

## SB0029S01 compared with SB0029

~~{deleted text}~~ shows text that was in SB0029 but was deleted in SB0029S01.

inserted text shows text that was not in SB0029 but was inserted into SB0029S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Daniel W. Thatcher proposes the following substitute bill:

### DRUG DISPOSAL PROGRAM

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel W. Thatcher**

House Sponsor: \_\_\_\_\_

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#### LONG TITLE

~~{Committee Note:~~

~~\_\_\_\_\_The Government Operations Interim Committee recommended this bill.~~

~~\_\_\_\_\_Legislative Vote: 12 voting for 0 voting against \_\_\_\_\_ 4 absent~~

**}General Description:**

This bill ~~{establishes}~~ authorizes the attorney general and the Department of Environmental Quality (DEQ) to implement and administer a program for the secure, environmentally friendly disposal of ~~{prescription and over-the-counter drugs}~~ a lawfully possessed controlled substance.

#### **Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ ~~{creates a program, administered by the attorney general, for the disposal of~~

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~~prescription and over-the-counter drugs;~~

- ~~requires~~ authorizes the attorney general ~~{to}~~ and the department to implement and administer a program for the secure, environmentally friendly disposal of a lawfully possessed controlled substance;
- ▶ provides that, in implementing and administering the program, the attorney general:
- may work with law enforcement, pharmacies, and other entities to establish a ~~{statewide}~~ network of ~~{drug}~~ controlled substance disposal repositories or ~~{for the distribution of}~~ to distribute home ~~{drug}~~ controlled substance disposal receptacles;
  - ~~{}~~ ~~{describes the}~~• may establish certain requirements for a ~~{drug}~~ controlled substance disposal repository and a home ~~{drug}~~ controlled substance disposal receptacle;
  - ~~{}~~ ~~{requires}~~• shall ensure that the program ~~{comply}~~ complies with Drug Enforcement Administration requirements; and
  - ~~{}~~ ~~{requires the attorney general to}~~• may publish a list of ~~{drug}~~ controlled substance disposal repositories or information on obtaining a home ~~{drug}~~ controlled substance disposal receptacle;
- ▶ ~~{creates a restricted account to assist with the}~~ permits the Department of Environmental Quality to maintain and use funds, placed in the Environmental Mitigation and Response Fund for program purposes, to purchase, ~~{operation}~~ operate, or ~~{maintenance of}~~ maintain a repository ~~{or the}~~, to purchase or ~~{distribution of}~~ distribute home ~~{drug}~~ controlled substance disposal receptacles, or to educate citizens on the lawful and environmentally friendly disposal of a controlled substance; and
- ▶ preempts certain action by other state and local government entities in relation to the program.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

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None

### Utah Code Sections Affected:

#### AMENDS:

19-1-602, as last amended by Laws of Utah 2018, Chapter 281

19-1-603, as enacted by Laws of Utah 2017, Chapter 246

19-1-604, as enacted by Laws of Utah 2017, Chapter 246

#### ENACTS:

67-5-36, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

#### Section 1. Section 19-1-602 is amended to read:

##### **19-1-602. Definitions.**

As used in this part:

(1) "Environmental mitigation" means an action or activity intended to remedy, reduce, or offset known negative impacts to the environment.

(2) "Environmental response action" means action taken to prevent, eliminate, minimize, investigate, monitor, clean up, or remove contaminants in the environment.

(3) "Financial assurance" means a mechanism or instrument intended to provide funds if necessary to the department to conduct closure, monitoring, or cleanup of a specific facility or site in accordance with the applicable environmental requirements provided in this title.

(4) "Funding source" means an individual or entity that provides a monetary contribution to the Environmental Mitigation and Response Fund.

(5) "Home controlled substance disposal receptacle" means the same as that term is defined in Subsection 67-5-36(1).

(5) (6) "Natural resource damage" means damages to land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other resources that are held in trust for the public or otherwise controlled by the United States, the state, or local government.

(7) "Repository" means the same as that term is defined in Subsection 67-5-36(1).

(6) (8) "Unused funds" means the remaining funds from a specific funding source following the complete implementation of the environmental mitigation or response actions pursuant to the terms and conditions of the contribution.

