SENATE DOCKET, NO. 733 FILED ON: 1/15/2015

SENATE . . . . . No. 1233

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel A. Wolf

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing and financing a drug collection and disposal program.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Daniel A. Wolf	*Cape and Islands*
Jason M. Lewis	*Fifth Middlesex*
Louis L. Kafka	*8th Norfolk*
Mary S. Keefe	*15th Worcester*
James B. Eldridge	*Middlesex and Worcester*
Patricia D. Jehlen	*Second Middlesex*
Leah Cole	*12th Essex*
Denise Provost	*27th Middlesex*

SENATE DOCKET, NO. 733 FILED ON: 1/15/2015

SENATE . . . . . No. 1233

By Mr. Wolf, a petition (accompanied by bill, Senate, No. 1233) of Daniel A. Wolf, Jason M. Lewis, Louis L. Kafka, Mary S. Keefe and other members of the General Court for legislation to establish and financing a drug collection and disposal program. Public Health.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act establishing and financing a drug collection and disposal program.

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. The Massachusetts General Laws are hereby amended by inserting the following new chapter:-

CHAPTER 94G.

Section 1. Definitions.

As used in this chapter, the following words shall have the following meanings:-

"Covered drug," shall mean any brand or generic drug placed in schedules II, III, or IV of section 3 of chapter 94C, but shall not include:

(a) drugs intended solely for use in veterinary care;

(b) substances that are regulated as cosmetic products under the federal Food, Drug, and Cosmetic Act;

(c) drugs that are compounded under a specialty license pursuant to sections 39G through 39J of chapter 112;

(d) hypodermic needles, lancets, or other sharps products subject to collection and disposal procedures established pursuant to section 27A of chapter 94C;

(e) drugs approved and used primarily for the purpose of medication assisted addiction treatment.

"Department" shall mean the department of public health.

"Pharmaceutical product manufacturer" or "manufacturer" shall mean any entity that engages in the manufacture of a controlled substance under a federal Food and Drug Administration manufacturer's license, but shall not include a hospital pharmacy.

"Prescription drug" shall mean any drug product which, pursuant to chapter 94C, may be dispensed only pursuant to a written prescription by an authorized practitioner.

"Unwanted drug" shall mean a prescription drug that is no longer wanted, or no longer intended to be consumed, or that is abandoned, discarded, or surrendered by the person to whom it was prescribed or by any other person, or that is seized by law enforcement officers in the course of their law enforcement duties.

Section 2. Drug Collection and Disposal Program

The department shall develop and operate a program for the collection and proper disposal of unwanted drugs. The program shall comply with all applicable state and federal requirements for the collection, security, transport and disposal of drugs, including any

requirements established by rule or regulation of the federal Drug Enforcement Administration or the federal Environmental Protection Agency, and shall, at minimum, include the following:

(a) A collection system to provide convenient, ongoing collection services to all persons seeking to dispose of an unwanted drug. Said collection system must have the capacity to accept any drug in a pill formulation, and must offer reasonably frequent access to persons across all geographic regions of the Commonwealth.

(b) Adequate provisions for the security of the drugs collected throughout the process and for the safety of any persons involved in monitoring, staffing or servicing the collection and disposal program.

(c) Public outreach and education about the drug collection and disposal program, which shall include a plan for communicating information about: the drug products that may be disposed of through the program; a listing of all available collection methods, participating collectors, and the locations, dates and hours of operation for all collection or drop-off locations; educational information on the environmental, health, and addiction risks posed by unused or improperly disposed prescription drugs, and; a means of communication to receive public comments and questions about the program.

(d) A database of records reflecting the type, brand, dosage and amount of each drug collected through the program.

Section 3. Financing the drug collection and disposal program.

(a)Any pharmaceutical product manufacturer selling or distributing a covered drug to consumers within the commonwealth, whether directly or through a wholesaler, retailer, or other

agent, shall contribute a one-time fee of $100,000 on January 1, 2016 to the department, to be used to set up and begin operations of the drug collection and disposal program established in section 2 of this chapter.

(b)By March 1 of each subsequent year after the drug collection and disposal program has been in operation, the department shall notify each pharmaceutical product manufacturer of the type and amount of covered drugs collected during the prior calendar year that were manufactured by the pharmaceutical product manufacturer and shall assess the manufacturer an amount equal to the retail value of these drugs, as defined by the department.

(c) All fees due pursuant to this section must be paid to the department within 90 days of the date of the notice of assessment.

(d) The fees collected pursuant to this section shall be used by the department to operate the drug collection and disposal program established in section 2. Any fees collected above what is required by the department to operate the drug collection and disposal program shall be deposited in the Substance Abuse Services Fund established by section 2I of chapter 111.

(e) The attorney general shall be authorized to enforce the provisions of this section in an action against a pharmaceutical product manufacturer.