



Superfund Report - 02/29/2016 Proponents Tout Drug Take-Back Bill Despite Likely Industry Opposition

February 26, 2016

Proponents of drug take-back programs are gearing up to press for federal legislation that would create a national, industry-funded program to collect unused medications from consumers, although they say they expect push-back from the pharmaceutical industry, which has generally opposed mandatory take-back programs.

Nonetheless, proponents of a bill expected to be introduced soon in the House say they see a window for increased support for pharmaceutical take-back programs, pointing to the growing bipartisan coalition supporting drug abuse prevention efforts, with an increasing recognition that drug take-back is a component of those efforts.

At the same time, it is unclear how much the product stewardship proponents will influence broader drug abuse prevention legislation, as comprehensive drug abuse prevention legislation is currently making its way through the Senate. While the Senate bill includes a take-back measure, stewardship advocates dislike it because drug collection and management under the measure would not be funded by industry.

The Product Stewardship Institute (PSI), comprised of state environmental agency representatives, local governments and business, academia and non-governmental organization members, is strongly supporting stand-alone legislation floated by Rep. Louise Slaughter (D-NY) that would create a collection program financed and managed by producers for prescription and over-the-counter (OTC) medications that households dispose of. PSI helped develop the legislation, a PSI official says.

"[T]his bill provides proper disposal options for unwanted and expired pharmaceuticals --both controlled and uncontrolled substances --thus providing Americans with a convenient way to safely dispose of unused medications," PSI and other groups say in a Feb. 2 support letter to Slaughter. *Relevant documents are available on InsideEPA.com. (Doc. ID: 189178)*

The bill, revised from a previous version, would set up a non-profit private corporation called the National Pharmaceutical Stewardship Organization, which would be financed by drug makers and would establish drug take-back programs in every state, according to a summary of her bill.

Pharmaceutical manufacturers would be required to participate in the national program or a similar program of their own design, and pay into it to support the cost of the program, the summary says.

The bill would create "a system facilitating safe, secure and convenient ongoing collection and disposal of drugs from 'ultimate users' (individuals for personal use) with at least one collection location in every county and city and an additional location for every 30,000 residents, giving preference to retail pharmacies," her office says in a Feb. 5 posting on Slaughter's website.

The legislation would also require that the drugs collected be rendered unrecoverable, in line with Drug Enforcement Administration requirements on drug disposal, and would require periodical independent reviews of the program's effectiveness, and impose civil penalties for pharmaceutical producers failing to participate in a stewardship program.

Scott Cassel, PSI's CEO, told *Inside EPA* in an interview that a primary concern of PSI and its state and local government members was that the bill not preempt drug take-back laws at the state or local level that are more stringent than the federal program under the bill. He said the bill ensures that more stringent local legislation would not be preempted, noting that the federal program would set a "floor" for a drug take-back program. The bill aligns with local take-back laws that exist in six counties and is similar to legislation that has been attempted, but failed to pass, in 10 states, he says.

Slaughter has floated the bill, but not yet introduced it. A spokesman for her office says it is not yet clear when she will introduce it.

A spokeswoman for the Pharmaceutical Research & Manufacturers of America says the group will release a statement in response to the bill when Slaughter introduces it.

Cassel said there are four problems PSI would like addressed with the legislation: accidental poisonings and potential drug abuse -- both safety issues -- and the environmental issues of water quality and aquatic impacts. Many local governments and citizen groups are concerned that a lack of drug take-back programs leads consumers to flush medications into wastewater systems, where they are eventually discharged and cause adverse developmental effects in fish and possibly humans.

While Cassel said he expects opposition to the federal legislation from the pharmaceutical industry, at the same time PSI is seeing growing strength in a bipartisan coalition at the local, state and federal levels addressing drug abuse, with increasing recognition that drug take-back is part of drug abuse prevention.

In addition to a stand-alone measure, take-back can be part of a comprehensive drug abuse prevention strategy, he noted. PSI supports the take-back component of a pending Massachusetts comprehensive drug abuse prevention bill.

At the same time, S. 524, a comprehensive drug abuse prevention bill that was approved by the Senate Judiciary Committee Feb. 22, and placed on the Senate's calendar contains a take-back measure that is not viewed favorably by PSI. "It's not the way we'd do it," but it shows the importance of take-back as being a part of a drug abuse prevention strategy, Vivian Futran Fuhrman, PSI associate for policy and programs, said in the interview.

She said the group supports the awareness aspect of the legislation, but not the mechanism or the amount of money it would provide. Under the bill, also known as the Comprehensive Addiction and Recovery Act, the prescription take-back measure would authorize the federal government to provide grants to state, local or tribal law enforcement units to create or expand disposal sites for unwanted prescription medicines, according to a summary of the bill by the Community Anti-Drug Coalitions of America. It would also offer grants to national non-profit groups that give technical assistance and training on the disposal of drugs, the summary says.

Superfund Report - 02/29/2016 , Vol. 30, No. 5

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