

JAN 23 2020

A BILL FOR AN ACT

RELATING TO DRUG DISPOSAL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 28, Hawaii Revised Statutes, is amended
2 by adding a new part to be appropriately designated and to read
3 as follows:

4 "PART . DRUG DISPOSAL PROGRAM

5 §28-A Definitions. As used in this part:

6 "Drug" means a prescription drug or an over-the-counter
7 drug lawfully possessed by the individual disposing of the drug.

8 "Environmentally friendly" means a household waste
9 pharmaceutical that, as determined by the attorney general, is
10 rendered non-retrievable and environmentally safe.

11 "Home drug disposal receptacle" means a receptacle that can
12 be used by an individual to render a small amount of drugs at an
13 individual's residence non-retrievable and environmentally
14 friendly.

15 "Non-retrievable" has the same meaning as defined in Title
16 21 Code of Federal Regulations section 1300.05.



1 "Program" means the statewide drug disposal program
2 established pursuant to section 28-B.

3 "Repository" means a drug disposal repository as described
4 in subsection 28-B(b).

5 **§28-B Statewide drug disposal program; established;**
6 **administration.** (a) There is established a statewide drug
7 disposal program within the department of the attorney general.
8 The attorney general shall, in accordance with the requirements
9 of this part, administer the program to provide for the safe,
10 secure, and environmentally friendly disposal of drugs in the
11 State.

12 (b) The attorney general shall:

13 (1) Except as provided in section 28-C, work with law
14 enforcement agencies, pharmacies, hospitals, and other
15 entities authorized by Drug Enforcement Administration
16 rules, to ensure that one or more repositories are
17 present in each county;

18 (2) Ensure that each repository:

19 (A) Renders a drug placed in the repository non-
20 retrievable within two hours after placing the
21 drug in the repository;



- 1 (B) Renders each non-retrievable drug into an
- 2 environmentally friendly substance; and
- 3 (C) Is secure from unauthorized tampering or removal;
- 4 (3) Require that an independent third party verify that:
 - 5 (A) A repository complies with paragraph (2); and
 - 6 (B) A home drug disposal receptacle renders a drug
 - 7 non-retrievable and environmentally friendly;
- 8 (4) Ensure that the program operates in accordance with
- 9 Drug Enforcement Administration rules;
- 10 (5) Administer the drug disposal special fund established
- 11 pursuant to section 28-D; and
- 12 (6) Publish on the attorney general's website:
 - 13 (A) A list of the location of each repository in the
 - 14 State; and
 - 15 (B) If home drug disposal receptacles are used as
 - 16 part of the program, information on how to obtain
 - 17 a home drug disposal receptacle.

18 **§28-C Home drug disposal receptacles; preemption. (a)**

19 The attorney general may, instead of, or in addition to,
20 establishing a repository in a county, establish a process for



1 residents of the county to easily and inexpensively obtain a
2 home drug disposal receptacle.

3 (b) A state or county government entity, other than the
4 attorney general, may not:

5 (1) Regulate the disposal of a substance rendered non-
6 retrievable in a repository or home drug disposal
7 receptacle differently, or more strictly, than
8 disposal of non-hazardous household waste;

9 (2) Regulate or restrict the location of a repository or
10 distribution of a home drug disposal receptacle; or

11 (3) Otherwise take action to regulate or interfere with
12 the administration of the program.

13 (c) This section shall not prohibit the disposal of drugs
14 in a receptacle that does not qualify as a repository if:

15 (1) The receptacle is located on the premises of an entity
16 described in section 28-B(b)(1); and

17 (2) The entity described in section 28-B(b)(1) ensures
18 that the drug is rendered non-retrievable in any
19 manner permitted by Drug Enforcement Administration
20 rules.



1 §28-D Drug disposal special fund; established; grants.

2 (a) There is established in the state treasury a drug disposal
3 special fund, into which shall be deposited:

4 (1) Appropriations by the legislature to the drug disposal
5 special fund;

6 (2) Grants from the federal government; and

7 (3) Grants or donations from private individuals and
8 organizations.

9 (b) The attorney general may award grants from the drug
10 disposal special fund to assist in:

11 (1) The purchase, operation, or maintenance of a
12 repository in the State; or

13 (2) The purchase or distribution of home drug disposal
14 receptacles."

15 SECTION 2. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$ or so
17 much thereof as may be necessary for fiscal year 2020-2021 to be
18 deposited into the drug disposal special fund.

19 SECTION 3. There is appropriated out of the drug disposal
20 special fund the sum of \$ or so much thereof as may be
21 necessary for fiscal year 2020-2021 for purposes of awarding



S.B. NO. 3136

1 grants administered by the department of the attorney general
2 pursuant to this Act.

3 The sum appropriated shall be expended by the department of
4 the attorney general for the purposes of this Act.

5 SECTION 4. In codifying the new sections added by section
6 1 of this Act, the revisor of statutes shall substitute
7 appropriate section numbers for the letters used in designating
8 the new sections of this Act.

9 SECTION 5. This Act shall take effect upon its approval;
10 provided that sections 2 and 3 shall take effect on July 1,
11 2020.

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INTRODUCED BY: _____

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S.B. NO. 3136

Report Title:

Drug Disposal Program; Attorney General; Drug Disposal Special Fund; Appropriation

Description:

Establishes the Drug Disposal Program, administered by the Department of the Attorney General, to dispose of prescription and over-the-counter drugs in a safe, secure, and environmentally friendly manner. Establishes the Drug Disposal Special Fund and appropriates funds.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

