



June 2, 2016

Virginia Herold, Executive Officer
Amy Gutierrez, PharmD. President
California State Board of Pharmacy
1625 N. Market Blvd, N219
Sacramento, CA 95834

Re: Board of Pharmacy Proposed Regulations on Prescription Drug Take Back Programs

Dear Director Herold and Honorable Members of the Board of Pharmacy,

We are writing today to urge the Board of Pharmacy to prioritize completion of regulations to establish California requirements for Prescription Drug Take Back Programs at retail pharmacies. In addition, we request that the Board, in its regulations, respect the primacy of local ordinances and remain silent on the subject of mandatory or voluntary pharmacy participation. Finally, we encourage the Board to harmonize its regulations with those of the Federal Drug Enforcement Administration on this topic in order to minimize the barriers for pharmacies to host medicine collection (“drug take back”) bins for the benefit of our residents.

In 2012, Alameda County passed the first ordinance in the United States that requires manufacturers of prescription medicines to take responsibility for the costs to safely dispose of the products they profit from. In 2015, the Counties of San Francisco, San Mateo, Santa Clara, and Marin passed similar ordinances to provide safe disposal opportunities for our constituents, thereby reducing the potential for accidental poisonings and prescription drug abuse while also protecting the environment. Our five counties are proud of our efforts, but we need your help. The regulations you have been considering since April of this year are critical to the success of our ordinances and to the increased availability of permanent, convenient and safe disposal options in our communities. Please act quickly to make necessary changes as described below and finalize these regulations as soon as possible.

One of the key issues of concern to us in the proposed regulations is the Board’s discussion about pre-empting local government’s ability to require pharmacies to participate. We believe that local governments deserve the latitude to craft the best and most appropriate programs for their communities. No single approach can be suitable for all jurisdictions in our large and very diverse state. The Board’s regulations will apply throughout California and should not unnecessarily limit our obligation to do what is best for our individual communities.

We are also concerned that certain aspects of the proposed regulations go beyond current federal requirements. As you are aware, in 2014 the Federal Drug Enforcement Agency promulgated regulations addressing take-back of controlled substances. These changes enabled pharmacies, for the first time, to collect all medicines, including commonly prescribed narcotics and other controlled substances. The federal regulations were the subject of extensive discussion among many groups of stakeholders and the DEA carefully and thoughtfully considered 194 public comments made to their proposed rules. Several of the requirements in your proposed regulations, including mandatory moveable barriers and prohibitions on accepting certain medications and sharps in take-back receptacles, go far beyond the federal requirements and may discourage or even bar many pharmacies from hosting a medicine collection bin. As in more than 19 countries around the world, we want all California pharmacies to be able to take back medicines from their customers and respectfully request that you do your utmost to make that possibility a reality.

On behalf of our constituents, we thank you for your consideration of these requests. We want to gratefully acknowledge the hard work done by the Board and its staff to develop these regulations and commend the Board for its diligent efforts to enable California residents to have convenient and safe medicine disposal options.

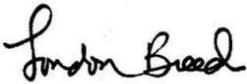
Sincerely,



Hon. Nate Miley
Board of Supervisors (District 4)
Alameda County



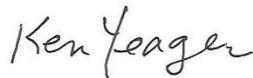
Hon. Adrienne Tissier
Board of Supervisors (District 5)
San Mateo County



Hon. London Breed, President
Board of Supervisors (District 5)
San Francisco County



Hon. Katie Rice
Board of Supervisors (District 2)
Marin County



Hon. Ken Yeager
Board of Supervisors (District 4)
Santa Clara County

cc: Awet Kidane, Director, California Department of Consumer Affairs;
Bay Area State Legislative Delegation