

# NAMSDL



**National Alliance for Model State Drug Laws**

## **RETURN, REUSE & DISPOSAL OF UNUSED PHARMACEUTICALS STATE STATUTES & REGULATIONS**

This project is supported by Grants No 2008-DD-BX-0399 and No 2009-DC-BX-K036 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view or opinions in these materials are those of the authors and do not represent the official position or policies of the United States Department of Justice.

- **This chart only contains citations relative to return/reuse/disposal of prescription drugs by individual consumers**
- **For certain programs, there may be additional applicable regulations and/or protocols**
- **Many of the programs cited in this chart are authorized by statute but not currently operational**

<b>State</b>	<b>Legal Citation(s)</b>	<b>Program Highlights</b>
<b>Arizona</b>	ARIZ. REV. STAT. ANN. § 32-1909 (West 2010)  ARIZ. ADMIN. CODE §§ R4-23-1202 to 1211 (2008)	<ul style="list-style-type: none"> <li>- Individuals, manufacturers and health care institutions can donate</li> <li>- Donated prescriptions must be in original tamper-evident packaging</li> <li>- Medication expiration date must be more than six months after the donation date</li> <li>- Donations can be accepted by physician’s offices, pharmacies and health care institutions that volunteer to participate</li> </ul>
<b>California</b>	CAL. PUB. RES. CODE §§ 47120 to 47126 (West 2010)	<ul style="list-style-type: none"> <li>- Tasks the California Integrated Waste Management Board with developing model programs for the collection and disposal of drug waste</li> <li>- Requires the Board to report to the Legislature no later than December 1, 2010 as to the progress of implementation of model programs as well as potential implementation of a statewide system</li> <li>- Controlled substances are excluded</li> </ul>

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<b>Colorado</b>	COLO. REV. STAT. ANN. §§ 25-35-103, 104 (West 2010)  COLO. CODE REGS. §§ 1015-10:1.1 to 10:1.3 (2010)	<ul style="list-style-type: none"> <li>- Patients or a patient’s family can donate unused cancer drugs to health care facilities, medical clinics or pharmacies that elect to participate</li> <li>- Donated drugs must be in original, unopened, sealed and tamper-evident packaging and must bear an expiration date after the date of donation</li> </ul>
<b>Connecticut</b>	CONN. GEN. STAT. ANN. § 21a-252 (West 2010)	<ul style="list-style-type: none"> <li>- Persons who have directly obtained a controlled substance for self-administration shall return any unused portion to the prescriber or in the alternative, shall surrender the unused portion to the Commissioner of Consumer Protection for proper disposition</li> </ul>
<b>D.C.</b>	D.C. CODE §§ 48-851.01, .02 (2010)	<ul style="list-style-type: none"> <li>- The Board of Pharmacy is responsible for designing a public education campaign to educate the public on the importance of promptly and properly disposing of unused pharmaceuticals</li> <li>- The Board is further required to make recommendations to the Mayor regarding the establishment of a program that will enable consumers to dispose of unused pharmaceuticals, including controlled substances, in an environmentally sound manner</li> <li>- The Board must give consideration to a mail-in program that would make use of pre-paid envelopes to be mailed to a single approved location</li> </ul>

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<b>Florida</b>	FLA. STAT. ANN. § 499.029 (West 2010)  FLA. ADMIN. CODE ANN. r. 64F-12.026 (2010)	<ul style="list-style-type: none"> <li>- Patients, patient representatives , health care facilities, nursing homes, hospitals, pharmacies and drug manufacturers can donate cancer drugs</li> <li>- Donated drugs must be in original, unopened sealed containers or in tamper-evident packaging and must bear an expiration date later than six months after the date of donation</li> </ul>
<b>Illinois</b>	415 ILL. COMP. STAT. ANN. § 5/17.9 (West 2010)  415 ILL. COMP. STAT. ANN. § 5/22.55 (West 2010)  S. Res. 577, 96 <sup>th</sup> Leg., Reg. Sess. (Il. 2009)	<ul style="list-style-type: none"> <li>- Establishes MEDS (Medication Education Disposal Solution) for the purpose of partnering with the public and private sector to promote the environmentally responsible disposal of unwanted and expired medications</li> <li>- MEDS must submit, no later than December 31, 2010, a report on its program development to the State Environmental Protection Agency</li> <li>- Pharmaceutical products are included in the definition of “household waste” for purposes of the state’s household waste drop off program</li> <li>- Household waste must be dropped off at a site or facility where the type of product being dropped off may be lawfully sold, distributed or dispensed – for prescription pharmaceutical products this would include a pharmacy, drug store, etc.</li> <li>- The drop-off program does not accept controlled substances</li> <li>- Household waste can only be accepted from private individuals</li> <li>- Designates May 1, 2010 as “Proper Drug Disposal Day” in the State of Illinois</li> </ul>

