

LEGISLATIVE RESEARCH UNIT

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PHARMACEUTICAL DISPOSAL OR DONATION PROGRAMS

You asked whether any states have laws promoting environmentally safe disposal of pharmaceuticals. We did a computer search¹ for laws of the states in our 18-state survey list (the 10 most populous states other than Illinois; neighboring states; and regional representatives).² We also searched those states' environmental agency Internet sites for information. These searches found six states with laws or programs on prescription disposal, and 15 with repository programs for unused medications. Those programs are described below.

Illinois

The Household Hazardous Waste Collection Program Act (1993)³ is intended to promote proper management of household hazardous wastes, including medications. Outdated medicines are eligible for disposal at household hazardous waste collection sites in Illinois.⁴ The Illinois EPA has scheduled 10 such collections this fall, in Cook (two collections), Jo Daviess, Rock Island, Will, DuPage, Kendall, Clinton, Vermilion, and Stark Counties.⁵ Several other disposal programs have been established across the state. Pontiac Township High School students created the Pontiac Prescription Drug Disposal program—a collaborative effort among students, local officials, and pharmacies to provide safe disposal of prescription and over-the-counter medications.⁶ It has collection sites in Grundy, Iroquois, Kankakee, Livingston, Marshall, McLean, Will, and Woodford counties.⁷ The Solid Waste Agency of Northern Cook County offers 18 collection sites across the

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county for residents to dispose of unused or expired prescription medications.⁸ Chicago residents can drop off unused or expired prescription medications at five drop boxes at Chicago Police Department Area Centers.⁹

A computer search of Illinois bills of the current General Assembly found several that would create drug disposal or donation programs.¹⁰ House Bill 2277 (Jakobsson-McGuire-May et al.) as introduced was a nonsubstantive "shell" bill, but was voted "do pass" in committee. Four floor amendments were proposed and referred to the Rules Committee; none were adopted by the House. House Amendment 1 (McGuire) proposed a prescription drug disposal pilot program, under which participating pharmacies would collect and properly dispose of prescription drugs. House Amendment 2 (McGuire) similarly proposed a prescription drug disposal pilot program, with the Illinois EPA authorized to adopt rules to include controlled substances in the program. House Amendment 3 (Jakobsson) would add sharps collection to the program. House Amendment 4 (Jakobsson) would allow the Governor to suggest rules for the pilot program to the General Assembly, but would forbid all other rulemaking by the Governor or state agencies. The bill never had a Third Reading, and was re-referred to the Rules Committee for lack of action.

House Bill 813 (May-Harris-Osterman-Bellock et al.—J.Collins-Dillard-Althoff) as amended by House Amendment 1 (House Health Care Availability and Access Committee); Senate Bill 941 (J.Collins-E.Jones-Martinez-Schoenberg) as amended by Senate Amendment 1 (J.Collins); and Senate Bill 2943 (J.Collins-Althoff) proposed to create a cancer drugs repository. House Bill 813 passed the House and was assigned to the Senate Public Health Committee but was re-referred to the Rules Committee for lack of action. Senate Bill 941 was introduced as a "shell" bill; Senate Amendment 1 was adopted and its deadline for Third Reading was established as January 13, 2009. Senate Bill 2943 was introduced this year and was never assigned to a substantive committee.

House Bill 5980 (Bellock-Harris) would create a drug repository program under which any person could donate unused prescription drugs or supplies at participating pharmacies. It was voted "do pass" 14-0 by the Judiciary I—Civil Law Committee and put on the order of Second Reading, but was later re-referred to Rules for lack of Second Reading by the deadline.

Other States' Drug Disposal Laws

California, Iowa, Indiana, New York, Texas, Washington, and Wisconsin have programs for disposal of prescription drugs, or provide information on their proper disposal. We describe their laws on the next page.

