

MEDICAL SOCIETY of the STATE OF NEW YORK

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MEMORANDUM IN SUPPORT

On Assembly Health Committee Agenda

A. 9576 (GUNTHER)

**AN ACT to Amend the Public Health Law, in Relation to Enacting the
Drug Take Back Act**

This bill would establish a statewide drug take back program for the safe disposal of drugs. The Medical Society of the State of New York supports this measure.

Chapter 79 of the Laws of 2015, allowed pharmacies and other DEA authorized collectors to collect unused controlled substances in New York. While this was an important step in making it easier for people to take back their unused medications, voluntarily participation remains low. The Department of Environmental Conservation recently announced a pilot program that provides take back receptacles at participating pharmacies, hospitals and long-term care facilities, but again this program is voluntary and limited in scope. Unfortunately, last year an effort to require chain pharmacies statewide, and mail-order pharmacies, to participate in drug take back was vetoed by the Governor. Product Stewardship is the concept that whoever manufactures, produces, or sells a product take responsibility for minimizing the product's environmental impact throughout all stages of the products' life cycle, including its disposal or destruction. Over the years, New York has developed product stewardship programs for products such as electronic waste, rechargeable batteries, and mercury thermostats. It is imperative that the concept of product stewardship be applied to the pharmaceutical industry.

This measure, would require any manufacturer of a covered drug to operate a drug take back program approved by the department individually or jointly with other manufacturers; enter into an agreement with a drug take back organization to operate a drug take back program approved by the department; or enter into an agreement with the department to operate a drug take back program on its behalf. Under the bill's provisions, manufacturers are responsible for all administrative and operational fees associated with their take back program, including the cost of collecting, transporting and disposing of covered drugs from pharmacies and other authorized collectors and the recycling or disposal, or both, of packing collected with the covered drug. This Act further requires chain pharmacies and mail-order pharmacies to provide for the collection of covered drugs by providing consumers with on-site collection, prepaid mail-back envelopes or other Drug Enforcement Agency (DEA) approved methods.

In 2016, the Medical Society of the State of New York adopted the following policy regarding Medications Return Program that supports, "Daily access to safe, convenient, and environmentally sound medication return for unwanted prescription medications and that MSSNY support a medication disposal program be fully funded by the pharmaceutical manufacturers,

including costs for collection, transport and disposal of these materials as hazardous waste and that MSSNY support changes in New York State law or regulation that would allow a program for medication recycling and disposal to occur.”

Consumers and caregivers should remove expired, unwanted, or unused medicines from their home as quickly as possible to help reduced the chance that others may accidentally take or intentionally misuse the unneeded medication. It is also important that these medications are disposed of in the safest manner possible. The Medical Society of the State of New York supports medication disposal to support daily access to safe, convenient, and environmentally sound medication return for unwanted prescriptions. For all the reasons above, the Medical Society of the State of New York supports this measure and urges its passage.

Respectfully submitted,

MSSNY's Division of Governmental Affairs

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