

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1618**  
**99TH GENERAL ASSEMBLY**

4387H.05C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal section 195.070, RSMo, and to enact in lieu thereof two new sections relating to the disposal of unused controlled substances, with an emergency clause.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 195.070, RSMo, is repealed and two new sections enacted in lieu  
2 thereof, to be known as sections 195.070 and 195.265, to read as follows:

195.070. 1. A physician, podiatrist, dentist, a registered optometrist certified to  
2 administer pharmaceutical agents as provided in section 336.220, or an assistant physician in  
3 accordance with section 334.037 or a physician assistant in accordance with section 334.747 in  
4 good faith and in the course of his or her professional practice only, may prescribe, administer,  
5 and dispense controlled substances or he or she may cause the same to be administered or  
6 dispensed by an individual as authorized by statute.

7 2. An advanced practice registered nurse, as defined in section 335.016, but not a  
8 certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, who holds  
9 a certificate of controlled substance prescriptive authority from the board of nursing under  
10 section 335.019 and who is delegated the authority to prescribe controlled substances under a  
11 collaborative practice arrangement under section 334.104 may prescribe any controlled  
12 substances listed in Schedules III, IV, and V of section 195.017, and may have restricted  
13 authority in Schedule II. Prescriptions for Schedule II medications prescribed by an advanced  
14 practice registered nurse who has a certificate of controlled substance prescriptive authority are  
15 restricted to only those medications containing hydrocodone. However, no such certified  
16 advanced practice registered nurse shall prescribe controlled substance for his or her own self  
17 or family. Schedule III narcotic controlled substance and Schedule II - hydrocodone  
18 prescriptions shall be limited to a one hundred twenty-hour supply without refill.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19           3. A veterinarian, in good faith and in the course of the veterinarian's professional  
20 practice only, and not for use by a human being, may prescribe, administer, and dispense  
21 controlled substances and the veterinarian may cause them to be administered by an assistant or  
22 orderly under his or her direction and supervision.

23           4. A practitioner shall not accept any portion of a controlled substance unused by a  
24 patient, for any reason, if such practitioner did not originally dispense the drug, **except as**  
25 **provided in section 195.265.**

26           5. An individual practitioner shall not prescribe or dispense a controlled substance for  
27 such practitioner's personal use except in a medical emergency.

**195.265. 1. Unused controlled substances may be accepted from ultimate**  
2 **consumers, or from hospice or home health care providers on behalf of ultimate**  
3 **consumers, through collection receptacles, drug disposal boxes, and other means provided**  
4 **through drug take back programs by a Drug Enforcement Agency-authorized collector in**  
5 **accordance with federal regulations, even if the authorized collector did not originally**  
6 **dispense the drug. This subsection shall supercede and preempt any local ordinances or**  
7 **regulations, including any ordinances or regulations enacted by any political subdivision**  
8 **of the state, regarding the disposal of unused controlled substances.**

9           **2. By August 28, 2019, the department of health and senior services shall develop**  
10 **an education and awareness program regarding drug disposal, including controlled**  
11 **substances. The education and awareness program may include, but not be limited to:**

12           **(1) A web-based resource that:**

13           **(a) Describes available drug disposal options, including take back, take back events,**  
14 **mailers, in-home disposal options that render a product safe from misuse, or any other**  
15 **methods that comply with state and federal laws and regulations, may reduce the**  
16 **availability of unused controlled substances, and may minimize the potential**  
17 **environmental impact of drug disposal;**

18           **(b) Provides a list of drug disposal take back sites, which may be sorted and**  
19 **searched by name or location;**

20           **(c) Provides a list of take back events in the state, including the date, time, and**  
21 **location information for each event; and**

22           **(d) Provides information for authorized collectors regarding state and federal**  
23 **requirements to comply with the provisions of subsection 1 of section 195.265; and**

24           **(2) Promotional activities designed to ensure consumer awareness of proper storage**  
25 **and disposal of prescription drugs, including controlled substances.**

Section B. Because immediate action is necessary to allow for the safe disposal of  
2 unused pharmaceuticals, the repeal and reenactment of section 195.070 and the enactment of

3 section 195.265 of this act are deemed necessary for the immediate preservation of the public  
4 health, welfare, peace, and safety, and are hereby declared to be an emergency act within the  
5 meaning of the constitution, and the repeal and reenactment of section 195.070 and the  
6 enactment of section 195.265 of this act shall be in full force and effect upon their passage and  
7 approval.

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