California

Each drug retailer must have a drug collection and disposal program.¹¹ Programs must be free for consumers; provide collection location information on drug packaging or purchase orders; and be publicized on signs, written materials, or by direct communication with consumers.¹²

The Integrated Waste Management Board is required by December 1, 2008 to develop model programs for collection and disposal of drug waste that offer free collection and disposal.¹³

Iowa

The Department of Natural Resources (DNR) was authorized in 2007 to spend \$225,000 from its solid waste account (funded by sanitary landfill tonnage fees) for a 1-year pharmaceutical collection and disposal pilot project using options other than landfills and municipal wastewater treatment facilities. The DNR was to fund a public agency operating a household hazardous waste regional collection center that serves at least 15 counties; is licensed by the board of pharmacy examiners as a "reverse distributor;" and is endorsed by the Governor's Office of Drug Control Policy.¹⁴

Indiana

Prescription drugs are accepted at some hazardous household waste collection sites.¹⁵

New York

By March 2009, under a new public information program, information on drug disposal must be displayed in every registered pharmacy or retail business authorized to sell drugs.¹⁶

Texas

Prescription drugs are accepted at some hazardous household waste collection sites.¹⁷ The entity running the collection site decides which materials to accept.¹⁸

Washington

The Department of Ecology lists 33 recycling dropoff and buy-back sites that will take unwanted pharmaceuticals.¹⁹

Wisconsin

The Department of Agriculture, Trade and Consumer Protection may make grants for county, municipal and regional planning commission programs to collect residents' unwanted prescription drugs.²⁰ The appropriation for 2009 is \$100,000.²¹

Drug Donation Programs

At least 15 of the 18 states in our survey list have programs allowing unused medications to be donated for redistribution:

Arizona	Iowa	Virginia
California	Massachusetts	Pennsylvania
Florida	Michigan	Texas
Georgia	Missouri	Virginia
Indiana	Ohio	Wisconsin

The Florida,²² Michigan,²³ and Pennsylvania²⁴ programs apply to cancer drugs only. Texas²⁵ and Wisconsin²⁶ have programs that redistribute unused drugs at penal institutions. Massachusetts²⁷ and New York²⁸ require pharmacies to refund charges to patients who return unused medications. We describe below the 15 state programs we found.

Arizona

The state Board of Pharmacy supervises a prescription drug donation program.²⁹ Donated medications are to be dispensed, by prescription, directly to or through participating public or private nonprofit entities, to state residents meeting eligibility standards set by the Board.³⁰

California

Any county can establish a program to distribute surplus prescription medications to persons who need them.³¹ Only pharmacies that are county-owned or contract with a county can dispense such medications.³² Expired medications may not be dispensed.³³

Florida

Cancer drugs and supplies that have been kept in "closed drug delivery systems" (in which an institution, not a patient, keeps control of them), or otherwise held by a medical institution or physician, may be donated to Class II hospital pharmacies.³⁴ Drugs paid for by Medicaid in facilities for long-

term care, if eligible for return to stock under federal regulations, must be credited to Medicaid, not donated.³⁵ Persons eligible to receive cancer drugs or supplies paid for in whole or in part by federal or state funds cannot receive donated drugs.³⁶

Georgia

A program of the State Board of Pharmacy, Department of Human Resources, and Department of Community Health allows residents of medical facilities, or their representatives or guardians, to donate unused prescription drugs to be given to medically indigent persons.³⁷

Indiana

The Regional Drug Repository Program allows pharmacists and pharmacies, drug distributors, licensed hospitals, medical facilities, hospices, and practitioners to donate unadulterated drugs to regional drug repositories.³⁸ The donated drugs are redistributed to nonprofit health clinics.³⁹

Iowa

The Iowa Department of Public Health and Board of Pharmacy are authorized to have a program allowing any person to donate prescription drugs and supplies for use by persons who meet eligibility criteria. The Department may contract with a third party to implement and administer the program.⁴⁰

Massachusetts

A resident or consultant pharmacist in a medical facility may return sealed, unopened medications in individually packaged units to the distributing pharmacy. Their buyer will be credited, and the medications may be restocked and redistributed.⁴¹

