure drug take-back bin or to perform any act required by subsection 1.

3. Any collector that maintains a secure drug take-back bin and complies with the provisions of subsections 1 and 2 is not subject to any ~~[(civil or criminal liability or disciplinary)]~~ :

(a) Disciplinary action by [a professional licensing board] the Board for any injury or harm that directly results from the collector maintaining a secure drug take-back bin on its premises, unless the injury or harm directly results from the gross negligence or willful and wanton misconduct of the collector ~~[(a)]~~ ; or

(b) Restriction established by the governing body of a county, city or other local governmental entity that would affect the collection, transportation, treatment or destruction of the contents of a secure drug take-back bin pursuant to this section.

4. Nothing in this section shall be construed to require any entity that ~~[(may)]~~ :

(a) May qualify as a collector to acquire, maintain or make available to the public a secure drug take-back bin on its premises ~~[(a)]~~ ; or

(b) Has entered into an agreement to collect and dispose of solid waste as part of a solid waste management system to collect and dispose of the contents of secure drug take-back bins, unless the agreement or plan expressly provides for such collection and disposal.

5. The Board may adopt regulations necessary to carry out the provisions of this section.

6. As used in this section:

(a) "Collector" means an entity that is:

(1) Authorized by and registered with the Drug Enforcement Administration to receive a controlled substance for the purpose of destruction; and

(2) In good standing with ~~[(any applicable licensing authority)]~~

~~[(b)] "Health authority" means the district health department or, in a location that is not part of a health district, the Division of Public and Behavioral Health of the Department of Health and Human Services.] the Board.~~

~~[(c)]~~ (b) "Home-generated pharmaceutical waste" means a pharmaceutical that is no longer wanted or needed by the consumer, including, without

1 *limitation, in the form of pills, liquids, inhalers, topical creams, suppositories or*
2 *patches.*

3 ~~##~~ (c) *“Local law enforcement agency” means:*

4 *(1) The sheriff’s office of a county;*

5 *(2) A metropolitan police department; or*

6 *(3) A police department of an incorporated city.*

7 ~~##~~ (d) *“Maintain” means to own, lease, operate or otherwise host a secure*
8 *drug take-back bin.*

9 ~~##~~ (e) *“Pharmaceutical” means a drug intended for human or veterinary*
10 *use, regardless of whether the drug is sold with or without a prescription. The*
11 *term includes, without limitation, controlled substances listed in schedule II, III,*
12 *IV or V. The term does not include controlled substances listed in schedule I.*

13 ~~##~~ (f) *“Secure drug take-back bin” means a collection receptacle as*
14 *described in 21 C.F.R. § 1317.75.*

15 (g) *“Solid waste management system” has the meaning ascribed to it in NRS*
16 *444.500.*

17 **Sec. 2.** 1. This section becomes effective upon passage and approval.

18 2. Section 1 of this act becomes effective:

19 (a) Upon passage and approval for the purpose of adopting any regulations and
20 performing any other preparatory administrative tasks that are necessary to carry
21 out the provisions of this act; and

22 (b) On October 1, 2023, for all other purposes.