HB 1457-FN - AS INTRODUCED

2018 SESSION

18-2703
01/03

HOUSE BILL ***1457-FN***

AN ACT relative to drug take-back programs.

SPONSORS: Rep. V. Sullivan, Hills. 16; Rep. Hinch, Hills. 21; Rep. Morrison, Rock. 9; Rep. L. Ober, Hills. 37; Rep. Horn, Merr. 2

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill adds illicit drugs and drug paraphernalia to the drug take-back programs. Under this bill, the drug take-back program may have an on-site employee, staff member, or volunteer to offer aid to persons returning the drugs in finding suitable rehabilitation assistance. The bill also authorizes municipalities to charge cities and towns where the person resides for treatment rendered.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

18-2703
01/03

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eighteen

AN ACT relative to drug take-back programs.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Controlled and Noncontrolled Drug Take-Back Programs. Amend the chapter heading of RSA 318-E to read as follows:

CONTROLLED AND NONCONTROLLED
[~~PHARMACEUTICAL~~] DRUG TAKE-BACK PROGRAMS

2 Controlled and NonControlled Drug Take-Back Programs. Amend RSA 318-E:1 to read as follows:

318-E:1 [~~Pharmaceutical~~] Drug Take-Back Programs Authorized.

I. ***Studies have shown that unused medications left in the home have often been the gateway to addiction. Therefore in addition to the National Drug Take-Back Day that is part of the Drug Enforcement Administration Division Control Program,*** a local, county, regional, state, or other governmental entity or private entity in conjunction with the chief law enforcement officer of a law enforcement agency may establish a controlled and noncontrolled pharmaceutical [~~drug~~] ***and illicit drug and drug paraphernalia*** take-back program. For the purposes of this chapter, [~~"pharmaceutical drug"~~] ***"drug"*** means a prescription or over-the-counter drug, including, but not limited to, controlled drugs as defined in [~~this chapter~~] ***RSA 318-B:1, VI and any illicit drugs such as cocaine, heroin, and paraphernalia***.

I-a. A registered pharmacy may establish a controlled and noncontrolled pharmaceutical drug take-back program provided it complies with the United States Drug Enforcement Administration regulations, 21 C.F.R. part 1300 et seq.

II. A [~~pharmaceutical~~] drug take-back program established by a local, county, regional, state, or other governmental entity or private entity shall enable individuals [~~with dispensed drugs~~] to voluntarily return the unused drugs for collection, storage, and disposal in accordance with applicable state and federal statutes and regulations ***without penalty and with amnesty***.

III. The department of justice, in consultation with the pharmacy board, the department of safety, and the department of environmental services shall establish rules, pursuant to RSA 541-A, for the collection, storage, and disposal of collected drugs in accordance with applicable state and federal statutes and regulations.

IV. The disposal requirements for controlled drugs stipulated in RSA 318-B:17 shall not apply to controlled and noncontrolled drugs collected in accordance with this section.

V. Nothing in the implementation of a [~~pharmaceutical~~] drug take-back program shall require, at the place of collection, any individual who is returning drugs to disclose his or her

personal identification in order to return unused drugs.

VI. [~~Pharmaceutical~~] Drug take-back programs established under this chapter may accept public and private grants and donations of money for the purpose of covering the costs of such programs, including, but not limited to public funds appropriated for this purpose [~~and a fee from participating individuals returning unused pharmaceuticals~~].

VII. Persons who return drugs or paraphernalia may be provided with the opportunity to speak with an employee, staff member, or volunteer who shall aid them in finding suitable rehabilitation assistance. Drug take-back facilities may also offer medical treatment upon an individual's request, if qualified personnel or transportation to a facility is available.

VIII. Municipalities may charge the city or town where the individual accepting these services resides, for treatment rendered.

3 Effective Date. This act shall take effect January 1, 2019.

LBAO
18-2703
10/27/17

HB 1457-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to drug take-back programs.

FISCAL IMPACT: [X] State [ ] County [X] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2019**	**FY 2020**	**FY 2021**	**FY 2022**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	[X] General and Other	[ ] Education	[X] Highway	[X] Other - Turnpike

LOCAL:

Revenue	Indeterminable	Indeterminable	Indeterminable	Indeterminable
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill adds illicit drugs and drug paraphernalia to drug take-back programs without penalty and with amnesty. Persons who return drugs or paraphernalia may be provided with the opportunity to speak with an employee, staff member, or volunteer to aid them in finding suitable rehabilitation assistance. Drug take-back facilities may also offer medical treatment upon an individual's request, if qualified personnel or transportation to a facility is available. Municipalities may charge the city or town where the individual accepting these services resides, for treatment rendered.

The Department of Safety indicates that if a trooper or officer is required to be present during drug take back events because they are working with local, county, regional or state or private entities, there would be an indeterminable increase in expenses associated with an unknown number of events.

The Department of Environmental Services states it may need consulting services to address the toxicity of some illicit drugs that are not currently in the waste stream for these programs. The cost for such services is indeterminable.

The Office of Professional Licensure and Certification (OPLC) and the Department of Justice

indicate there is no fiscal impact.

The New Hampshire Municipal Association indicates the provision of additional services and the program itself are optional, with no way to estimate expenditures, thus the fiscal impact is indeterminable.

AGENCIES CONTACTED:

Office of Professional Licensure and Certification, Department of Environmental Services, Department of Justice, Department of Safety, and New Hampshire Municipal Association