

**CONTROLLED SUBSTANCE DISPOSAL AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen Mayne**

House Sponsor: Stewart E. Barlow

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**LONG TITLE**

**General Description:**

This bill creates standards for the disposal of a controlled substance by a nursing care facility.

**Highlighted Provisions:**

This bill:

- ▶ creates standards for the disposal of a controlled substance by a nursing care facility; and

- ▶ requires a nursing care facility to develop a written plan for the disposal of a controlled substance by the nursing care facility.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**26-21-30**, Utah Code Annotated 1953

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

Section 1. Section **26-21-30** is enacted to read:

**26-21-30. Disposal of controlled substances at nursing care facilities.**

(1) As used in this section:

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

30           (b) (i) "Irretrievable" means a state in which the physical or chemical condition of a  
31 controlled substance is permanently altered through irreversible means so that the controlled  
32 substance is unavailable and unusable for all practical purposes.

33           (ii) A controlled substance is irretrievable if the controlled substance is non-retrievable  
34 as that term is defined in 21 C.F.R. Sec. 1300.05.

35           (2) A nursing care facility that is in lawful possession of a controlled substance in the  
36 nursing care facility's inventory that desires to dispose of the controlled substance shall dispose  
37 of the controlled substance in a manner that:

38           (a) renders the controlled substance irretrievable; and

39           (b) complies with all applicable federal and state requirements for the disposal of a  
40 controlled substance.

41           (3) A nursing care facility shall:

42           (a) develop a written plan for the disposal of a controlled substance in accordance with  
43 this section; and

44           (b) make the plan described in Subsection (3)(a) available to the department and the  
45 committee for inspection.