

# MAINE STATE LEGISLATURE

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R. of S.

L.D. 1826

DATE: 3.30.04

(Filing No. S- 474)

HEALTH AND HUMAN SERVICES

MAJORITY

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STATE OF MAINE  
SENATE  
121ST LEGISLATURE  
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 671, L.D. 1826, Bill, "An Act To Encourage the Proper Disposal of Expired Pharmaceuticals"

Amend the bill by striking out the title and substituting the following:

'An Act To Encourage the Proper Disposal of Unused Pharmaceuticals'

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

'Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA c. 604 is enacted to read:

CHAPTER 604

DISPOSAL OF UNUSED PHARMACEUTICALS

§2700. Unused Pharmaceutical Disposal Program

1. Establishment; purpose. There is established the Unused Pharmaceutical Disposal Program, referred to in this chapter as "the program." The purpose of the program is to ensure the safe, effective and proper disposal of unused pharmaceuticals. For purposes of compliance with federal law and regulation, the return of pharmaceuticals under this section is deemed to be for law enforcement purposes.

**COMMITTEE AMENDMENT**

R. of S.

2        2. Administration. The program is administered by the  
Maine Drug Enforcement Agency, referred to in this chapter as  
"the agency," established in Title 25, section 2955.

4  
6        3. Return of pharmaceuticals. The agency shall create a  
system for the return of unused pharmaceuticals. The system must  
use prepaid mailing envelopes into which the unused  
8        pharmaceuticals are placed and returned to a single collection  
location. The prepaid mailing envelopes must be made available  
10       to the public at various locations, including, but not limited  
to, pharmacies, physicians' offices and post offices. The agency  
12       may randomly assess the toxicity of materials received under the  
program as long as the assessment results do not identify the  
14       patient, person who mailed the material, prescriber or pharmacy.

16       4. Disposal of pharmaceuticals. The agency shall ensure  
that only agency officers handle the unused pharmaceuticals  
18       received pursuant to subsection 3. The unused pharmaceuticals  
must be disposed of by the agency in a manner that is designed to  
20       be effective, secure and in compliance with local, state and  
federal environmental requirements, including the federal  
22       Resource Conservation and Recovery Act of 1976, as amended.

24       5. Unused Pharmaceutical Disposal Program Fund; funding.  
The Unused Pharmaceutical Disposal Program Fund, referred to in  
26       this chapter as "the fund," is established within the agency to  
be used by the director of the agency to fund or assist in  
28       funding the program. Any balance in the fund does not lapse but  
is carried forward to be expended for the same purposes in  
30       succeeding fiscal years. The fund must be deposited with and  
maintained and administered by the agency. The agency may accept  
32       funds into the fund from any non-General Fund, nonpublic fund  
source, including grants or contributions of money or other  
34       things of value, that it determines necessary to carry out the  
purposes of this chapter. Money received by the agency to  
36       establish and maintain the program must be used for the expenses  
of administering this chapter.

38       6. Rulemaking. The agency shall adopt rules to carry out  
40       the purposes of this chapter. Rules adopted pursuant to this  
subsection are routine technical rules as defined in Title 5,  
42       chapter 375, subchapter 2-A.

44       **Sec. 2. Maine Drug Return Implementation Group.** The Maine  
Drug Return Implementation Group, referred to in this section as  
46       "the implementation group," is established to work on  
implementation issues for the Unused Pharmaceutical Disposal  
48       Program, established in the Maine Revised Statutes, Title 22,  
chapter 604, referred to in this section as "the program." The

R. of S.

COMMITTEE AMENDMENT "A" to S.P. 671, L.D. 1826

2 implementation group may not receive any funding from the General  
Fund or other public sources.

4 1. **Issues.** The implementation group shall study the  
6 following issues and make recommendations for implementation of  
the program in a manner that addresses the issues, safeguards the  
8 public health and environment and meets the requirements of  
local, state and federal law, rule and regulation:

10 A. Postal regulations;

12 B. The methods and requirements for packaging, including  
prepaid mailing envelopes;

14 C. Minimizing drug diversion and theft;

16 D. Public education regarding program requirements and  
18 operation; and

20 E. Encouraging the development of drug drop-off programs at  
the local level.

22 2. **Membership.** The implementation group consists of 11  
24 members.

26 A. The President of the Senate shall appoint one Senator,  
one representative of local municipal enforcement agencies  
28 and one representative of pharmacies.

