

# Senate Bill 1229

## Pharmacies: Secure Drug Take-Back Bins

Senators Jackson & Stone

### SUMMARY

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In order to help protect the public from prescription drug abuse and to protect water quality from home-generated pharmaceutical waste, SB 1229 would encourage pharmacies to host secure drug take-back bins by:

1. Establishing a duty of care for the proper oversight of secure drug take-back bins.
2. Providing limited civil and criminal liability immunity for pharmacies hosting drug take-back bins if they meet that duty of care.

### BACKGROUND

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Home-generated pharmaceutical waste (i.e., prescription or over-the-counter human or veterinary drugs that are “left over” from treatment or have expired), has become an increasing problem nationwide and in California. With the rise of prescription drug abuse, these excess drugs—often stored in medicine cabinets or under sinks for years—have found their way into recreational use by teens or are otherwise misused by seniors or others. People taking un-prescribed or expired drugs are creating a growing public health and safety risk. Without a safe means of disposal, many people with excess drugs are turning to throwing them in the trash or flushing them in a toilet. This creates serious problems with soil and water quality, especially since our water treatment plants are not capable of removing pharmaceuticals from wastewater.

Law enforcement and pioneering pharmacies concerned with public safety and environmental health have been hosting drug take-back programs and bins voluntarily. These early efforts are laudable, but the scope of these drug take-back options has remained relatively small in relation to the demand for convenient and safe disposal. Many pharmacies have raised concerns regarding potential liability as the reason behind their reluctance to host a drug take-back bin.

A number of California counties have either adopted, are in the process of adopting, or have explored adopting ordinances requiring pharmaceutical manufacturers to develop and operate prescription

drug take-back programs. Alameda County was the first in California to do so and has been followed by the City and County of San Francisco, and the Counties of Marin, Santa Clara, San Mateo, and Santa Cruz. Los Angeles and Santa Barbara Counties are considering adopting such ordinances. Many, but not all, of these ordinances rely on pharmacies voluntarily participating in the program by hosting secure drug take-back bins. More recently, the Supreme Court declined to hear a challenge to Alameda County’s drug take-back ordinance, which upheld the Ninth Circuit decision that it is constitutional for Alameda County to require pharmaceutical manufacturers to fund drug take-back programs within its borders.

In the first ongoing national effort of its kind by a retailer, Walgreen’s announced in early February that it will install drug take-back “kiosks” in more than 500 locations in 39 states, including California, primarily at locations open 24 hours. The program will make the disposal of medications—including opioids and other controlled substances—easier and more convenient while helping to reduce the misuse of medications and the rise in overdose deaths. The program will be provided at no cost to consumers.

### SOLUTION

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SB 1229 would establish a duty of care for pharmacies that host drug take-back bins. If a pharmacy hosting a drug take-back bin meets the minimum standards in taking reasonable care established by SB 1229—whether hosting the bin is voluntary or is required by a local ordinance—then SB 1229 would grant limited civil and criminal liability immunity to that pharmacy. This should eliminate the concerns raised by many pharmacies regarding liability and encourage their voluntary participation in hosting secure drug take-back bins.

### CONTACT

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### SUPPORT

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California Product Stewardship Council (SPONSOR)  
AAA Advisory Council  
Applied Pharmacy Solutions  
California Alliance for Retired Americans  
California Association of Environmental Health  
Administrators  
California Association of Sanitation Agencies  
California Special Districts Association  
California State Association of Counties  
California State PTA  
Californians Against Waste  
City of Palo Alto  
City of Torrance  
Clean Water Action  
County Health Executives Association of California  
County of Los Angeles Board of Supervisors  
County of Riverside  
County of Santa Barbara  
League of California Cities  
Los Angeles County Solid Waste Management  
Committee/Integrated Waste Management Task  
Force  
Medication Education and Disposal Safety Coalition  
Napa Sanitation District  
Research in Social Administrative Pharmacy  
Sacramento State Student Health and Counseling  
Services Pharmacy  
San Luis Obispo County Integrated Waste Management  
Authority  
Sanitation Districts of Los Angeles County  
Santa Clara County Board of Supervisors  
Sierra Club California  
Solid Waste Association of North America  
Sonoma County Waste Management Authority  
South Bay Cities Council of Governments  
StopWaste  
Summerland Sanitary District

