

Consumer Disposal of Pharmaceuticals

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Issue

This report (1) summarizes current law's requirements for consumers disposing of unused pharmaceuticals and (2) provides examples of other states' policies addressing pharmaceutical disposal challenges.

(This report does not focus on pharmaceutical recycling [initiatives](#), also known as drug repository programs.)

Summary

Although states (including Connecticut) have adopted legislation making it easier for consumers to dispose of unused pharmaceuticals, these laws operate in the context of federal controlled substances law. Although many prescription and nonprescription pharmaceuticals are not [controlled substances](#) under the Drug Enforcement Administration's (DEA) controlled substance schedules, state or local efforts to collect unused pharmaceuticals from consumers will almost certainly result in the collection of some controlled substances, thus subjecting the collection to applicable federal law.

A 2014 [DEA rule](#) implemented the Secure and Responsible Drug Disposal Act of 2010 ([P.L. 111-273](#)) by expanding the options available for collecting and disposing of pharmaceutical controlled substances, including expanding authority to operate or maintain take-back events, mail-back programs, and collection receptacles. According to the rule's executive summary, previously, federal controlled substances law only permitted consumers to (1) destroy substances themselves (e.g., by flushing); (2) surrender them to a law enforcement agency, if the agency had obtained DEA approval; or (3) seek assistance from the DEA. Under the 2014 rule, various entities, including

manufacturers, distributors, substance abuse treatment programs, and pharmacies can also operate take-back programs that accept controlled substances (among other pharmaceuticals).

[According to](#) the Product Stewardship Institute, various public entities may be involved at the state and local level in pharmaceutical disposal laws, including environmental protection or natural resource agencies, public health departments, and local wastewater treatment facilities.

According to the state departments of Consumer Protection (DCP) and Energy and Environmental Protection (DEEP), Connecticut law does not specifically address consumers' disposal of unused pharmaceuticals (e.g., there are no laws on flushing them or placing them in the trash). However, a Connecticut law passed in [2017](#) required the DCP commissioner to adopt regulations specifically allowing pharmacies to accept unused prescription drugs from consumers. The adopted regulations allow retail pharmacies to accept controlled substances and prescription and nonprescription medications in on-site receptacles and dispose of them through reverse distributors (generally a drug or medical product wholesaler or distributor) or law enforcement authorities. The regulations require pharmacies to register with the department before collecting consumer pharmaceuticals ([Conn. Agencies Regs. § 20-576a-1 et seq.](#)).

Connecticut is not the only state that addresses consumer pharmaceutical disposal concerns by authorizing pharmacies or other entities to collect and dispose of unused pharmaceuticals and regulating how they do so (see, e.g., Georgia, Maryland, and New Hampshire). Some states make a state agency responsible for operating a pharmaceutical collection program in conjunction with pharmacies or law enforcement authorities (e.g., Colorado and Vermont). Lastly, several states recently adopted legislation requiring pharmaceutical manufacturers to facilitate and fund take-back programs (i.e., extended producer responsibility (EPR) laws) (e.g., California, Maine, Massachusetts, and New York).

Examples of Other States' Laws

In recent years, several states have adopted pharmaceutical disposal laws with the express purpose of (1) preventing the accidental ingestion, misuse, or diversion of pharmaceuticals or (2) preventing environmental contamination caused by improper disposal. Table 1 below provides examples of laws that (1) establish an EPR framework, (2) make a state agency responsible for coordinating a take-back program, or (3) regulate how pharmacies and other entities operate their take-back programs.

Table 1: Select State Laws Governing Pharmaceuticals' Disposal

State & Primary Governing Law	EPR Law?	Notes
<p>California</p> <p>Cal. Pub. Res. Code §§ 42030-42036.4</p> <p>See also Cal. Code Regs. tit. 16, § 1776</p>	<p>✓</p>	<p>A 2018 law established the Pharmaceutical and Sharps Waste Stewardship Program. Pharmacies are not required to participate (e.g., as collectors). In January 2021, the applicable regulations took effect. It is expected that the law will be fully implemented by July 2022.</p> <p>State regulations also regulate how pharmacies, among others, may collect pharmaceuticals via take-back events, mail-back programs, and on-site receptacles.</p>
<p>Colorado</p> <p>Colo. Rev. Stat. § 25-15-328</p> <p>6 Colo. Code Regs. § 1010-23</p>		<p>A 2014 law required the Department of Public Health and Environment to establish the Household Medication Take-Back Program. Under the state-funded program, pharmacies and law enforcement agencies collect pharmaceuticals and, since FY 21, sharps. The department approves collection methods (on-site receptacles and take-back events) and disposal methods. The applicable regulations can be found here.</p>
<p>Georgia</p> <p>Ga. Comp. R. & Regs. § 480-50-.01 et seq.</p>		<p>Georgia's regulations establish parameters for pharmacies, substance abuse treatment programs, manufacturers, and law enforcement agencies, among others, to collect and dispose of pharmaceuticals via on-site receptacles or a mail-back program.</p>
<p>Maine</p> <p>Me. Rev. Stat. Ann. tit. 22, § 2700, as amended by 2021 Me. Legis. Serv. Ch. 94</p>	<p>✓</p>	<p>A 2021 law amends the Unused Pharmaceutical Disposal Law to make it an EPR law. Most pharmacies are required to participate as collectors; law enforcement agencies are allowed to participate.</p>
<p>Maryland</p> <p>Md. Code Ann., Health-Gen. § 15-601 to -609</p> <p>Md. Code Regs. 10.34.33</p>		<p>State law authorizes the dual-purpose, voluntary Prescription Drug Repository Program through which pharmacies and certain other health care facilities collect pharmaceuticals and medical supplies for disposal or, in certain circumstances, redistribution to needy patients.</p>

Table 1 (continued)

State & Primary Governing Law	EPR Law?	Notes
<p>Massachusetts</p> <p>Mass. Gen. Laws ch. 94H, §§ 1-6</p>	<p>✓</p>	<p>A 2016 law established the Drug Stewardship Program. It does not require pharmacies to participate (e.g., as collectors). No regulations have been adopted.</p>
<p>New Hampshire</p> <p>N.H. Rev. Stat. Ann. § 318-E:1</p> <p>N.H. Code Admin. R. Ann. Jus 1601.01-1608.01</p>		<p>State law allows governmental and nongovernmental entities to work with law enforcement agencies to operate pharmaceutical take-back programs that comply with federal law. State regulations address collection receptacles and take-back events as well as collected pharmaceutical disposal.</p>
<p>New York</p> <p>N.Y. Pub. Health §§ 290-294</p> <p>N.Y. Comp. Codes R. & Regs. tit. 10, § 60-4.1 to -4.8</p>	<p>✓</p>	<p>A 2018 law, the New York State Drug Take Back Act, requires chain pharmacies and mail-order pharmacies to participate as collectors. Final regulations took effect in March 2021.</p>
<p>Vermont</p> <p>Vt. Stat. Ann. tit. 18, § 4224</p>		<p>A 2016 law makes the Department of Health responsible for the Statewide Unused Prescription Drug Disposal Program, which provides for the collection of pharmaceuticals by mail and at disposal sites.</p>

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