Michigan

The Michigan Board of Pharmacy administers a program to accept donations of cancer drugs and supplies.⁴² Adults may donate unused, sealed cancer drugs and supplies to medical facilities or pharmacies participating in the program. Pharmacies, medical facilities, manufacturers, and wholesale distributors may also donate cancer drugs and supplies that have not previously been dispensed.⁴³ Donated drugs and supplies are available to any Michigan resident with cancer.⁴⁴

Missouri

The Prescription Drug Repository Program⁴⁵ accepts and dispenses donated prescription drugs to eligible residents.⁴⁶ Donated drugs not used or accepted by a Missouri pharmacy, hospital, or clinic may be distributed to out-of-state charitable repositories.⁴⁷

New York

A resident or consultant pharmacist in a residential medical facility may return unused medication to the pharmacy where it was bought. The pharmacy may restock and redistribute it, and must reimburse or credit the buyer.⁴⁸

Ohio

The State Board of Pharmacy can establish a drug repository program to accept donated prescription drugs and dispense them to eligible persons.⁴⁹ Any person, including a drug maker or medical facility, may donate drugs to the program. Donations must be made at a participating pharmacy, hospital, or non-profit clinic.⁵⁰

Pennsylvania

The State Board of Pharmacy is required to implement a Cancer Drug Repository Program in which approved participating pharmacies may re-dispense unused cancer drugs to needy cancer patients.⁵¹ Drugs must be in original, unopened packaging and over 6 months from expiration.⁵²

Texas

A pharmacist at a medical facility, or a medical professional who administers drugs in a penal institution, may return some kinds of unused drugs to a pharmacy for redistribution. They must be sealed in unopened, tamper-evident packaging. Drugs accepted must not be controlled substances; require refrigeration; or be less than 120 days before expiration.⁵³

A drug maker or seller may donate unused prescription drugs to a charitable medical clinic through a qualified patient assistance program. The clinic may accept only drugs that have been properly stored. The donor must provide photo identification and a verifiable address and phone number.⁵⁴

Virginia


A nursing home or hospital may transfer drugs to a pharmacy that has volunteered to re-dispense them to patients eligible to receive them free of charge. The Board of Pharmacy is directed to establish a Prescription Drug Donation Program to accept unused prescription drugs and re-dispense them to poor patients.⁵⁵


Wisconsin

Prescription drugs returned to a pharmacy serving primarily state prisoners may be dispensed to any patient in a state prison, if they are returned in original containers and were never in the possession of patients before being returned.⁵⁶

We hope this information is helpful. Please let us know if we can be of further assistance.

Sincerely,


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Notes

1. We searched state laws and bills for "pharmac__", "pre-
scription", "drug", "medicine", or "medication" within 10
words of "distribution program", "reposit__", "recycl__",
"donat__", "unused", or "dispos__".
2. Those states are Arizona, California, Florida, Georgia,
Indiana, Iowa, Massachusetts, Michigan, Missouri, New
Jersey, New York, North Carolina, Ohio, Pennsylvania,
Texas, Virginia, Washington, and Wisconsin.
3. 415 ILCS 90/2.
4. Illinois EPA, "Household Hazardous Waste Collections Ac-
ceptable and Unacceptable Wastes" (downloaded Oct. 8, 2008
from Illinois EPA Internet site).
5. Illinois EPA, "Fall 2008 Household Hazardous Waste Collec-
tions" (downloaded Oct. 7, 2008 from Illinois EPA Internet
Site).
6. Pontiac Prescription Drug Program, "History of the
Program" (downloaded Oct. 20, 2008 from Pontiac
Prescription Drug Program Internet site).

