



126th MAINE LEGISLATURE

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Legislative Document

No. 881

S.P. 306

In Senate, March 5, 2013

An Act To Improve the Unused Pharmaceutical Disposal Program

Submitted by the Department of the Attorney General pursuant to Joint Rule 204.
Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CRAVEN of Androscoggin.
Cosponsored by Representative SANDERSON of Chelsea and
Representative: GATTINE of Westbrook.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §2700**, as amended by PL 2005, c. 297, §§1 and 2 and affected
3 by §3, is further amended to read:

4 **§2700. Unused Pharmaceutical Disposal Program**

5 **1. Establishment; purpose.** There is established the Unused Pharmaceutical
6 Disposal Program, referred to in this chapter as "the program." The purpose of the
7 program is to ensure the safe, effective and proper disposal of unused pharmaceuticals.
8 For purposes of compliance with federal law and regulation, the return of
9 pharmaceuticals under this section is deemed to be for law enforcement purposes.

10 **2. Administration.** The program is administered by the Maine Drug Enforcement
11 Agency, referred to in this chapter as "the agency," established in Title 25, section 2955.

12 **3. Return of pharmaceuticals.** The agency ~~shall~~ may create ~~a system~~ systems for
13 the ~~return~~ safe, effective and proper disposal of unused pharmaceuticals. The ~~system~~
14 ~~must~~ systems may include the use of prepaid mailing envelopes into which the unused
15 pharmaceuticals are placed and returned to a single collection location. The prepaid
16 mailing envelopes must be made available to the public at various locations, including,
17 but not limited to, pharmacies, physicians' offices and post offices. The agency may
18 randomly assess the toxicity of materials received under the program as long as the
19 assessment results do not identify the patient, person who mailed the material, prescriber
20 or pharmacy.

21 **4. Disposal of pharmaceuticals.** ~~The agency shall ensure that only agency officers~~
22 ~~handle the unused pharmaceuticals received pursuant to subsection 3. The~~ All unused
23 pharmaceuticals received under the program must be disposed of ~~by the agency~~ in a
24 manner that is designed to be effective, secure and in compliance with local, state and
25 federal environmental requirements, including the federal Resource Conservation and
26 Recovery Act of 1976, as amended.

27 **5. Unused Pharmaceutical Disposal Program Fund; funding.** The Unused
28 Pharmaceutical Disposal Program Fund, referred to in this chapter as "the fund," is
29 established within the agency to be used by the director of the agency to fund or assist in
30 funding the ~~program~~ safe, effective and proper disposal of unused pharmaceuticals. Any
31 balance in the fund does not lapse but is carried forward to be expended for the same
32 purposes in succeeding fiscal years. The fund must be deposited with and maintained and
33 administered by the agency. The agency may accept funds into the fund from any non-
34 General Fund source, including grants or contributions of money or other things of value,
35 that it determines necessary to carry out the ~~purposes of this chapter~~ safe, effective and
36 proper disposal of unused pharmaceuticals. Money ~~received~~ accepted into the fund by
37 the agency ~~to establish and maintain the program~~ must be used for the expenses of
38 ~~administering this chapter~~ safe, effective and proper disposal of unused pharmaceuticals.

39 **6. Rulemaking.** The agency shall adopt rules to carry out the purposes of this
40 chapter. Rules adopted pursuant to this subsection are routine technical rules as defined
41 in Title 5, chapter 375, subchapter 2-A.

1 **7. Disposal; funding.** The program must operate with funding solely from the fund
2 provided in subsection 5. ~~The program may begin operation for 2 years on July 1st of~~
3 ~~any year in which notice is given by April 1st by the director of the agency to the State~~
4 ~~Budget Officer that funding has been procured for the fund that is sufficient to operate the~~
5 ~~program for 2 years.~~

6

SUMMARY

7 This bill makes changes to the Unused Pharmaceutical Disposal Program as
8 recommended by the Prescription Drug Abuse Task Force, which was established by the
9 Governor and the Attorney General by Executive Order 2012-002. The purpose of the
10 bill is to reduce the cost of safe, effective and proper disposal of unused pharmaceuticals
11 in order to reduce prescription drug abuse.