

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10345-MG-43

Short Title: Prescription Drug Disposal/John's Law. (Public)

Sponsors: Representative Sasser.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT REQUIRING PHARMACIES TO PROVIDE PATIENTS WITH WRITTEN
3 INFORMATIONAL MATERIALS ON PRESCRIPTION DRUG DISPOSAL AND TO
4 MAKE AVAILABLE ON-SITE AT LEAST ONE CONSUMER METHOD FOR
5 PRESCRIPTION DRUG DISPOSAL.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 5 of Chapter 90 of the General Statutes is amended by adding
8 a new section to read:

9 "**§ 90-106.5. Pharmacies to provide prescription drug disposal information and at least one**
10 **on-site method of disposal.**

11 (a) As used in this section, the following terms have the following meanings:

12 (1) Active ingredient. – As defined in 21 C.F.R. § 210.3(b)(7), as amended.

13 (2) Controlled substance. – As defined in G.S. 90-87. The term also includes any
14 drug or medication identified for inclusion in this section by the Commission
15 for Mental Health, Developmental Disabilities, and Substance Abuse
16 Services.

17 (b) Each pharmacy that dispenses a controlled substance to a patient shall, at the time of
18 dispensation, do all of the following:

19 (1) Provide the patient with written informational materials on all of the
20 following:

21 a. An explanation of how to properly, safely, and promptly discard
22 unused, unwanted, or expired drugs and medications. These
23 informational materials shall include available drug disposal options.

24 b. An explanation of at least the following risks for failure to properly,
25 safely, and promptly discard unused, unwanted, or expired drugs and
26 medications:

27 1. That the drug or medication can be stolen, diverted, abused,
28 misused, or accidentally ingested, which can pose a risk to the
29 health and safety of the patient and other members of the
30 patient's household.

31 2. That children are particularly at risk of accidentally ingesting
32 unused, unwanted, and expired medications that have not been
33 properly, safely, and promptly discarded.

34 3. That drugs or medications discarded in the household trash or
35 flushed down the drain can leach into the ecosystem, which can



- 1 have a potentially adverse or harmful effect on the
2 environment.
- 3 4. That drugs or medications discarded in the household trash
4 without being rendered unusable and unavailable can be stolen
5 by individuals seeking to divert, abuse, or misuse the drug or
6 medication.
- 7 (2) Make available on-site, for purchase or at no cost to the patient, at least one
8 consumer method for individuals to dispose of unwanted or expired
9 prescription drugs, including over-the-counter, at-home drug disposal
10 products or secured medication collection kiosks or boxes, subject to the
11 following requirements:
- 12 a. The pharmacy shall ensure that at-home drug disposal products made
13 available on-site consist of a non-toxic composition, blend, solution,
14 or formulation that (i) changes the physical integrity of the medication
15 formulation so that it is no longer recognizable as the therapeutic dose
16 for which it was dispensed and intended or (ii) chemically renders the
17 active ingredients of the medication unusable for all practical purposes
18 and exhibits abuse deterrent properties that make the normal routes of
19 administration difficult and less rewarding.
- 20 b. The pharmacy shall ensure that any secured medication collection
21 kiosks or boxes made available on-site follow federal Drug
22 Enforcement Administration requirements for collected
23 pharmaceuticals set forth in 21 C.F.R. § 1317, as amended, and shall
24 be marked and identified by prominent signage."

25 **SECTION 2.** This act becomes effective October 1, 2021, and applies to controlled
26 substances dispensed by pharmacies operating in this State on or after that date.