

San Francisco Safe Drug Disposal Ordinance

Board of Supervisors President David Chiu

Ordinance Overview – October 21, 2014

Summary

On Tuesday, October 21, San Francisco Board of Supervisors President David Chiu will introduce an ordinance that would require drug companies to pay for collecting and disposing of leftover drugs they manufacture. The program expands upon the City's existing medicine disposal pilot program and takes a producer responsibility approach to addressing the problem of what residents should do with their unused and expired medications – drugs that often ends up in unintended hands or in the City's waterways. The proposal comes after a recent Ninth Circuit Court ruling on a similar ordinance in Alameda that upheld the right of local governments to require medicine manufacturers to provide for the collection and disposal of home-generated medicine.

San Francisco's Current Drug Take-Back Pilot Program

In 2010, San Francisco introduced the first take-back ordinance in the country. Following suit, Alameda County moved forward a similar take-back ordinance, but the pharmaceutical industry sued in an attempt to overturn the effort.

In light of the pending legal challenges facing Alameda, San Francisco put its own ordinance on hold and instead implemented a voluntary pilot drug take-back program. With the pharmaceutical industry's financial support, the City implemented a pilot medicine take-back program with voluntary participation of 13 independent pharmacies serving as collection sites.

The San Francisco Department of the Environment launched the pilot program in 2012. It has been successful; within its first 26 months, the program has collected 37,163 pounds (equaling 18.5 tons) of unwanted and unused drugs and continues to collect approximately 1,429 pounds per month.

However, the pilot program continues to be a temporary solution. In an effort to find a permanent statewide solution that would require drug manufacturers to create, finance, and manage a statewide system for collecting and safely disposing of unwanted prescription drugs, the City and County of San Francisco co-sponsored Senate Bill 1014. Unfortunately, this SB 1014 failed. The City of San Francisco has since returned to its original efforts to ensure safe disposal of medicines at the local level.

September 30, 2014, the 9th Circuit court of appeals upheld Alameda County's ordinance, confirming the ability of local government to require medicine manufacturers to provide for the collection and disposal of home-generated medicine—giving San Francisco the green light to once again move forward with its own drug-take back ordinance.

Supervisor Chiu's ordinance builds off of this momentum and expands San Francisco's current pilot program by establishing a permanent program that would require drug companies to pay for collecting and disposing of leftover drugs

Why San Francisco Needs a Safe Medicine Disposal Program

Unused medicine is a threat to public health and safety, as well as to the environment. Since 2003, more drug overdoses have occurred annually from prescription medicines than from cocaine and heroin combined.

According to the Center for Disease Control, prescription drug abuse is the fastest growing drug problem in the nation. Accidental poisonings from medicines stored in the home are also a concern for young children, seniors, and pets.

While waste water treatment facilities are very effective at removing solids and harmful bacteria, they are not designed to filter pharmaceutical chemicals. Medicines that are flushed down the drain or that leach from landfills eventually end up in our waterways. Even the tiniest amounts of medicine can harm aquatic life – for example, antidepressants have been shown to disrupt fish reproductive cycles.

Although successful, the Pilot Program, with only 23 drop-off locations (including police stations), does not offer adequate convenient disposal options to all SF residents. Only 40% of the Pilot Program's cost is covered by industry funding, which is neither reliable nor sustainable. The balance, 60% of the Pilot Program's cost, is being paid by taxpayers. Thus, the Pilot is not a true producer responsibility program.

Key Provisions of the Ordinance

- Requires drug producers to participate in a product stewardship program that collects, handles and disposes of unwanted drugs
- Requires drug producers to pay all administrative and operational costs and fees associated with their stewardship plan
- Requires producers to adequately promote their stewardship plan and outreach to stakeholders (residents, pharmacists, retailers, etc.)
- Drugs collected under the stewardship plan must be disposed of at a permitted hazardous waste disposal facility as defined by the EPA

More Information



Photo: [Current San Francisco Drug take-back sites in San Francisco](#)

[Safe Medicine Disposal in San Francisco](#)

[2013 San Francisco Medicine Waste Characterization Study](#)

[California Product Stewardship Council's](#) work on Drug take-back

[Natural Resources Defense Council](#) article on Drug take-back

[Alameda County's Safe Drug Disposal Ordinance](#)

[CA Senate Bill 1014](#)

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