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<b>Iowa</b>	IOWA CODE ANN. §§ 135M.1 to .5 (West 2010)  IOWA ADMIN. CODE r. 641-109.1 to 109.14 (2010)	<ul style="list-style-type: none"> <li>- Under the prescription drug repository program, any person may donate prescription drugs and supplies for use by an individual that meets specified criteria</li> <li>- Donated drugs must be in original sealed and tamper-evident packaging and must bear an expiration date that is later than six months after the date of donation</li> </ul>
<b>Kansas</b>	KAN. STAT. ANN. §§ 65-1664 to 1667 (2010)  KAN. ADMIN. REGS. § 68-16-1 (2010)	<ul style="list-style-type: none"> <li>- The cancer drug repository program accepts and dispenses prescription-only cancer drugs for eligible state residents</li> <li>- Any person can donate drug to the repository program</li> <li>- Donations are accepted by physician's offices, pharmacies, hospitals and nonprofit clinics</li> <li>- Drugs must be in their original sealed and tamper-evident packaging and must bear an expiration date later than six months from the date of donation</li> </ul>
<b>Louisiana</b>	LA. REV. STAT. ANN. § 37:1226.2 (2009)	<ul style="list-style-type: none"> <li>- Any person, drug manufacturer, hospital, health care facility or government entity can donate prescription drugs to a charitable pharmacy for relabeling and re-dispensing to indigent persons</li> <li>- Donations must be in their original sealed and tamper-evident packaging and are assigned the expiration date stated on the original prescription</li> </ul>

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<b>Maine</b>	ME. REV. STAT. ANN. tit. 22, § 2700 (2009)	<ul style="list-style-type: none"> <li>- The Unused Pharmaceutical Disposal Program provides for the safe, effective and proper disposal of unused pharmaceuticals</li> <li>- The program operates through a system of prepaid mailing envelopes into which unused pharmaceuticals are placed and returned to a single location</li> <li>- The envelopes are available to the public at selected pharmacies and other organizations</li> </ul>
<b>Maryland</b>	MD. CODE ANN., HEALTH –GEN. §§ 15-601 to 609 (West 2010)  MD. CODE REGS. 10.34.33.01 to .12 (2010)	<ul style="list-style-type: none"> <li>- Any person can donate prescription drugs or medical supplies at sites designated by the Board of Pharmacy</li> <li>- Controlled substances are not accepted</li> <li>- Donated drugs must be in their original, unopened, sealed and tamper-evident packaging and must bear an expiration date that is more than 90 days later than the date of donation</li> </ul>
<b>Michigan</b>	MICH. COMP. LAWS ANN. § 333.17780 (West 2010)	<ul style="list-style-type: none"> <li>- An individual who is at least 18 years of age may donate legally obtained cancer drugs or supplies to a cancer drug repository</li> <li>- The donated drugs' expiration date must be at least six months later than the date of donation and the drugs must be donated in their original, unopened and sealed packages</li> <li>- Controlled substances are not eligible for donation</li> </ul>

