

New York State may force drug makers to pay for drug take-back programs

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New York appears poised to become the latest state to adopt a drug take-back law, a slow-but-steady notion moving across the country as local governments grapple with budget constraints caused by unwanted or unused medicines and the opioid crisis. And the financial burden would, once again, fall on the pharmaceutical industry.

The New York state legislature last week unanimously passed a [bill](#) that would require drug makers to underwrite the cost of collecting and disposing of medicines. The measure must now be sent to New York Gov. Andrew Cuomo. We asked his office for comment and will pass along any reply. Last year, Cuomo vetoed a [bill](#) that would have required pharmacy chains — not drug makers — to largely pay for a statewide program.

Should Cuomo sign the legislation, New York would become the fourth state in the U.S. to adopt such a law, joining [Washington](#), which did so last March, as well as Massachusetts and Vermont. However, New York would be only the second state to have pursued a standalone law, since the take-back programs in the two New England states were actually contained in larger legislation.

The enthusiastic support of the New York State legislature reflects ongoing concern among local governments that seek to reduce contaminants in drinking water and lower the threat of drug abuse stemming from drugs that linger in household medicine chests. This has been especially true in recent years as opioid abuse and misuse has intensified.

Ever since the U.S. Supreme Court three years ago [denied](#) an industry request to review a lawsuit filed over a drug take-back program in Alameda County, Calif., lawmakers in different parts of the country have been emboldened to introduce bills to force companies to finance the costs. Several counties in California and Washington have also adopted such laws.

In arguing that industry should absorb the costs, local and state governments argue that drug makers are capable of paying for the programs, since the companies generate substantial revenue doing business in those jurisdictions. Prescription drug sales in New York state in 2017 were approximately \$26.5 billion, according to [data](#) from IQVIA.

“When medicines sit in the home, they become a target for illegal diversion and create the possibility for accidental poisonings. And if people don’t have a convenient legal way to dispose of it, they’re likely to toss it in the trash or flush down the toilet, both of which end up contaminating the environment,” said Ed Gottlieb, who chairs the Tompkins County Coalition for Safe Medication Disposal in Ithaca, N.Y.

“Creating more convenient take-back opportunities lessens the likelihood these things would happen. What’s more, it’s simple, easy and cheap. It’s low-hanging fruit, but sustainable funding has always been the issue. And why should taxpayers pay to clean up messes created by companies who make huge profits off the taxpayer? They should be paying the cost.”

Indeed, the bill that was vetoed last year failed after environmental advocates persuaded Cuomo that the drug companies — not pharmacy chains — should pay for take back programs. The Republican legislator who sponsored the original bill — and subsequently reintroduced the latest version — did so in hopes of gaining backing from Cuomo and to address the opioid crisis and environmental concerns.

“Given the notoriety of the opioid crisis and finding medicines in the water, I think there has to be a way to move forward,” said Kemp Hannon, who heads the Senate Health Committee and [received](#) \$10,750 from drug makers last year, according to the National Institute on Money in State Politics. “And there would be, at least for a small contribution, a positive public relations step for pharmaceutical companies to participate.”

The new bill also has the support of the New York State Association of Counties.

For its part, the Pharmaceutical Research & Manufacturers of America, the industry trade group, has not taken a formal position on the New York bill, according to a spokeswoman. However, she noted that information about an industry effort called MyOldMeds.com has been pitched to New York consumers for several years.

The website recommends that unused drugs should be placed with cat litter, sawdust, or coffee grounds in plastic bags, and then tossed in the trash. But environmental activists argue this should be a last resort and the Food and Drug Administration recommended this option only when take-back programs are [not available](#).

Environmental advocates, meanwhile, maintain that the ongoing opioid crisis is likely to push still other states to consider such legislation. A bill was recently introduced in the California legislature, for instance, according Vivian Fuhrman of the Product Stewardship Institute, a nonprofit that supports drug take-back programs.

“I think it’s a matter of gaining momentum,” she said. “We’ve seen activity at the county level and we’re starting to see it at the state level. There’s a question of feasibility at the state level, so until that gets sorted out, you see people trying this at the county level. But the more dire the opioid abuse epidemic becomes, the more it fuels a movement for safe drug disposal. There’s a lag time, but you can see it correlates.”

<https://www.statnews.com/pharmalot/2018/06/26/new-york-drug-take-back-programs/>