

1 **CONTROLLED SUBSTANCE DISPOSAL AMENDMENTS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Karen Mayne**

5 House Sponsor: Stewart E. Barlow

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ creates standards for the disposal of a controlled substance by a nursing care
14 facility; and
15 ▶ requires a nursing care facility to develop a written plan for the disposal of a
16 controlled substance by the nursing care facility.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 ENACTS:

23 **26-21-30**, Utah Code Annotated 1953

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

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

27 **26-21-30. Disposal of controlled substances at nursing care facilities.**



- 28 (1) As used in this section:
29 (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.

Legislative Review Note
Office of Legislative Research and General Counsel