

SJR 20: Prescription Drug Abuse ***Disposing of Unused Narcotic Drugs***

Prepared for the Children, Families, Health, and Human Services Interim Committee
June 2014

Background

Studies have shown that unused prescription drugs stored in the home can be easily diverted for misuse or abuse, particularly by young people. As a result, officials have been looking for simpler and better ways to dispose of the drugs.

Speakers at the May 2014 meeting of the Children, Families, Health, and Human Services Interim Committee also voiced support for creating more disposal options. The committee subsequently asked for more information on the topic. This briefing paper discusses:

- the federal laws and regulations on disposal of drugs containing controlled substances; and
- disposal options in Montana.

Federal Law

The federal Controlled Substances Act (CSA) currently governs the handling of unused prescriptions containing drugs listed in schedules II through V of the CSA. Congress passed the Secure and Responsible Drug Disposal Act in 2010 to create more avenues for disposing of the drugs. However, regulations to put the law into effect have not been adopted, so the CSA provisions still apply to disposal of unused controlled substances.

Originally passed in 1970, the CSA spells out which drugs are considered dangerous drugs. It also establishes how the drugs must be distributed, dispensed, and tracked. And it specifies how unused drugs must be destroyed.

The law sought to create a system in which a dangerous drug could be tracked from the time it was manufactured until the time it was given to a patient or returned by a distributor or pharmacy because it was recalled or had reached its expiration date.

The law assumed patients would use all of their medication. As a result, it provides few options for patients to dispose of unused prescription narcotics. Under the law, patients may only:

- give unused drugs to a law enforcement agency;
- seek help from a Drug Enforcement Administration (DEA) office to dispose of the drugs; or
- destroy the drugs themselves by throwing or flushing them away.

The 2010 Drug Disposal Act sought to provide additional — but still secure — options for patients to dispose of their unused controlled substances without law enforcement participation. The law requires the U.S. Department of Justice to adopt regulations to:

- allow patients or designated representatives of deceased patients to return legally obtained controlled substances by mail or in person at more locations; and
- allow long-term care facilities to dispose of unused controlled substances on behalf of residents or former residents.

Federal Regulations

The DEA, which is part of the Department of Justice, issued a proposed rule for the Drug Disposal Act in December 2012. The public comment period closed in February 2013. However, the DEA has not issued a final rule, so new disposal options have not yet gone into effect.

As proposed, the rule would allow patients to:

- return drugs at "take-back" events held by law enforcement, as is currently allowed;
- mail drugs back in envelopes provided by participating DEA-registered entities that have been designated to collect the drugs; or
- drop drugs off in collection boxes located at law enforcement agencies or at businesses that have been authorized as "collectors," including pharmacies. Currently, the CSA does not allow pharmacies to accept unused drugs from patients or from relatives of patients who have died.

The proposed rule also specifies procedures for tracking and destroying the unused drugs and security standards for individuals other than law enforcement personnel who handle the drugs.

In Montana

Law enforcement agencies in 24 Montana communities have set up permanent drop-off boxes where people can bring their unneeded prescription drugs. Some communities also participate in periodically scheduled National Prescription Drug Take-Back Days, during which local law enforcement can set up temporary drop-off locations.

Permanent drop boxes are located in the following cities and towns.

Big Timber
Billings
Bozeman
Butte
Columbia Falls
Dillon
Eureka
Glasgow

Great Falls
Hamilton
Havre
Helena
Kalispell
Laurel
Libby
Livingston

Malta
Missoula
Stevensville
Superior
Townsend
Troy
Whitefish
White Sulphur Springs