In Opposition to Washington’s HB 1047: Statewide Take back Program  
January 23, 2017

Position: The Pharmaceutical Research and Manufacturers of America (PhRMA) strongly opposes HB 1047 because it would create a myriad of complications associated with the disposal of unused medicines outside of the otherwise broadly recommended household trash. PhRMA opposes mandates to take back unused pharmaceutical products, based on the fact that these programs will not address the concerns of the environment or prescription drug abuse. It is the prescribers and insurers that decide the amount of medicine a person is prescribed and ultimately the responsible party to educate consumers on household trash disposal of unused medicines, which can reduce diversion without harming the environment.

PhRMA is a voluntary, nonprofit organization representing the country’s leading research-based pharmaceutical and biotechnology companies, which are devoted to inventing medicines that allow patients to lead longer, healthier, and more productive lives. PhRMA companies are leading the way in the search for cures.

The biopharmaceutical industry in the United States remains committed to working with multiple stakeholders to help address issues associated with prescription medication adherence and prescription drug abuse, safe disposal of prescription medicines and sharps.

While the industry is committed to addressing appropriate use and secure disposal, this legislation only implicates the manufacturing community and does not include requirements for other stakeholders in the drug supply chain. Furthermore, the bill will not be easily or effectively implemented, as seen in Alameda which still has not operationalized ongoing collection as envisioned by the law, and will not have any meaningful impact on environmental or drug abuse concerns.

PhRMA has significant and science-based concerns in opposition to HB 1047. There are a myriad of complications associated with the disposal of unused medicines outside of the otherwise broadly recommended household trash method. These complexities play a significant role in the establishment of such a product statewide take-back program and have resulted in a severely limited program in Alameda – not to mention a substantial and unnecessary price tag.

Rigorous safety standards are necessary to comply with necessary regulations issued by the U.S Drug Enforcement Administration (DEA), however, HB 1047 does not address any of these concerns.

For example, per the DEA regulations, any kiosk-based take-back program that will or could reasonably be expected to collect controlled substances will need to be located at only a handful of regulated sites, specifically, law enforcement offices, pharmacies, certain hospitals with pharmacies, long term care facilities, and pharmaceutical manufacturers (but regulations only allow manufacturers to collect at their physical DEA registered locations).

This difficulty in securing community-wide kiosk locations is evident in Alameda as well. And for good reason: kiosks are necessarily a collection point – a very visible one – for prescription medications. Unfortunately, this also makes them a target for diversion, so we understand why pharmacies do not want to take on this liability. This is why recommendations for in-home disposal, as is widely accepted throughout the healthcare system, are
both economic and effective. In-home disposal has the dual advantage of not amassing a publicly accessible collection of prescription medicines, but it also makes the entire process intuitive and accessible to the widest range of consumers. Moreover, such a disposal method avoids the regulatory complexities of a program that must comply with multiple state and federal regulations. **Simply shifting funding and coordination activities of a statewide take back program to manufacturers does not mitigate the compliance of local pharmacies and law enforcement agencies.**

**Placing new, considerable, mandated cost pressures on the industry is inconsistent with the shared goal of keeping medicines affordable.**

It is unavoidable that the statewide take back program would lead to substantial costs that will eventually impact a manufacturer’s cost of doing business—resulting in higher drug prices for everyone. HB 1047 includes fees, penalties, and other mandated costs that will unquestionably result in higher prices for prescription and non-prescription medications across the United States. Manufacturers are required to cover all the costs associated with administering, operating, collecting, transporting, and disposing of returned products not to mention funding promotion, education and outreach to local residents about this program to increase awareness.

**Mail-back Programs: Increased Risk of Diversion:**

HB 1047 includes a mail-back option for all Washington residents to return unused medicines, specifically for disabled and homebound residents of the state. PhRMA has serious concerns about the high likelihood of diversion that could occur with drug mail-back programs. Further, such a program is unquestionably the costliest and least efficient alternative.

Currently, there are mechanisms in place to secure medicines in the supply chain moving from manufacturers to the patient, but a reverse system to secure medicines from the patients back through the mail does not exist. For example, mail-back programs do not have a completely secure way to track medicines sent from the patient to a DEA-compliant facility. It is reasonable to expect that drug take-back mailers would be targets for those wishing to divert medicines for misuse and abuse. Additionally, DEA requires on-site and immediate destruction of mailed-back packages. Presently, our research has not identified such a certified facility in the U.S.

**An Alternative for Safe and Secure Disposal of Unused Medicines: In-Home Secure Disposal**

Instead of implementing a flawed and potentially unsuccessful program, we urge Washington State to consider meaningful, measurable and comprehensive mechanisms to educate consumers on how to safeguard medicines in the home, how to ensure patients are taking their medicines as prescribed – thereby significantly mitigating unused medicines in the first place – and how to safely and securely dispose of their truly unused medicines in the household trash.

Research demonstrates that household trash disposal is effective for disposing of unused medicines. For many, in-home medicine disposal offers a simple, convenient way to dispose of unwanted, unneeded or expired medication. Because all households already participate in the collection of household trash, in-home drug disposal is a safe and preferred way of disposing of unused, unwanted or unneeded medicine.

In-home medicine disposal offers many benefits. It removes the medicines from the home immediately so that the medicine is not available for misuse or abuse, and it does not create any additional environmental impact or cost. It also gives community members the ability to handle medicine disposal discretely and independently, and protects medical privacy when done properly.
In-home disposal effectively manages any potential environmental issues given that household waste in the U.S. is either incinerated or disposed of in capped, double-lined landfills equipped with leachate collection and treatment systems. Both technologies effectively isolate waste from the physical environment. In-home disposal also avoids the environmental carbon footprint and costs of trips to a collection site and of separately shipping the collected pharmaceuticals for destruction.

PhRMA believes that any stakeholder approach should focus on educating patients on how to securely dispose of unused pharmaceutical products. The “MyOldMeds” Program (http://myoldmeds.com) is a consumer education program that instructs patients on how to safely dispose of medicine in the home or where to find current take back programs in their community. To safely dispose of medicines in the home, PhRMA recommends these easy steps:

- Step 1: Pour medication into a sealable plastic bag. If the medication is in solid form (pill, liquid capsule, etc.), add water to dissolve it.
- Step 2: Add kitty litter, sawdust, coffee grounds or another mixing material to the plastic bag to make the solution less appealing for pets and children.
- Step 3: Seal the plastic bag and put it in the trash.
- Step 4: Remove and destroy all identifying personal information (for example, the prescription label) from the medication containers before recycling them or throwing them away. This helps to ensure medical privacy.

We know that educating consumers on safely storing and disposing of medicines in their own home works.

In conclusion, PhRMA recommends that Washington State focus their efforts on promoting adherence to medication treatment regimens and educating their constituents on the safe disposal of unused medicines and sharps. As state legislators discuss the important public health issues of adherence to prescription drug medicines, secure disposal of unused medicines, and prescription drug abuse, the biopharmaceutical industry is committed to working with the County, the state and multiple stakeholders to help address these issues.