7. Pontiac Prescription Drug Program, "Drop Off Locations" (downloaded Oct. 20, 2008 from Pontiac Prescription Drug Program Internet site).
8. Solid Waste Agency of Northern Cook County, "Medicine Drop-off" (downloaded Oct. 20, 2008 from Solid Waste Agency of Northern Cook County Internet site).
9. Mayor's Press Office, "Daley Launches Prescription Drop Box at Area Police Stations" (November 1, 2008, downloaded from City of Chicago Internet site).
10. We searched a computer database of state bills for "pharmac_", "prescription", "drug", "medicine", or "medication" within 10 words of "distribution program", "reposit_", "recycl_", "donat_", "unused", or "dispos_".
11. Cal. Health & Safety Code, subsec. 25400.52(a).
12. Cal. Health & Safety Code, subsec. 25400.52(b).
13. Cal. Pub. Res. Code, subsecs. 47122(a) and (b).
14. 2007 Iowa Acts, ch. 155.
15. Indiana Department of Environmental Management (IDEM), "Unwanted Medicines Environmental Fact Sheet" (downloaded Oct. 16, 2008 from IDEM Internet site).
16. 2008 N.Y. Laws, ch. 625 (approved Sept. 25, 2008).
17. Telephone conversation with Leonard Neigh, Recycling Center Coordinator, Abilene, Texas, Oct. 29, 2008.
18. Texas Commission on Environmental Quality, "About Hazardous Household Waste" (June 20, 2008, downloaded from Texas Commission on Environmental Quality Internet site).
19. Washington Department of Ecology, "Search for Recycling Opportunities in Your Neighborhood" (downloaded Oct. 29, 2008 from Washington State Department of Ecology Internet site).
20. Wis. Stat. Ann., sec. 93.57.
21. Wisconsin Department of Agriculture, Trade and Consumer Protection, "2009 Prescription Drug Grant Application Process Now Open" (downloaded Oct. 17, 2008 from DATCP Internet site).
22. Fla Stat., secs. 499.0269 ff.
23. Mich. Comp. Laws, sec. 333.17780.
24. Pa. Stat., tit. 62, secs. 2923 and 2924.
25. Tex. Occ. Code Ann., sec. 562.1085.
26. Wis. Stat., subsec. 450.09(7m).
27. Mass. Gen. Laws, ch. 111, sec. 251.
28. N.Y. Pub. Health Law, sec. 2803-e.
29. Ariz. Rev. Stat. Ann., subsec. 32-1909(A).
30. Ariz. Rev. Stat. Ann., subsec. 32-1909(B).
31. Cal. Health & Safety Code, sec. 150200.
32. Cal. Health & Safety Code, subsec. 150204(a).
33. Cal. Health & Safety Code, subsec. 150204(i).
34. Fla. Stat. Ann., subsec. 499.029(3)(k).

35. Fla. Stat. Ann., subsec. 499.029(4).
36. Fla. Stat. Ann., subsec. 499.029(9).
37. Ga. Code, subsec. 26-4-192(a) and sec. 26-4-193.
38. Ind. Code, sec. 25-26-20-4.
39. Ind. Code, sec. 25-26-20-3.
40. Iowa Code Ann., sec. 135M.3, subd. 1.
41. Mass. Gen. Laws, ch. 111, sec. 251.
42. Mich. Comp. Laws, subsecs. 333.17780(3)(a) and (b).
43. Mich. Comp. Laws, subsec. 333.17780(3).
44. Mich. Comp. Laws, subsec. 333.17780(7).
45. Mo. Rev. Stat., secs. 196.970 to 196.984.
46. Mo. Rev. Stat., subsec. 196.976(1).
47. Mo. Rev. Stat., subsec. 196.979(3).
48. N.Y. Pub. Health Law, sec. 2803-e.
49. Ohio Rev. Code, secs. 3715.87 to 3715.99.
50. Ohio Rev. Code, subsec. 3715.871(A).
51. Pa. Stat., tit. 62, sec. 2923.
52. Pa. Stat., tit. 62, sec. 2924.
53. Tex. Occ. Code Ann., sec. 562.1085.
54. Tex. Health & Safety Code Ann., sec. 431.322.
55. Va. Code Ann., sec. 54.1-3411.1.
56. Wis. Stat., subsec. 450.09(7m).