

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

As Engrossed: H3/17/15

A Bill

HOUSE BILL 1867

4
5 By: Representative Hammer

For An Act To Be Entitled

8 AN ACT TO ESTABLISH A HOSPICE DRUG DISPOSAL
9 PROCEDURE; AND FOR OTHER PURPOSES.

Subtitle

12 TO ESTABLISH A HOSPICE DRUG DISPOSAL
14 PROCEDURE.

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 *SECTION 1. Arkansas Code Title 20, Chapter 7, is amended to add an*
20 *additional subchapter to read as follows:*

21 *Subchapter 7 – Hospice Drug Disposal*

22
23 *20-7-701. Definitions.*

24 *As used in this subchapter:*

25 *(1) "Controlled substance" means a drug, substance, or immediate*
26 *precursor in Schedules II through V; and*

27 *(2)(A) "Hospice" or "hospice program" means an autonomous,*
28 *centrally administered, medically directed, coordinated program providing a*
29 *continuum of home, outpatient, and homelike inpatient care for the terminally*
30 *ill patient and the patient's family and that employs an interdisciplinary*
31 *team to assist in providing palliative and supportive care to meet the*
32 *special needs arising out of the physical, emotional, spiritual, social, and*
33 *economic stresses that are experienced during the final stages of illness and*
34 *during dying and bereavement.*

35 *(B) The care shall be available twenty-four (24) hours a*
36 *day, seven (7) days a week, and provided on the basis of need, regardless of*



1 ability to pay.

2
3 20-7-702. Hospice drug disposal.

4 (a) A hospice or hospice program shall establish policies and
5 procedures for controlled substance drug disposal consistent with state and
6 federal law.

7 (b) Upon the death of a patient of a hospice or hospice program, the
8 staff of the hospice or hospice program shall inform the relatives or heirs
9 of the patient of the policies and procedures for controlled substance drug
10 disposal, including without limitation that:

11 (1) An inventory of the drugs shall be taken and documented; and

12 (2) The disposal of the drugs shall be in a manner that does not
13 affect the environment.

14 (c) The hospice or hospice program shall dispose of any drug if the
15 staff of the hospice or hospice program completes the procedure described in
16 subsection (d) of this section.

17 (d) The staff of the hospice or hospice program shall:

18 (1) Inventory the drugs on a form;

19 (2) Complete appropriate forms to provide to the relatives or
20 heirs, the Division of Pharmacy Services and Drug Control of the Department
21 of Health, the law enforcement officer, and the medical records of the
22 patient; and

23 (3) Either:

24 (A) In the presence of a law enforcement officer, place
25 all drugs for disposal in a tamper-proof evidence bag with a copy of the
26 inventory form and provide the tamper-proof evidence bag to the law
27 enforcement officer for disposal; or

28 (B) Dispose of the controlled substance drug in the
29 presence of a witness by either:

30 (i) An absorbing substance to render the drug non-
31 retrievable or unstable; or

32 (ii) A septic system that is not connected to a
33 municipal water system.

34 (e) A law enforcement officer or law enforcement agency who receives
35 the tamper-proof evidence bag shall dispose of surrendered drugs through the
36 evidence disposal procedures, the utilization of drug take-back collection

1 points, or statewide prescription drug disposal programs, or any combination
2 of the procedures or programs.

3 (f)(1) A hospice or hospice program shall maintain current and
4 accurate records of the receipt and disposition of all drugs surrendered
5 under subsection (d) of this section.

6 (2) The Division of Pharmacy Services and Drug Control of the
7 Department of Health may audit periodically the records to ensure accuracy.

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9 /s/Hammer
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