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### Section 2. Section 19-1-603 is amended to read:

#### **19-1-603. Environmental Mitigation and Response Fund.**

(1) There is created an expendable special revenue fund known as the Environmental Mitigation and Response Fund.

(2) The fund consists of:

(a) public and private funding sources made under Subsections (3) and (4);

(b) legally binding bankruptcy, financial assurance, or natural resource damage claim settlements; ~~and~~

~~(c)~~ and

(c) money appropriated by the Legislature, granted by the federal government, or granted or donated by a person for a purpose described in Subsection 19-1-604(2)(e); and

~~(e)~~ (d) interest earnings on cash balances.

(3) The department may accept contributions for deposit into the fund from public and private sources, including from a source as a condition of a consent decree, settlement agreement, stipulated agreement, or court order.

(4) If funds are deposited as part of a consent decree, settlement agreement, stipulated agreement, or court order, the source of the funding may specify terms and conditions in which the funds may be used, in accordance with the consent decree, settlement agreement, stipulated agreement, or court order.

(5) Unless mandated by court order, the department may refuse funds if the department determines it is incapable of meeting the terms and conditions of the agreement to obtain the funds, including covering the costs to administer the fund and oversee the implementation of the specific mitigation or response action.

(6) The fund may account for assets held by the state for:

(a) an individual;

(b) a private or public entity;

(c) another governmental unit, including a local or federal agency;

(d) a state agency; or

(e) a Native American tribe.

### Section 3. Section 19-1-604 is amended to read:

#### **19-1-604. Environmental mitigation.**

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(1) The director shall administer the fund created in Section 19-1-603.

(2) The director may:

(a) disburse funds to an authorized individual or public, private, or governmental entity, or Native American tribe to implement a specified environmental mitigation action in accordance with any terms and conditions associated with the funding source, as provided in Subsection 19-1-603(4);

(b) expend funds to implement certain environmental mitigation actions in accordance with any terms and conditions associated with the funding source, as provided in Subsection 19-1-603(4);

(c) expend funds to implement an environmental response action or site closure, in accordance with any terms and conditions associated with the funding source, as provided in Subsection 19-1-603(4);

(d) expend funds to cover actual administrative expenditures in accordance with any terms and conditions associated with the funds as provided in Subsection 19-1-603(4); ~~and~~

~~(e)~~ and

(e) within conditions associated with the funding source, expend funds for:

(i) the purchase, operation, or maintenance of a repository in the state;

(ii) the purchase or distribution of a home controlled substance disposal receptacle; or

(iii) educating citizens on the lawful and environmentally friendly disposal of a controlled substance; or

~~(e)~~ (f) return unused funds to the funding source, if required under the terms and conditions as provided in Subsection 19-1-603(4).

(3) For an environmental response action conducted pursuant to Subsection 19-1-604(2)(c), the director shall comply with applicable environmental cleanup standards described in this title.

(4) If the director disburses funds to another state agency in accordance with Subsection (2)(a), that agency may expend the funds in accordance with any terms and conditions associated with the fund contributions as provided in Subsection 19-1-603(4), including returning any unused funds to the department.

(5) Following the completion of an environmental mitigation and response action, any excess funds not returned to the funding source as provided in Subsection 19-1-603(4) shall be

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transferred to the Hazardous Substances Mitigation Fund, in accordance with Section 19-6-307.

Section ~~{1}~~4. Section 67-5-36 is enacted to read:

### **67-5-36. Drug Disposal Program**~~{-- Drug Disposal Restricted Account}~~.

(1) As used in the section:

~~(a) "{Drug}" means a prescription drug or an over-the-counter drug lawfully possessed by the individual disposing of the drug.~~

~~(b) "Controlled substance" means the same as that term is defined in Section 58-37-2.~~

~~(b) "Department" means the Department of Environmental Quality.~~

~~(c) "Environmentally friendly" means a {household waste pharmaceutical} controlled substance that is rendered:~~

~~(i) non-retrievable, as determined by the attorney general, ~~{, is rendered non-retrievable and environmentally safe.~~~~

