

115TH CONGRESS
2D SESSION

S. 3489

To amend title XVIII of the Social Security Act to require Medicare Advantage plans offered under part C of the Medicare program and prescription drug plans offered under part D of such program to provide information relating to the safe disposal of prescription drugs that are controlled substances to certain individuals enrolled under such plans.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2018

Mrs. ERNST introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to require Medicare Advantage plans offered under part C of the Medicare program and prescription drug plans offered under part D of such program to provide information relating to the safe disposal of prescription drugs that are controlled substances to certain individuals enrolled under such plans.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Education for Disposal
3 of Unused Opioids Act of 2018” or the “EDU Act of
4 2018”.

5 **SEC. 2. REQUIRING MEDICARE ADVANTAGE PLANS AND**
6 **PRESCRIPTION DRUG PLANS TO PROVIDE IN-**
7 **FORMATION ON THE SAFE DISPOSAL OF PRE-**
8 **SCRIPTION DRUGS.**

9 (a) **MEDICARE ADVANTAGE.**—Section 1852 of the
10 Social Security Act (42 U.S.C. 1395w–22) is amended by
11 adding at the end the following new subsection:

12 “(n) **PROVISION OF INFORMATION RELATING TO THE**
13 **SAFE DISPOSAL OF CERTAIN PRESCRIPTION DRUGS.**—

14 “(1) **IN GENERAL.**—In the case of an individual
15 enrolled under an MA or MA–PD plan who is fur-
16 nished an in-home health risk assessment on or after
17 January 1, 2021, such plan shall ensure that such
18 assessment includes information on the safe disposal
19 of prescription drugs that are controlled substances
20 that meets the criteria established under paragraph
21 (2). Such information shall include information on
22 drug takeback programs that meet such require-
23 ments determined appropriate by the Secretary and
24 information on in-home disposal.

25 “(2) **CRITERIA.**—The Secretary shall, through
26 rulemaking, establish criteria the Secretary deter-

1 mines appropriate with respect to information pro-
 2 vided to an individual to ensure that such informa-
 3 tion sufficiently educates such individual on the safe
 4 disposal of prescription drugs that are controlled
 5 substances.”.

6 (b) PRESCRIPTION DRUG PLANS.—Section 1860D–
 7 4(c)(2)(B) of the Social Security Act (42 U.S.C. 1395w–
 8 104(c)(2)(B)) is amended—

9 (1) by striking “may include elements that pro-
 10 mote”;

11 (2) by redesignating clauses (i) through (iii) as
 12 subclauses (I) through (III) and adjusting the mar-
 13 gins accordingly;

14 (3) by inserting before subclause (I), as so re-
 15 designated, the following new clause:

16 “(i) may include elements that pro-
 17 mote—”;

18 (4) in subclause (III), as so redesignated, by
 19 striking the period at the end and inserting “; and”;
 20 and

21 (5) by adding at the end the following new
 22 clause:

23 “(ii) with respect to plan years begin-
 24 ning on or after January 1, 2021, shall
 25 provide for—

1 “(I) the provision of information
2 to the enrollee on the safe disposal of
3 prescription drugs that are controlled
4 substances that meets the criteria es-
5 tablished under section 1852(n)(2),
6 including information on drug
7 takeback programs that meet such re-
8 quirements determined appropriate by
9 the Secretary and information on in-
10 home disposal; and
11 “(II) cost-effective means by
12 which an enrollee may so safely dis-
13 pose of such drugs.”.

○