30 B. The Speaker of the House shall appoint 2  
representatives, one person representing pharmaceutical  
32 manufacturers and one representative of a statewide  
association of medical professionals.

34 C. The implementation group must also include the Attorney  
36 General or the Attorney General's designee, the Commissioner  
of Human Services or the commissioner's designee, the  
38 Commissioner of Environmental Protection or the  
commissioner's designee and the Director of the Maine Drug  
40 Enforcement Agency or the director's designee.

42 The implementation group shall invite the participation of the  
federal Drug Enforcement Agency, the Office of the United States  
44 Attorney for the District of Maine, the United States Postal  
Service and interested parties and persons with expertise and  
46 interest in issues related to the disposal of unused  
pharmaceuticals.

48 3. **Report; approval of implementation.** The implementation  
50 group shall report to the joint standing committee of the

R. O. S.

COMMITTEE AMENDMENT "A" to S.P. 671, L.D. 1826

2 Legislature having jurisdiction over health and human services  
3 matters by January 31, 2005. The report must include information  
4 and recommendations on implementing the program. The joint  
5 standing committee of the Legislature having jurisdiction over  
6 health and human services matters shall vote whether to approve  
7 implementation of the program pursuant to section 3 and may  
8 report out legislation to the First Regular Session of the 122nd  
9 Legislature.

10 **Sec. 3. Contingent effective date.** That section of this Act that  
11 enacts the Maine Revised Statutes, Title 22, chapter 604 takes  
12 effect July 1, 2005 only if the joint standing committee of the  
13 Legislature having jurisdiction over health and human services  
14 matters has by that date received the report of the Maine Drug  
15 Return Implementation Group established in section 2 and has  
16 approved implementation of the Unused Pharmaceutical Disposal  
17 Program, established in Title 22, chapter 604.'

18  
19  
20 **SUMMARY**

21 This amendment is the majority report of the committee. It  
22 replaces the bill and changes the title. The amendment deletes  
23 authorization for the Unused Pharmaceutical Disposal Program to  
24 accept public funding. The amendment also requires the joint  
25 standing committee of the Legislature having jurisdiction over  
26 health and human services matters to approve the Unused  
27 Pharmaceutical Disposal Program prior to its implementation and  
28 adds a program start date of July 1, 2005. The amendment allows  
29 the Maine Drug Enforcement Agency to randomly assess materials  
30 received under the program. The amendment deems return of  
31 pharmaceuticals under the program to be for law enforcement  
32 purposes. The amendment establishes the Maine Drug Return  
33 Implementation Group to study and make recommendations on  
34 implementation of the program and provides for membership of the  
35 implementation group. The amendment authorizes the joint  
36 standing committee of the Legislature having jurisdiction over  
37 health and human services matters to report out legislation to  
38 the First Regular Session of the 122nd Legislature.

39  
40 The amendment also removes the emergency language from the  
41 bill.

42  
43  
44 **FISCAL NOTE REQUIRED**  
45 **(See attached)**  
46

**COMMITTEE AMENDMENT**



**121st Maine Legislature  
Office of Fiscal and Program Review**

**LD 1826**

**An Act To Encourage the Proper Disposal of Expired Pharmaceuticals**

**LR 2440(03)**

**Fiscal Note for Bill as Amended by Committee Amendment "A"**

**Committee: Health and Human Services**

**Fiscal Note Required: Yes**

**Majority Report**

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**Fiscal Note**

Undetermined future biennium cost increase - General Fund

Undetermined future biennium cost increase - Other Special Revenue Funds

Undetermined future biennium revenue increase - Other Special Revenue Funds

**Fiscal Detail and Notes**

The establishment of the Unused Pharmaceutical Disposal Program will require additional annual General Fund appropriations beginning in fiscal year 2005-06 for the Maine Drug Enforcement Agency within the Department of Public Safety. The amounts will depend on the implementation recommendations which will be developed by the Maine Drug Return Implementation Group and can not be determined at this time. This bill also authorizes the establishment of the Unused Pharmaceutical Disposal Program Fund which will require a base allocation of \$500 in fiscal year 2005-06. Absent an established and regular source of funding, the amounts of dedicated revenue that will be collected for this fund can not be determined at this time. Any significant collection of revenues in this fund can be used to cover the costs of the program and will reduce by equivalent amounts the need for appropriations from the General Fund.