



Supreme Court Refuses to Hear Appeal on California Pharmaceutical EPR Law

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The U.S. Supreme Court has refused to hear an appeal of the producer-responsibility pharmaceutical waste law for California's Alameda County.

The Pharmaceutical Research and Manufacturers of America (PhRMA) and two other industry trade groups challenged the constitutionality of the law, which requires drug manufacturers to fund and manage the safe disposal of unwanted medications. The other groups challenging the law were the Generic Pharmaceutical Association and the Biotechnology Industry Organization, according to a news release from the Boston-based [Product Stewardship Institute](#) (PSI).

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The Supreme Court ruling means that the Alameda County ordinance—the first of its kind—will stand, as well as similar laws passed in San Francisco; San Mateo, Calif.; and King County, Wash.

"This is good news for the residents of Alameda County, San Francisco, San Mateo County, King County and others, who will have a safe and convenient way to dispose of their unused and expired medications," said Scott Cassel, CEO and founder of PSI. "Not only that, this decision paves the way for other municipalities and states around the nation to pursue similar legislation."

Added Heidi Sanborn, executive director for the Sacramento-based California Product Stewardship Council, "It is not fair to have 100% of the costs of disposal externalized on to government without any sharing of responsibility by the producers."

In California, San Francisco adopted its ordinance in March, and San Mateo County passed its law in April. Santa Clara County voted to adopt an ordinance in May, and Santa Barbara is considering a similar move.

Last fall the [U.S. 9th Circuit Court of Appeals upheld the ordinance](#). The appealing groups argued that it violated the U.S. Constitution's dormant Commerce Clause, as it interfered with interstate commerce. The court, in a 3-0 ruling, denied the appeal, saying the Alameda County ordinance "neither discriminates against nor directly regulates interstate commerce."

San Francisco introduced its legislation shortly after the Circuit Court decision. It was the first local government to introduce a drug take-back ordinance, but it put the legislation on hold when a voluntary

pilot program was funded by grants.

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