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<b>Minnesota</b>	MINN. STAT. ANN. § 151.55 (West 2010)	<ul style="list-style-type: none"> <li>- Any individuals over the age of 18, pharmacies, medical facilities, drug manufacturers and wholesale distributors are eligible to donate legally obtained cancer drugs or supplies to a cancer drug repository</li> <li>- Donated drugs must bear an expiration date that is at least six months later than the donation date and they must be in their original, unopened, tamper-evident packaging</li> <li>- Controlled substances are not accepted in this program</li> </ul>
<b>Mississippi</b>	MISS. CODE ANN. §§ 43-13-501 to 509 (West 2010)	<ul style="list-style-type: none"> <li>- Any person, including a drug manufacturer, health care facility or government entity can donate prescription drugs to the state's repository program</li> <li>- Drugs must be donated at a pharmacy, hospital or nonprofit clinic that participates in the repository program</li> <li>- Donated drugs must be in their original, sealed and tamper-evident packaging</li> </ul>
<b>Missouri</b>	Mo. REV. STAT. §§ 196.970 to .984 (West 2010)  Mo. CODE REGS. ANN. tit. 19, §§ 20-50.005 to .040 (2010)	<ul style="list-style-type: none"> <li>- Any person or entity can donate prescription drugs to the state's repository program</li> <li>- Donated drugs must be in their original sealed and tamper-evident packaging and must bear an expiration date that is at least six months after the date of donation</li> <li>- Donated drugs must bear the manufacturer's original lot number</li> </ul>

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<b>Montana</b>	MONT. CODE ANN. §§ 37-7-1403 to 1408 (2009)  MONT. ADMIN. R. 24.174.1141 (2009)	<ul style="list-style-type: none"> <li>- Any person or entity can donate cancer drugs to the state’s cancer drug repository program</li> <li>- The Board of Pharmacy must maintain a registry of participants in the repository program and must make the registry available to those wishing to donate</li> <li>- Donated cancer drugs must be in their original unopened packages and must bear an expiration date later than six months after the date of donation</li> </ul>
<b>Nebraska</b>	NEB. REV. STAT. ANN. §§ 71-2422 to 2430 (2010)  181 NEB. ADMIN. CODE §§ 6-004, 005 (2010)  NEB. REV. STAT. ANN. §§ 71-2436 to 2443 (2010)  181 NEB. ADMIN. CODE §§ 7-001 to 005 (2010)	<ul style="list-style-type: none"> <li>- Any person or entity can donate cancer drugs to the state’s repository</li> <li>- Donated drugs are only accepted if they are in their original sealed and tamper-evident packaging</li> <li>- Donations must bear an expiration date after the date of donation</li>   <li>- Any person or entity can donate immunosuppressant drugs to the state’s repository program</li> <li>- Donated drugs are only accepted if they are in their original sealed and tamper-evident packaging</li> <li>- Donations must bear an expiration date after the date of donation</li> </ul>
<b>Nevada</b>	NEV. REV. STAT. ANN. §§ 457.450 to 470 (West 2009)	<ul style="list-style-type: none"> <li>- Any person or entity can donate cancer drugs to the state’s cancer drug donation program</li> <li>- Donations must be in their unopened tamper-evident packaging and bear an expiration date that is at least 30 days after the drug is donated</li> </ul>

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<b>New Hampshire</b>	N.H. REV. STAT. ANN. §§ 318:56 to 60 (West 2010)	<ul style="list-style-type: none"> <li>- Any patient or person representing that patient is eligible to donate unused prescription drugs to the state's Unused Prescription Drug Program</li> <li>- Donated prescription drugs must be in unopened or other tamper-evident packaging and must bear an expiration date after the date of donation</li> <li>- The Board of Pharmacy is required to adopt rules governing the donation program by December 31, 2010</li> </ul>
<b>New York</b>	N.Y. ENVTL. CONSERV. LAW §§ 27-2701, 2703 (McKinney 2010)	<ul style="list-style-type: none"> <li>- The state is tasked with developing a public information program on the proper disposal of drugs</li> <li>- The program must include information on proper storage and disposal as well as on drug disposal sites</li> <li>- Every pharmacy shall prominently display a notice containing this information</li> </ul>
<b>North Carolina</b>	N.C. GEN. STAT. ANN. § 90-85.44 (West 2010)  21 N.C. ADMIN. CODE 46.2513 (2010)	<ul style="list-style-type: none"> <li>- Eligible donors include a patient or a patient's family, a manufacturer, a wholesaler, a drug supplier, a pharmacy, a free clinic, a hospital or a hospice care program</li> <li>- Eligible donors can donate unused drugs to under- and uninsured State patients in the state</li> <li>- Donated drugs must be in their original, unopened tamper-evident packaging and must bear an expiration date that is later than six months after the donation date</li> </ul>
<b>North Dakota</b>	N.D. CENT. CODE §§ 43-15.2-01 to 05 (2009)	<ul style="list-style-type: none"> <li>- Any donor may donate legend drugs to the repository program through a practitioner or pharmacy</li> <li>- Donated drugs must be in unopened, tamper-evident packaging and must bear an expiration date that is later than the date of donation</li> </ul>

