

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To ensure the safe, effective, and proper disposal of unused pharmaceuticals in the District of Columbia by requiring the Board of Pharmacy to design a public education campaign to educate individuals on the importance of the proper disposal of pharmaceuticals and to make recommendations to the Mayor regarding the development of a pharmaceutical disposal program for consumers, to require health care facilities to dispose of unused pharmaceuticals by means other than flushing, and to require the Mayor to issue rules to govern how health care facilities shall dispose of unused pharmaceuticals.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Unused Pharmaceutical Safe Disposal Act of 2009".

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "Health care facility" means a hospital, assisted living facility, nursing home, or institutional pharmacy.
- (2) "Institutional pharmacy" means that physical portion of a health care facility where drugs, devices, and other materials used in the diagnosis or treatment of injury, illness, and disease are dispensed, compounded, or distributed and pharmaceutical care is provided.
- (3) "Pharmaceutical product" means a drug or biologic for human use regulated by the federal Food and Drug Administration.
- (4) "Retail pharmacy" means a pharmacy that provides services to the public on an outpatient basis.

Sec. 3. Safe disposal of unused pharmaceuticals.

(a)(1) The Board of Pharmacy shall design a public education campaign to educate individuals on:

- (A) The importance of promptly disposing of unused pharmaceuticals to avoid accidental overdoses, medication errors, and household drug theft;
- (B) How disposing of pharmaceuticals by flushing them into the public

sewer system or throwing them in the trash can be harmful to the environment and can contaminate the drinking water supply; and

(C) How to dispose of unused pharmaceuticals in a safe and environmentally sound manner.

(2) Each retail pharmacy licensed in the District of Columbia shall implement the public education campaign as required by the Board of Pharmacy.

(b)(1) By July 1, 2010, the Board of Pharmacy shall make recommendations to the Mayor regarding the establishment of a program to enable consumers to dispose of unused pharmaceuticals, including controlled substances, in a safe and environmentally sound manner.

(2) In developing recommendations, the Board of Pharmacy shall give consideration to a mail-in program that:

(A) Utilizes prepaid mailing envelopes that allow an individual to mail unused pharmaceuticals to a single collection location approved for all pharmaceuticals including controlled substances;

(B) Distributes the prepaid mailing envelopes to the public at various locations, including to all retail pharmacies;

(C) Provides for the collected pharmaceuticals to be disposed of in a manner that is:

- (i) Safe;
- (ii) Secure;
- (iii) Environmentally sound; and
- (iv) In compliance with District and federal environmental

requirements; and

(D) Randomly assesses the toxicity of pharmaceuticals received; provided, that the assessment results do not identify the:

- (i) Patient;
- (ii) Person who mailed the material;
- (iii) Prescriber; or
- (iv) Pharmacy.

Sec. 4. Disposal of pharmaceuticals by health care facilities.

(a) Effective January 1, 2011, it shall be unlawful for a health care facility to dispose of any pharmaceutical product, used or unused, by flushing the product down a drain or by any other method that utilizes the public sewer system, except as authorized by the Mayor through rulemaking.

(b) A health care facility that is determined to have disposed of a pharmaceutical product in a manner prohibited by this act or by rules issued pursuant to this act shall be subject to a civil fine of up to \$1,000 per occurrence and required to submit to the Board of Pharmacy a mitigation plan designed to prevent further occurrences.

Sec. 5. Rules.

(a) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of section 4. The rules shall specify safe, secure, and environmentally sound methods for health care facilities to dispose of used and unused pharmaceuticals.

(b) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of section 3.

Sec. 6. Fiscal impact statement

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia