

DRUG DISPOSAL PROGRAM

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: Eric K. Hutchings

LONG TITLE

General Description:

This bill authorizes the attorney general, in coordination with the Department of Environmental Quality (DEQ), to implement and administer a program for the secure, environmentally friendly disposal of a lawfully possessed controlled substance.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ authorizes the attorney general, in coordination with 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 network of controlled substance disposal repositories or to distribute home controlled substance disposal receptacles;
 - may establish certain requirements for a controlled substance disposal repository and a home controlled substance disposal receptacle;
 - shall ensure that the program complies with Drug Enforcement Administration requirements; and
 - may publish a list of controlled substance disposal repositories or information on obtaining a home controlled substance disposal receptacle;
- ▶ amends provisions relating to the General Crime and Violence Prevention Fund for the administration of funds granted or donated for the program described in this bill;

30 and

31 ▶ preempts certain action by other state and local government entities in relation to
32 the program.

33 **Money Appropriated in this Bill:**

34 None

35 **Other Special Clauses:**

36 None

37 **Utah Code Sections Affected:**

38 AMENDS:

39 **67-5-24**, as last amended by Laws of Utah 2013, Chapter 400

40 ENACTS:

41 **67-5-36**, Utah Code Annotated 1953



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

44 Section 1. Section **67-5-24** is amended to read:

45 **67-5-24. Attorney General Crime and Violence Prevention Fund -- Use of money**
46 **-- Restrictions.**

47 (1) There is created an expendable special revenue fund known as the Attorney General
48 Crime and Violence Prevention Fund.

49 (2) The fund shall consist of:

50 (a) gifts, grants, devises, donations, and bequests of real property, personal property, or
51 services, from any source, made to the fund[-]; and

52 (b) money granted by the federal government, or donated or granted by another person,
53 for a purpose described in Subsection (4)(n).

54 (3) (a) If the donor designates a specific purpose or use for the gift, grant, devise,
55 donation, or bequest, money from the fund shall be used solely for that purpose.

56 (b) Gifts, grants, devises, donations, and bequests not designated for a specific purpose
57 under Subsection (3)(a) and that are not restricted to a specific use under federal law, shall be

58 used in connection with the activities under Subsection (4).

59 (c) The attorney general or the attorney general's designee shall authorize the
60 expenditure of fund money in accordance with this section.

61 (d) The money in the fund may not be used for administrative expenses of the Office of
62 the Attorney General normally provided for by legislative appropriation.

63 (4) Except as provided under Subsection (3), the fund money shall be used for any of
64 the following activities:

- 65 (a) the Amber Alert program;
- 66 (b) prevention of crime against seniors;
- 67 (c) prevention of domestic violence and dating violence;
- 68 (d) antidrug use programs;
- 69 (e) preventing gangs and gang violence;
- 70 (f) Internet safety programs;
- 71 (g) mentoring Utah partnerships;
- 72 (h) suicide prevention programs;
- 73 (i) underage drinking programs;
- 74 (j) antipornography programs;
- 75 (k) victims assistance programs;
- 76 (l) identity theft investigations and prosecutions; [~~or~~]
- 77 (m) identity theft reporting system database[-]; or
- 78 (n) in relation to the drug disposal program described in Section [67-5-36](#):
 - 79 (i) the purchase, operation, or maintenance of a repository in the state;
 - 80 (ii) the purchase or distribution of a home controlled substance disposal receptacle;
 - 81 (iii) educating citizens on the lawful and environmentally friendly disposal of a
82 controlled substance; or
 - 83 (iv) notwithstanding Subsection (3)(d), if not prohibited by the grantor or donor
84 described in Subsection (2)(b), the costs of administering the drug disposal program, in an
85 amount that does not exceed 10% of the money provided by the grantor or donor.

86 (5) The state treasurer shall invest the money in the fund under Title 51, Chapter 7,
87 State Money Management Act, except that all interest or other earnings derived from the fund
88 money shall be deposited in the fund.

89 (6) The attorney general shall make an annual report to the Legislature regarding the
90 status of the fund, including a report on the contributions received, expenditures made, and
91 programs and services funded.

92 Section 2. Section **67-5-36** is enacted to read:

93 **67-5-36. Drug Disposal Program.**

94 (1) As used in the section:

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

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

97 (c) "Environmentally friendly" means a controlled substance that is rendered:

98 (i) non-retrievable, as determined by the attorney general in consultation with the
99 department;

100 (ii) non-hazardous, as determined by the department; and

101 (iii) permissible to dispose in a landfill in a manner that does not violate state or federal
102 law relating to surface water or groundwater.

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

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

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

108 (g) "Repository" means a controlled substance disposal repository described in
109 Subsection (3).

110 (2) The attorney general may, in coordination with the department and within funds
111 available for this purpose, administer a program, known as the Drug Disposal Program, to
112 provide for the safe, secure, and environmentally friendly disposal of controlled substances in
113 the state.

114 (3) The attorney general and the department, in developing and implementing the
115 program:

116 (a) may work with law enforcement agencies, pharmacies, hospitals, and other entities
117 to ensure that one or more repositories are present in each county in the state;

118 (b) shall ensure that each repository:

119 (i) renders a controlled substance placed in the repository non-retrievable and
120 environmentally friendly, onsite; and

121 (ii) is secure from tampering or unauthorized removal;

122 (c) may require verification that:

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

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

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

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

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

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

132 (4) The attorney general may, instead of, or in addition to, establishing a repository in a
133 county, establish a process for residents of the county to obtain a home controlled substance
134 disposal receptacle.

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

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

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

142 (c) otherwise take action to regulate or interfere with administration of the program.
143 (6) This section does not prohibit the disposal of a controlled substance:
144 (a) in a receptacle that does not qualify as a repository if:
145 (i) the receptacle is located on the premises of an entity authorized by Drug
146 Enforcement Administration rules to accept a controlled substance for subsequent disposal; and
147 (ii) the entity described in Subsection (6)(a)(i) ensures that the controlled substance is
148 managed in a manner permitted by Drug Enforcement Administration rule; or
149 (b) disposed at a facility that has received the approval required under Section
150 [19-6-108](#).
151 (7) Unless otherwise agreed by the attorney general, an entity described in Subsection
152 (3)(a) that permits the placement of a repository on property owned or controlled by the entity
153 will dispose of a controlled substance placed in the repository after the controlled substance is
154 rendered environmentally friendly.