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<b>Ohio</b>	OHIO REV. CODE ANN. §§ 3715.87 to .873 (West 2010)  OHIO ADMIN CODE 4729:35-01 to 09 (2010)	<ul style="list-style-type: none"> <li>- Any person, including a pharmacy, drug manufacturer, health care facility or any government entity may donate drugs to the state's repository program</li> <li>- Donations must be in their original sealed and tamper-evident packaging</li> <li>- Drugs donated by individuals must bear an expiration date that is at least six months after the date of donation</li> </ul>
<b>Oregon</b>	OR. REV. STAT. ANN. § 468B.140 (West 2010)  OR. REV. STAT. ANN. §§ 689.770 to 780 (West 2010)	<ul style="list-style-type: none"> <li>- By July 1, 2011 permittees are required to submit to the Department of Environmental Quality a plan for reducing the permittees' discharge of persistent pollutants</li> <li>- Plans must identify specific measures that will be taken</li> <li>- Institution of pharmaceutical take-back programs is listed as one of 13 identified measures that permittees can institute</li> <li>- Persons who complete and sign a donor form are able to donate prescription drugs to the state's Charitable Prescription Drug Plan</li> <li>- Donated drugs must be in their original, sealed and tamper-evident packaging and must bear an expiration date at least nine months later than the date of donation</li> <li>- Controlled substances are excluded from this program</li> </ul>
<b>Pennsylvania</b>	S.R. 429, 194 <sup>th</sup> Leg., Reg. Sess. (Pa. 2009)	<ul style="list-style-type: none"> <li>- The state Senate resolved to urge the proper disposal of expired, unused and unwanted prescription drugs</li> </ul>
<b>Utah</b>	S.C.R. 2, 59 <sup>th</sup> Leg., Reg. Sess. (Ut. 2010)	<ul style="list-style-type: none"> <li>- The state Legislature and the Governor jointly urge individuals, as consumers of prescription drugs, to assume the responsibility for proper usage, safe storage and disposal of any drugs prescribed to them</li> </ul>

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<b>Virginia</b>	S.J.R. 209, Reg. Sess. (Va. 2010)	<ul style="list-style-type: none"> <li>- The General Assembly commends the Cities of Waynesboro and Staunton and the County of Augusta for their successful sponsorship of Unwanted Medicine Collection Day</li> </ul>
<b>Wisconsin</b>	<p>Wis. STAT. ANN. § 93.57 (West 2009)</p> <p>Wis. STAT. ANN. § 255.056 (West 2009)</p> <p>Wis. ADMIN. CODE DHS §§148.01 to .11 (2010)</p>	<ul style="list-style-type: none"> <li>- The Department of Agriculture, Trade and Consumer Protection may provide grants for county, municipal and regional planning commission programs to collect unwanted prescription drugs</li> <li>- Any person can donate drugs to the state's repository program</li> <li>- Controlled substances cannot be donated</li> <li>- Donated drugs must be in their original, unopened and tamper-evident packaging and must bear an expiration date that is later than 90 days after the date of donation</li> </ul>
<b>Wyoming</b>	<p>WYO. STAT. ANN. §§ 35-7-1601 to 1604 (2010)</p> <p>WYO. CODE PHAR. SERV. Ch. 2 §§ 1 to 17 (Weil 2010)</p>	<ul style="list-style-type: none"> <li>- Any person or entity can donate drugs to the state's Drug Donation Program</li> <li>- Drugs can be donated at a maintained donation site, a take back event approved by the DEA, at a physician's office, a pharmacy or a health care facility that elects to participate in the program</li> <li>- Drugs can also be taken to drop off and disposal sites where proper procedures must be maintained for documentation of all collected unused medication as well as for safe disposal of the unused medications</li> </ul>

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