



c/o Boston ASAP – 2nd floor, 29 Winter Street,
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June 8, 2015

**To Mental Health and Substance Abuse Committee Chairs,
Senator Jennifer Flanagan
Representative Elizabeth Malia**

MOAR is a statewide recovery community association activating its mission to organize recovering individuals, families, and friends into a collective voice educating the public about the value of recovery from alcohol and other addictions.

MOAR envisions a society where addiction is treated as a significant public health issue and *“Recovery is recognized as valuable to our communities.”*

MOAR collaborates with allied organizations to improve prevention, treatment, and recovery support services.

**Consideration of Support for S1042
An Act Responsible to Responsible Stewardship By Drug Manufactures
Sponsored by Senator John Keenan and Others**

Why?

- It would require any drug manufacturer doing business in the Commonwealth to finance and operate a Drug Stewardship Program for the take-back and disposal of unwanted prescription drugs. Addiction too often begins from a medicine cabinet – when prescription drugs are sold in excessive quantities, and unused products remain widely available for diversion. Drug manufacturers benefit from selling excessive and unnecessary quantities, but do little to contain the harm.
- When the DEA hosted national take-back days, they routinely collected over 300 tons of unwanted drugs in a single day. Those events are now discontinued, and the burden of safekeeping these unwanted drugs now falls entirely to patients and communities.
- This proposal would make manufacturers take responsibility for reducing the number of pills available for diversion.

Too often our members tell us that they started their use of drugs from the medicine cabinet. It just makes perfect sense that the manufacturers of the prescribed drugs provide stewardship to help prevent misguided use.

Please see the supportive court ruling below -

**SUPREME COURT DENIES CHALLENGE TO
ALAMEDA COUNTY DRUG DISPOSAL
ORDINANCE**

***Decision Opens Door for More Counties to Pass Similar
Ordinances,
Requiring Industry to Pay Their Fair Share***

Sacramento, CA – California local governments have finally received the news they have been waiting for since 2012 – that an industry legal challenge against Alameda County to make producers share in responsibility for safe medicine disposal will not be taken up by the Supreme Court, allowing Alameda, San Francisco, and San Mateo Counties to implement their ordinances and other counties to proceed in adopting similar ordinances.

“The High Court did the right thing – there was no legal reason for this case to be heard by the Supreme Court,” said Robert Kennedy Jr. “Manufacturers should share in the responsibility to manage and pay for their products’ disposal and recycling. This decision upholds a local government’s right to ensure that happens if the state and federal government fail to act.”

Alameda County was the first in the country to adopt an Extended Producer Responsibility (EPR) ordinance and then defend it in court. EPR is a policy approach that shifts the responsibility for waste management costs from solely being the burden of government to include manufacturers as well as the users of these products – the consumer. It is a “fair share” of responsibility and countries including Mexico, provinces of Canada, and much of Europe use it to sustainably fund and operate medication collections.

“It is not fair to have 100% of the costs of disposal externalized on to government without any sharing of responsibility by the producers,” states Heidi Sanborn, Executive Director for the California Product Stewardship Council. Sean Bigley, Chair of CPSC states, “We are encouraged by the Supreme Court’s decision. Not only is this a victory for Alameda County, but for any local government in the nation that is considering a similar ordinance.”

San Francisco adopted an ordinance in March and San Mateo County adopted the third ordinance in April, which was sponsored by Supervisor Adrienne Tissier. “After

sponsoring one of the nation's first county drug disposal programs in 2006, I am delighted by this news," said Supervisor Adrienne J. Tissier of San Mateo County. "Our County emphasizes collaboration with the pharmaceutical industry in assuring our residents - their customers - will have more options for disposing of unwanted or outdated prescriptions."

Santa Clara County voted to adopt another ordinance in May with the final adoption hearing scheduled in June, and Santa Barbara is considering a similar move. More counties are likely to follow.

Background: The U.S. 9th Circuit Federal Court of Appeals upheld an Alameda County ordinance passed in July 2012 requiring drug producers who sell, offer to sell or distribute prescription drugs in Alameda County to collect and safely dispose of the county's unwanted prescription medications. The lawsuit, filed by trade associations representing the manufacturers and distributors of pharmaceutical products, argued that the ordinance violated the dormant Commerce Clause of the US Constitution as it interfered with interstate commerce. In a 3-0 ruling the Court of Appeals denied the appeal saying that the Alameda Ordinance "neither discriminates against nor directly regulates interstate commerce."

Doug Kobold, from Sacramento County, stated, "As the Vice Chair of CPSC, I am very proud that Alameda County was committed to defending this challenge through to the highest court in the land. Equally, I am very proud that CPSC could play a supporting role to Alameda's cause."

Supporters of the Alameda ordinance included [California State Association of Counties](#), [Bay Area Stormwater Management Agencies Association](#), [Clean Water Action](#), [California Nurses Association](#), [Alameda Labor Council](#), [Natural Resources Defense Council](#), and [SEIU United Long Term Care Workers](#) to name a few.

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Thank you,



Maryanne Frangules
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