

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  
entities that maintain a secure drug take-back bin in  
accordance with such requirements from liability and  
professional 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



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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 law enforcement of any  
suspected or known tampering or theft or significant loss of controlled substances;  
(3) post signage notifying customers of certain requirements relating to the use of  
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 a collector who complies with such  
requirements from civil or criminal liability and professional discipline for any  
injury or harm that 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.

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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:***

***(1) The existence and location of any secure drug take-back  
bin on the premises of the collector; and***

***(2) The status of the registration of the collector as a  
collector with the Drug Enforcement Administration;***

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

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

(g) Maintain a record of inspections conducted pursuant to paragraph (f) 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) Retain each record maintained pursuant to paragraph (g) 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;

(i) Notify at least one local law enforcement agency of any suspected or known tampering or theft or significant loss of controlled substances 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 action by a professional licensing board for any injury or harm that 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.



4. Nothing in this section shall be construed to require any entity that may qualify as a collector to acquire, maintain or make available to the public a secure drug take-back bin on its premises.

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.

(c) "Home-generated pharmaceutical waste" means a pharmaceutical that is no longer wanted or needed by the consumer, including, without limitation, in the form of pills, liquids, inhalers, topical creams, suppositories or patches.

(d) "Local law enforcement agency" means:

(1) The sheriff's office of a county;

(2) A metropolitan police department; or

(3) A police department of an incorporated city.

(e) "Maintain" means to own, lease, operate or otherwise host a secure drug take-back bin.

(f) "Pharmaceutical" means a drug intended for human or veterinary use, regardless of whether the drug is sold with or without a prescription. The term includes, without limitation, controlled substances listed in schedule II, III, IV or V. The term does not include controlled substances listed in schedule I.

(g) "Secure drug take-back bin" means a collection receptacle as described in 21 C.F.R. § 1317.75.

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

2. Section 1 of this act becomes effective:

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

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

