

## CONTROLLED SUBSTANCE DISPOSAL POLICY IN HOSPICE SETTINGS

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**Senate Bill 842 (S-1) as passed by the Senate**  
**Sponsor: Sen. Dale Zorn**  
**House Committee: Health Policy**  
**Senate Committee: Health Policy**  
**Complete to 11-27-18**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

Senate Bill 842 would amend Parts 74 (Offenses and Penalties) and 214 (Hospices) of the Public Health Code, concerning the disposal of controlled substances in hospice settings.

The bill would require a hospice or hospice residence that provides services in a patient's private home (but not in a health facility or agency or adult foster care facility) to implement a written *controlled substance disposal policy* detailing procedures to mitigate the diversion of controlled substances prescribed to the patient. The policy would have to include all of the following:

- A procedure for offering to assist with disposal of controlled substances.
- A requirement that an *employee* (defined in the bill as a registered professional nurse or licensed practical nurse employed by the hospice or hospice residence) educate the patient on safe disposal techniques and locations.
- Procedures for offering assistance with controlled substance disposal to a patient who revokes hospice care and services.
- A requirement that an employee document the acceptance or rejection of the offer to assist with disposal of controlled substances.
- A requirement that, if an employee assists with disposal, the disposal be witnessed by another competent adult and not take place in the patient's home.

The Department of Licensing and Regulatory Affairs (LARA) would have to promulgate rules to implement the requirement, including rules governing the safe disposal of controlled substances in a patient's private home. A hospice or hospice residence would have to implement the policy beginning 90 days after the rules are promulgated.

Under the bill, a hospice or hospice residence providing services in a patient's home would have to distribute a copy of the policy to the patient or the patient's family, and inform the patient or family that an employee will offer to assist with controlled substance disposal, within five days after the patient is admitted to the hospice or hospice residence and hospice care is provided in the patient's home.

Generally under the Code, certain actions related to controlled substances constitute a misdemeanor. The bill would provide that delivery of a controlled substance for the purpose of disposing of the substance is not a violation.

The bill would take effect 90 days after enactment.

MCL 333.17766 and proposed MCL 333.7423 and 333.21418

**FISCAL IMPACT:**

Senate Bill 842 would not have a significant impact on expenditures or revenues for LARA or any other unit of state or local government. The bill would require LARA to promulgate rules to implement provisions of the bill, but any cost associated with this process would be absorbed by existing departmental appropriations.

Legislative Analyst: Jenny McInerney  
Fiscal Analyst: Marcus Coffin

---

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.