



April 30, 2018

The Honorable Hannah Beth Jackson
Member, California State Senate
State Capitol, Room 2032

The Honorable Phil Ting
Member, California State Assembly
State Capitol Room 6026
Sacramento, CA 95814

RE: SB 212 (Jackson) & AB 444 (Ting) – Drug & Sharps Take Back

Dear Senator Jackson & Assembly Member Ting:

We are writing on behalf of the California Retailers Association (CRA) and the National Association of Chain Drug Stores (NACDS) to provide you with our feedback related to statewide drug and/or sharps take back legislation.

Our associations are committed to working with the Legislature and stakeholders to develop a drug take-back program that is workable for the state's consumers and businesses. We believe that sharps disposal is a separate issue and should be addressed in separate legislation. We are supportive of a statewide framework that provides for manufacturers to fund and implement a drug take back program in the state. We believe it is essential that pharmacies' participation be voluntary with a variety of disposal options that they can offer to meet local convenience thresholds based on the needs of their communities.

Many chain pharmacies voluntarily provide a number of take-back options for consumers for their used sharps and drugs. We welcome the opportunity to work collaboratively with all parties to be an integral partner in the implementation and would like to share a few key elements that we believe are essential to the success of the program. Some of the important elements are as follows:

Voluntary participation by pharmacies is essential

Pharmacy participation must always be voluntary. Pharmacies need the discretion to determine which disposal methods, if any, are appropriate for specified locations. Some locations do not have the ability to comply with DEA regulations. For other pharmacies there may be staffing issues, safety concerns, inadequate floor space, or limited pharmacy hours, which dictate and limit how those pharmacies can support consumer drug disposal.

Take back programs should be flexible

Depending on store, the characteristics of the community patient population, and the manufacturer's involvement, drug disposal program options should be flexible. As long as consumers have access to appropriate and accessible take back options there should not be statewide mandates limiting how consumer drug disposal operates.

Sharps and drug take back programs should be handled differently

Sharps disposal is very different than drug disposal. Sharps disposal involves issues such as bodily fluid contamination, needle stick risks, hazardous waste concerns, communicable and infectious disease exposure. None of these issues apply with regard to drug disposal, which is much more about environmental concerns and/or opioid abuse. These programs should not be lumped together nor treated as similar. Sharps disposal should be addressed in separate legislation.

Education of take back programs

Pharmacies are willing to work with stakeholders and their communities to provide information on take back events and programs for consumers. It is important that the development and funding of these educational programs be the responsibility of the manufacturers. However, each pharmacy should determine the best method for making educational materials available to its patient population in a written and/or electronic format. Ideally, such materials should focus upon controlled substances, including the dangers of misuse and the potential for addiction to prescription controlled substances, treatment resources available, and the proper way to dispose of unused prescription controlled substances.

Cost of a Take-back program

Costs of a take-back program will need to be covered by the state or manufacturers. Pharmacies should not incur a cost, but will voluntarily facilitate options for consumer disposal of drugs.

Preemption

It is important that all local ordinances be incorporated into one statewide program. If there are existing programs at the time of the effective date of the state take-back program they should be incorporated into the statewide program by a certain date and all future local ordinances should be preempted by the state law.

We appreciate the time and effort all stakeholders have taken to develop an effective drug and sharps take-back program for California. We look forward to continuing these discussions for a successful program in the state.

Sincerely,



Bill Dombrowski
President/CEO
California Retailers Association



Mary Staples
Regional Director
National Association of Chain Drug Stores