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FIRST REPRINT

S.B. 183

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

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; providing that
entities that maintain a secure drug take-back bin in
accordance with such requirements 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



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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) 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 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: (1) provides that a collector who complies with such requirements 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) Ensure that the secure drug take-back bin is placed in a location that is regularly monitored by employees of the collector;

(c) Ensure that conspicuous signage is posted on the secure drug take-back bin that clearly notifies customers as to the substances that are and are not acceptable for deposit into the bin;

(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;



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

(f) Maintain a record of inspections conducted pursuant to paragraph (e) 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;

(g) Retain each record maintained pursuant to paragraph (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

(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.

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:

(a) Disciplinary action by 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; 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:

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



1 *the agreement or plan expressly provides for such collection and*
2 *disposal.*

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

5 *6. As used in this section:*

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

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

10 *(2) In good standing with the Board.*

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

15 *(c) "Local law enforcement agency" means:*

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

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

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

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

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

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

28 *(g) "Solid waste management system" has the meaning*
29 *ascribed to it in NRS 444.500.*

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

32 2. Section 1 of this act becomes effective:

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

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

