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Supreme Court Will Not Review Alameda's Drug Disposal Law



The US Supreme Court Building is seen in this March 31, 2012 photo on Capitol Hill in Washington, DC. AFP PHOTO/Karen BLEIER (Photo credit should read KAREN BLEIER/AFP/Getty Images) (Karen Bleier/AFP/Getty Images)

By **Scott Shafer** (<http://ww2.kqed.org/stateofhealth/author/scottshafer/>)

MAY. 26, 2015



Many of us have old prescription drugs sitting around in medicine cabinets — so what's the best way to get rid of them?

Some folks simply toss old pills in the garbage, or down the toilet.

Both of those options can lead to medications in the ocean, bays or rivers. Three years ago Alameda [became the first county in the nation](http://ww2.kqed.org/stateofhealth/2012/07/16/alameda-county-says-drug-companies-should-pay-for-medication-disposal/) (<http://ww2.kqed.org/stateofhealth/2012/07/16/alameda-county-says-drug-companies-should-pay-for-medication-disposal/>) to require pharmaceutical companies to pay for safe disposal of prescription drugs. Pharmaceutical manufacturers sued and lost in lower courts. Tuesday the U.S. Supreme Court refused to hear the case, meaning that drug makers will now need to pay for collection and disposal of unused drugs.

“I think that this is an important step forward for protecting our marine resources as well as our drinking water,” said Miriam Gordon with Clean Water Action, an advocacy group.

Actually, the FDA says it's OK to flush (<http://www.fda.gov/ForConsumers/ConsumerUpdates/ucm101653.htm>) many kinds of old pills down the toilet. Regulators say the risk of kids or pets getting into them around the house is much worse than any impact on our water.

Still, Art Shartsis, attorney for Alameda County, says the drug disposal law costs pharmaceutical companies very little to implement.

“Drugs are dangerous in a home where you have elderly people who lose track of what they’re doing and where you have others, children in the house,” he said. “There are health, safety and environmental problems.”

Attorney Richard Semp with the Washington Legal Foundation is a strong opponent of the drug disposal law. He calls it “selfish” because it forces others to pay for something that should be paid for locally, and says it also interferes with interstate commerce.

“The whole point of the Commerce Clause is that we have one national economy,” he said. “If you had every jurisdiction around the country trying to impose its waste disposal costs on other jurisdictions, it would lead to chaos.”

Semp says Tuesday’s Supreme Court decision could ultimately be the law’s undoing, as other counties around the nation pass similar laws and are sued.

“If, at the end of the day, you have conflicting lower court decisions, then almost surely the U.S. Supreme Court will have to jump in,” he said.

San Francisco and San Mateo counties now have similar drug disposal laws, with dozens of locations to drop off old pills. Other counties, including Los Angeles and Santa Barbara, are looking into it.

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