

1 AN ACT relating to the disposal of controlled substances during end-of-life care.

2 WHEREAS, comfort measures for end of life care often require powerful  
3 medications and controlled substances in the form of pills, injections, patches, liquids,  
4 and other delivery methods; and

5 WHEREAS, patients receiving end of life care are often able to be treated at home;  
6 and

7 WHEREAS, the Commonwealth is facing an addiction crisis in regard to pain  
8 medications; and

9 WHEREAS, the Drug Enforcement Administration recently created regulations on  
10 the disposal of controlled substances which prevent home health agencies from disposing  
11 of controlled substances on behalf of their patients, unless state law specifically allows  
12 for disposal; and

13 WHEREAS, the Commonwealth seeks to protect the public from the risk of having  
14 such medications stolen and seeks to encourage safe methods of disposal which do not  
15 endanger people or the natural environment;

16 NOW, THEREFORE,

17 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

18 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 216 IS CREATED TO  
19 READ AS FOLLOWS:

20 **(1) Any provider of hospice, palliative care, or end-of-life services shall have written**  
21 **policies and procedures for the deactivation or sequestration and disposal of**  
22 **Schedule II, III, IV, or V controlled substances prescribed to a patient when a**  
23 **prescription is discontinued or upon the patient's death by the entity or person**  
24 **pronouncing the death.**

25 **(2) Any provider of hospice, palliative care, or end-of-life services shall provide a**  
26 **copy of the written policy and procedures for the management and the**  
27 **deactivation or sequestration and disposal of Schedule II, III, IV, or V controlled**

1 substances prescribed to a patient when a prescription is discontinued or upon  
2 the patient's death, to the patient or the patient's legal representative, and the  
3 provider shall discuss the policy and procedures with the patient or the patient's  
4 legal representative. The patient or the patient's legal representative shall be  
5 requested to sign an agreement to this policy.

6 (3) In an effort to reduce illegal diversion of Schedule II, III, IV, or V controlled  
7 substances, the agreement to the written policy and procedures required under  
8 subsection (2) of this section shall inform the patient or the patient's legal  
9 representative that if the patient or the patient's legal representative refuses to  
10 agree to the deactivation or sequestration and disposal when a prescription is  
11 discontinued or upon the death of the patient, local law enforcement or the  
12 Department for Public Health shall be notified of the refusal by the hospice,  
13 palliative care, or end-of-life services provider or the entity or person  
14 pronouncing death.

15 (4) The deactivation or sequestration and disposal of Schedule II, III, IV, or V  
16 controlled substances prescribed to a patient when a prescription is discontinued  
17 or upon the patient's death shall be completed by the entity or person  
18 pronouncing death and witnessed by an adult. The witness shall sign a statement  
19 that he or she witnessed the deactivation or sequestration and disposal.

20 (5) The deactivation or sequestration and disposal methods of Schedule II, III, IV, or  
21 V controlled substances used by the entity or person pronouncing death shall  
22 comply with the United States Food and Drug Administration's recommendations  
23 for the safe disposal of unused medicines or shall be another safe deactivation or  
24 sequestration and disposal method.