

Federal Controlled Substances Act changed to facilitate medicine take-back programs. New DEA rules expected in 2012; secure medicine return bill does not require statewide program to start until 2014.

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Scott Cassel

Executive Director and Founder
Product Stewardship Institute
29 Stanhope Street
Boston, MA 02116
scott@productstewardship.us
www.productstewardship.us
(617) 236-4822



Amending the Controlled Substances Act: Secure and Responsible Drug Disposal Act of 2010 (S. 3397)

Overview

The Secure and Responsible Drug Disposal Act of 2010 was signed by President Obama on October 12, 2010, after being unanimously passed by both houses. This law authorizes the Attorney General to amend the Controlled Substances Act, which currently mandates that controlled substances can only be collected by law enforcement officials. While a number of law enforcement officials have created drug take-back programs in compliance with the Controlled Substances Act, other take-back programs, in pharmacies and clinics for example, were prohibited from accepting controlled substances from individuals. Long-term care facilities, which handle large volumes of controlled substances, are particularly affected by these restrictions. The Secure and Responsible Drug Disposal Act will help remove this barrier to creating programs to safely return and dispose of unused medications, but it is important to note that this law does not explicitly authorize the creation of drug take-back programs.

Motivation for the legislation

Legislators were motivated by the alarming increase in deaths related to the abuse of prescription opioids, which increased 14 percent between 2001 and 2005, and simultaneous recognition of the presence of medications in waterways around the country.

What this legislation does

The intent of this law is to encourage the Attorney General to establish regulations which prevent the diversion of controlled substances, but still "allow public and private entities to develop a variety of methods of collection and disposal of controlled substances, including some pharmaceuticals, in a secure, convenient, and responsible manner."

It is likely the regulations will increase the number and convenience of collection sites, as the law explicitly directs the Attorney General to consider the following when developing regulations:

- Public health and safety;**
- Ease and cost of program implementation;**
- Participation by various communities.**

The law also requests that the Attorney General **authorizes long-term care facilities** to dispose of controlled substances on behalf of their residents (the ultimate users).

What this legislation does not do

The law does not explicitly authorize the creation of drug take-back programs. The law is not intended to require any entity to establish delivery or disposal programs.

Next steps

The Drug Enforcement Administration will issue a proposed rule making under this change in the law. PSI encourages all interested parties to prepare comments that address security, costs, and accessibility of different collection and disposal options.

For the complete legislative language, please click [here](#).

For recommendations developed by PSI's Workgroup, please click [here](#).

For more information, see www.TakeBackYourMeds.org