~~(c) "Home drug in consultation with the department; and~~

~~(ii) non-hazardous, as determined by the department.~~

~~(d) "Home controlled substance disposal receptacle" means a receptacle provided by the program that can be used by an individual to render a small amount of ~~{drugs}~~ controlled substances at an individual's residence non-retrievable and environmentally friendly.~~

~~(~~fd~~e) "Non-retrievable" means the same as that term is defined in 21 C.F.R. 1300.05.~~

~~(~~fe~~f) "Program" means the Drug Disposal Program described in this section.~~

~~(~~fg~~g) "Repository" means a ~~{drug}~~ controlled substance disposal repository described in Subsection (3).~~

(2) The attorney general ~~{shall}~~ may, in ~~{accordance}~~ coordination with the ~~{requirements of this section}~~ department, administer a ~~{statewide }~~ program, known as the Drug Disposal Program, to provide for the safe, secure, and environmentally friendly disposal of ~~{drugs}~~ controlled substances in the state.

(3) The attorney general ~~{shall}~~ and the department, in developing and implementing the program:

(a) ~~{except as provided in Subsection (4),}~~ may work with law enforcement agencies, pharmacies, hospitals, and other entities ~~{ authorized by Drug Enforcement Administration rules,}~~ to ensure that one or more repositories are present in each county in the state;

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(b) shall ensure that each repository:

(i) renders a drug controlled substance placed in the repository non-retrievable ~~within two hours after placing the drug in the repository;~~

~~(ii) in rendering a drug non-retrievable, results in an~~ and environmentally friendly ~~substance~~, onsite; and

~~(iii) ii~~ is secure from tampering or unauthorized ~~tampering or~~ removal;

(c) may require ~~that an independent third party verify~~ verification that:

(i) a repository complies with Subsection (3)(b); and

(ii) a home drug controlled substance disposal receptacle renders a drug controlled substance non-retrievable and environmentally friendly;

(d) shall ensure that the program operates in accordance with Drug Enforcement ~~Administration rules;~~

~~(e) administer the restricted account described in Subsection (7); and~~

~~(f) publish, on~~ Administration rules; and

(e) may publish, on the websites of the attorney general's ~~website~~ office and the department:

(i) a list of the location of each repository in the state; and

(ii) if home drug controlled substance disposal receptacles are used as part of the program, information on how to obtain a home drug controlled substance disposal receptacle.

(4) The attorney general may, instead of, or in addition to, establishing a repository in a county, establish a process for residents of the county to ~~easily and inexpensively~~ obtain a home drug controlled substance disposal receptacle.

(5) A state or local government entity, other than the attorney ~~general~~ general's office, the department, or a designee of the department, may not:

(a) regulate the disposal of a controlled substance rendered non-retrievable in a repository or home drug controlled substance disposal receptacle differently, or more strictly, than disposal of non-hazardous household waste;

(b) regulate or restrict the location of a repository or the distribution of a home drug controlled substance disposal receptacle; or

(c) otherwise take action to regulate or interfere with administration of the program.

(6) This section does not prohibit the disposal of ~~drugs~~ a controlled substance in a

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receptacle that does not qualify as a repository if:

(a) the receptacle is located on the premises of an entity ~~{described in Subsection (3)(a)}~~authorized by Drug Enforcement Administration rules to accept a controlled substance for disposal; and

(b) the entity described in Subsection (~~{3}6~~)(a) ensures that the ~~{drug}~~controlled substance is ~~{rendered non-retrievable}~~managed in ~~{any}~~a manner permitted by Drug Enforcement Administration rule.

~~{~~ ~~(7) (a) There is created a restricted account within the General Fund known as the "Drug Disposal Restricted Account."~~

~~\_\_\_\_\_ (b) The restricted account shall consist of:~~

~~\_\_\_\_\_ (i) money appropriated by the Legislature;~~

~~\_\_\_\_\_ (ii) grants from the federal government; and~~

~~\_\_\_\_\_ (iii) grants or donations from a person.~~

~~\_\_\_\_\_ (c) The attorney general may award grants from the account to assist in:~~

~~\_\_\_\_\_ (i) the purchase, operation, or maintenance of a repository in the state; or~~

~~\_\_\_\_\_ (ii) the purchase or distribution of a home drug disposal receptacle.~~

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