

Alameda County Establishes First Pharmaceutical Take-Back Program

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Late last month, Alameda County, California became the first local jurisdiction to require pharmaceutical manufacturers to establish privately funded programs for the collection and disposal of expired, unused, or unwanted prescription drugs. The ordinance covers all prescription drug manufacturers—both brand name and generic. It does not apply to over-the-counter drugs, medical devices, vitamins or dietary supplements, cosmetics, or personal care products such as soap and antiperspirants. Alameda County is home to approximately 1.5 million residents, and is the sixth most populous county in California.

Currently the county government operates a medicine collection program at 28 locations in the county, at a cost of \$40,000 per year. The county says this program is inadequate to serve the needs of its citizens. Under the new ordinance, every manufacturer of a drug sold within Alameda County must establish or participate in a privately funded and operated program to safely collect and properly dispose of any and all unwanted prescription drugs. Each program may establish either physical drop-off locations, or provide postage-paid envelopes for the mail-in return of drugs. These programs must be paid for entirely by the manufacturers, who may not charge consumers any fees to participate, either at the point of sale or the point of collection.

In a move that reflects the success of stewardship organizations in the battery and electronics industries, the ordinance specifically encourages manufacturers to participate in industry-wide collection programs, and adopts many of the tenets of those programs. For instance, any collection program must accept any and all unwanted drugs, regardless of which company originally manufactured the drug. This requirement alone will likely drive pharmaceutical companies to establish jointly operated programs, and the ordinance requires that formal cost-sharing arrangements be established.

In passing the Alameda County Safe Drug Disposal Ordinance, the Alameda County Board of Supervisors stepped out in front of federal and state governments that have been pushing for broader schemes. The Drug Enforcement Agency has long investigated implementing such a plan on a nationwide basis, but its rulemaking process has progressed slowly. The Alameda County program will be an important trial run for industry to explore how such programs should work and presents an important opportunity for the pharmaceutical industry to gain experience with collection programs ahead of potentially nationwide requirements.