HOUSE DOCKET, NO. 630 FILED ON: 1/12/2009

HOUSE . . . . . No. 2090

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to develop a pilot program for unused prescription medication disposal..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. For the purposes of this act the following terms will have the following meanings:

"Prescriber", an individual licensed to prescribe medication according to Section 9 of Chapter 94C.

"Unused medication", any unused or expired prescription medications, including but not limited to, controlled substances and over the counter medications.

SECTION 2:

There is hereby established a task force to investigate and study the disposal of unused medications, and to consider innovative and coordinated measures to prevent and reduce unused medications. The task force shall develop a pilot program for the safe disposal of unused medications. The department shall implement said pilot program. The task force shall remain as an advisory body to the department.

The task force shall include the commissioner of the department of public health, or his designee who shall also be the chair of the task force, the commissioner of the department of environmental protection or his designee, commissioner of the department of public safety or his designee, the diversion program manager of the Federal Drug Enforcement Administration for the New England Field Division or his designee, one member from the board of registration of pharmacists and one member from the board of the registry in medicine, a representative from the Massachusetts department of public health, bureau of substance abuse services, a representative from Massachusetts biotechnology council, a representative of Massachusetts association of health plans, a representative from Massachusetts pharmacy association, a representative of the Massachusetts Aging Services Association, two members of the house of representatives to be appointed by the speaker of the house, and one member of the senate to be appointed by the senate president.

SECTION 3:

The task force shall investigate and report the following entities, but not be limited to, (a) data collected on the types and quantities of unused or expired medications not being used by consumers, (b) the results of a survey that investigates why consumers are not utilizing medications, (c) analysis of the prescribing policies of entities, such as health insurance plans or prescriber practices which result in significant amounts of unused medications, (d) a quantification of the amount healthcare dollars wasted on unused medications and (e) research detailing any or all other reasons for unused medications.

The task force shall develop a pilot program to take-back unused medications to be implemented by the department. The pilot program may include, but not be limited to, secure

locations for the drop-off and collection of unused medications, processes for the documentation of collected unused medication, processes for the environmentally safe disposal of unused medications, and public education of potential participating consumers. Said pilot program shall include measures to improve training and expansion of physician awareness regarding the types of medications being prescribed with excess amounts remaining unused by the intended consumer. Said pilot program shall include measures to expand public education regarding patient adherence to prescribed medications, education regarding proper and effective disposal of unused medications, and the potential need for expanded use of warning labels on drugs that present potentials for dependence and addiction.

The department shall implement, under advisory of the task force, said pilot program to take-back unused medications for safe disposal.

SECTION 4: Said task force shall report to the speaker of the house of representatives, the president of the senate, the house and senate clerks, and the house and senate chairs of the joint committee on public health the results of the investigation and study and proposal for said pilot program ten months after the implementation of this act. The department shall implement the recommended pilot program for the safe disposal of unused medications not more than six months after the filing of the task force's report.