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California State Legislature

SENATOR
HANNAH-BETH JACKSON
NINETEENTH SENATE DISTRICT



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LEGISLATIVE AUDIT

October 30, 2014

Contra Costa County Board of Supervisors
651 Pine St RM 107
Martinez CA 94553-1229

Dear Board Members:

Over the last two years, I have worked with numerous stakeholders to develop legislation that would create a convenient and environmentally responsible home-generated prescription drug disposal program. These efforts included my hosting several large stakeholder meetings, working with legislative consultants, and meeting with hundreds of individuals with an interest in the safe handling and disposal of unused medications. During that time, I introduced two bills, SB 727 (2013) and SB 1014 (2014) in response to the feedback I received to help decrease the supply of unused prescription drugs in homes across California. Due to the current legislative climate, moving forward with these programs was unsuccessful.

I am now respectfully requesting your participation and help to move this critical issue forward in our state. Adopting a county ordinance similar to Alameda County's Safe Drug Disposal ordinance will help California residents prevent prescription drug abuse, address their disposal needs now, and increase support for a statewide solution.

The Alameda County Board of Supervisors unanimously adopted the first Safe Medication Disposal Ordinance in the country in July 2012. Pharmaceutical manufacturers with medications being sold or distributed in Alameda County must participate in and fund a program to collect and dispose of unwanted drugs. The ordinance was challenged by Pharmaceutical Research and Manufacturers of America, Generic Pharmaceutical Association, and Biotechnology Industry Organization on the basis that the ordinance violates the dormant Commerce Clause for interstate commerce and discriminates against out-of-county producers. In August 2013, the U.S. District Court upheld the ordinance, as did the Ninth U.S. Circuit Court of Appeals in September 2014.

Alameda County's ordinance may be found here:

http://www.acgov.org/aceh/safedisposal/documents/SDD_Ordinance.pdf

I encourage you to consider introducing a similar ordinance in your county to demonstrate your support for, and commitment to, addressing this problem. A preponderance of evidence points to the need for action:

- The National Drug Control Strategy of 2014 lists providing safe medicine take-back as one of four key interventions to prevent prescription drug abuse.
- In October 2013, the DEA's seventh National Take-Back Day collected 324 tons of expired and unwanted medications across the nation. Since the inception of National Take-Back Day in 2010, it has resulted in the disposal of more than 3.4 million pounds of unused medications.
- In 2010, CalRecycle identified 297 take-back programs in California including one-time take-back events, continuous take-back programs, and mail-back programs. The majority of these programs are funded and run by local governments.
- 70% of Americans are taking at least one prescription medication.
- Studies estimate between 10 – 33% of medications go unused.
- Poisoning is one of the fastest rising causes of accidental death among older adults, particularly from overdoses of prescription drugs and over-the-counter medications.
- A 2013 study by The Partnership at Drugfree.org found that one in four teens had intentionally misused a prescription drug in their lifetime — a 33% increase from five years ago.
- According to the National Institute on Drug Abuse, accidental overdose deaths from prescription opiates have quadrupled since 1999 and now outnumber those from heroin and cocaine combined.
- Flushing expired or unused medications down the toilet can add to the pharmaceuticals in our streams and drinking water and is extremely costly, if not impossible, to eradicate.
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Until a cohesive statewide strategy is established, the most effective way to help prevent the risk of accidental poisoning and abuse of unused medications in your county is to increase disposal options through the adoption of an ordinance. I hope you will give this important public safety and environmental issue your most serious consideration.

Sincerely,



HANNAH-BETH JACKSON
Senator, 19th District

HBJ: lb

**FACT SHEET ON HOW TO DRAFT
PHARMACEUTICAL STEWARDSHIP ORDINANCES
(Revised 10/29/2014)**

This fact sheet is intended to be used as a tool for anyone considering a producer responsibility ordinance for household pharmaceuticals. It summarizes key elements of the two existing pharmaceutical ordinances that have passed in the U.S. for Alameda County California and King County Washington. In addition, it includes San Francisco's new ordinance that was introduced October 21, 2014. The consensus is that the best ordinance to start with is San Francisco's which was the most recently introduced and was based on the best of both Alameda and King County ordinances.

Questions to ask and have policy leadership answer before going to Counsel to draft an Ordinance:

1. What medications must be accepted by the program? (OTC, vitamins, controlled)?
2. Will producers pay 100% of the program hard costs?
3. Will it include convenience requirements?
4. Will it require a producer funded and managed public education/outreach program?
5. Will pharmacies be required to (1) host bins, and/or (2) advertise the program?
6. Will it allow producers to charge the cost to the consumer visibly or be internalized in price?
7. Will it require producers to pay fees to reimburse for public agency oversight costs?
8. Will it allow the public agency to assess a penalty/fine for failure to comply, and if so what?

Comparison of Ordinances by the Counties of Alameda, King and San Francisco:

Question	Alameda County Safe Medication Disposal Ordinance Adopted 7/24/12	King County Secure Medicine Return Ordinance Adopted 6/20/13	San Francisco Safe Drug Disposal Ordinance Introduced 10/21/14
Are over-the-counter medications covered?	No	Yes	Yes
Are vitamins/ supplements covered?	No	No	No
Are controlled substances covered?	Yes, partially, special provisions for how controlled are handled.	Yes	Yes
Will producers pay 100% of the program hard costs?	Yes	No – The County funds collection bins up to maximum of 400 bins.	Yes

CALIFORNIA LEGISLATURE
HANNAH-BETH JACKSON
STATE SENATOR
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