

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
90th General Assembly  
Regular Session, 2015

As Engrossed: H3/17/15  
**A Bill**

HOUSE BILL 1867

By: Representative Hammer

### **For An Act To Be Entitled**

AN ACT TO ESTABLISH A HOSPICE DRUG DISPOSAL  
PROCEDURE; AND FOR OTHER PURPOSES.

### **Subtitle**

TO ESTABLISH A HOSPICE DRUG DISPOSAL  
PROCEDURE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

*SECTION 1. Arkansas Code Title 20, Chapter 7, is amended to add an additional subchapter to read as follows:*

*Subchapter 7 – Hospice Drug Disposal*

*20-7-701. Definitions.*

*As used in this subchapter:*

*(1) "Controlled substance" means a drug, substance, or immediate precursor in Schedules II through V; and*

*(2)(A) "Hospice" or "hospice program" means an autonomous, centrally administered, medically directed, coordinated program providing a continuum of home, outpatient, and homelike inpatient care for the terminally ill patient and the patient's family and that employs an interdisciplinary team to assist in providing palliative and supportive care to meet the special needs arising out of the physical, emotional, spiritual, social, and economic stresses that are experienced during the final stages of illness and during dying and bereavement.*

*(B) The care shall be available twenty-four (24) hours a day, seven (7) days a week, and provided on the basis of need, regardless of*



ability to pay.

20-7-702. Hospice drug disposal.

(a) A hospice or hospice program shall establish policies and procedures for controlled substance drug disposal consistent with state and federal law.

(b) Upon the death of a patient of a hospice or hospice program, the staff of the hospice or hospice program shall inform the relatives or heirs of the patient of the policies and procedures for controlled substance drug disposal, including without limitation that:

(1) An inventory of the drugs shall be taken and documented; and

(2) The disposal of the drugs shall be in a manner that does not affect the environment.

(c) The hospice or hospice program shall dispose of any drug if the staff of the hospice or hospice program completes the procedure described in subsection (d) of this section.

(d) The staff of the hospice or hospice program shall:

(1) Inventory the drugs on a form;

(2) Complete appropriate forms to provide to the relatives or heirs, the Division of Pharmacy Services and Drug Control of the Department of Health, the law enforcement officer, and the medical records of the patient; and

(3) Either:

(A) In the presence of a law enforcement officer, place all drugs for disposal in a tamper-proof evidence bag with a copy of the inventory form and provide the tamper-proof evidence bag to the law enforcement officer for disposal; or

(B) Dispose of the controlled substance drug in the presence of a witness by either:

(i) An absorbing substance to render the drug non-retrievable or unstable; or

(ii) A septic system that is not connected to a municipal water system.

(e) A law enforcement officer or law enforcement agency who receives the tamper-proof evidence bag shall dispose of surrendered drugs through the evidence disposal procedures, the utilization of drug take-back collection

points, or statewide prescription drug disposal programs, or any combination of the procedures or programs.

(f)(1) A hospice or hospice program shall maintain current and accurate records of the receipt and disposition of all drugs surrendered under subsection (d) of this section.

(2) The Division of Pharmacy Services and Drug Control of the Department of Health may audit periodically the records to ensure accuracy.

/s/Hammer