

117TH CONGRESS  
1ST SESSION

# H. R. 5086

To amend the Comprehensive Addiction and Recovery Act of 2016 to authorize the Attorney General, in coordination with the Administrator of the Drug Enforcement Administration, the Secretary of Health and Human Services, and the Director of the Office of National Drug Control Policy, to award grants to covered entities to establish or maintain disposal sites for unwanted prescription medications, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 24, 2021

Ms. BONAMICI (for herself, Mr. MOONEY, Ms. KUSTER, Mr. FITZPATRICK, and Ms. WILD) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Comprehensive Addiction and Recovery Act of 2016 to authorize the Attorney General, in coordination with the Administrator of the Drug Enforcement Administration, the Secretary of Health and Human Services, and the Director of the Office of National Drug Control Policy, to award grants to covered entities to establish or maintain disposal sites for unwanted prescription medications, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Safe Disposal of  
3 Opioids Act of 2021”.

4 **SEC. 2. GRANTS FOR DISPOSAL SITES FOR UNWANTED PRE-**  
5 **SCRIPTION MEDICATIONS.**

6 Section 203 of the Comprehensive Addiction and Re-  
7 covery Act of 2016 (21 U.S.C. 822a) is amended by add-  
8 ing at the end the following:

9 “(c) GRANTS FOR DISPOSAL SITES FOR UNWANTED  
10 PRESCRIPTION MEDICATIONS.—

11 “(1) GRANTS.—

12 “(A) AWARDS.—In carrying out subsection  
13 (b), the Attorney General shall award grants to  
14 covered entities to establish or maintain dis-  
15 posal sites for unwanted prescription medica-  
16 tions.

17 “(B) LIMITATION.—Of the total amount of  
18 awards under subparagraph (A) for a fiscal  
19 year, the Attorney General shall not award  
20 more than 10 percent to covered entities that  
21 are—

22 “(i) State, local, or tribal law enforce-  
23 ment agencies; or

24 “(ii) manufacturers, distributors, or  
25 reverse distributors of prescription medica-  
26 tions.

1 “(2) DISCOUNTS FOR ELIGIBLE PATIENTS.—

2 “(A) IN GENERAL.—The Secretary of  
3 Health and Human Services shall establish a  
4 mechanism by which amounts paid by an eligi-  
5 ble patient for an active opioid are discounted  
6 at time of payment or purchase to ensure that  
7 such patient does not pay any amount attrib-  
8 utable to a fee under paragraph (3), with as lit-  
9 tle burden on the patient as possible.

10 “(B) DEFINITION.—For purposes of sub-  
11 paragraph (A), the term ‘eligible patient’  
12 means—

13 “(i) a patient for whom any active  
14 opioid (as so defined) is prescribed to treat  
15 pain relating to cancer or cancer treat-  
16 ment;

17 “(ii) a patient participating in hospice  
18 care; and

19 “(iii) in the case of the death or inca-  
20 pacity of a patient described in subpara-  
21 graph (A) or (B) or any similar situation  
22 as determined by the Secretary of Health  
23 and Human Services, the appropriate fam-  
24 ily member, medical proxy, or similar rep-  
25 resentative or the estate of such patient.

1 “(3) FEES.—

2 “(A) IN GENERAL.—There is hereby im-  
3 posed on the sale of any active opioid by the  
4 manufacturer, producer, or importer a fee equal  
5 to 1 cent per 100 milligrams so sold.

6 “(B) SPECIAL RULES.—

7 “(i) DEFINITION.—In this paragraph,  
8 the term ‘active opioid’—

9 “(I) means any controlled sub-  
10 stance (as defined in section 102 of  
11 the Controlled Substances Act, as in  
12 effect on the date of the Safe Disposal  
13 of Opioids Act of 2021) which is  
14 opium, an opiate, or any derivative  
15 thereof; and

16 “(II) excludes any prescribed  
17 drug which is used exclusively for the  
18 treatment of opioid addiction as part  
19 of a medically assisted treatment ef-  
20 fort.

21 “(ii) EXCLUSION OF OTHER INGREDI-  
22 ENTS.—In the case of a product that in-  
23 cludes an active opioid and another ingre-  
24 dient, subparagraph (A) shall apply only to

1                   the portion of such product that is an ac-  
2                   tive opioid.

3                   “(4) AUTHORIZATION OF APPROPRIATIONS.—  
4                   For fiscal year 2022 and each subsequent fiscal  
5                   year, there is authorized to be appropriated to carry  
6                   out this subsection an amount not to exceed the ag-  
7                   gregate amount of the fees collected pursuant to  
8                   paragraph (3).”.

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