

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** there is no procedure in place for the safe and effective disposal of unused or expired pharmaceuticals; and

**Whereas,** these unused or expired medications often are toxic; and

**Whereas,** these medications frequently end up in the illegal drug market, threatening the health and lives of Maine citizens; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**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 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 or expired prescription drugs.

**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.

**3. Return of pharmaceuticals.** The agency shall create a system for the return of unused or expired pharmaceuticals. The system must involve the use of prepaid mailing envelopes into which the unused or expired pharmaceuticals are placed and returned to a single collection location. The prepaid mailers must be made available to the public at various locations, including, but not limited to, pharmacies, physicians' offices and post offices.

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4. Disposal of pharmaceuticals. The agency shall ensure that only agency officers handle the unused or expired pharmaceuticals received pursuant to subsection 3. The unused or expired pharmaceuticals must be disposed of by the agency in a manner that is designed to be effective, secure and environmentally safe.

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

6. Rulemaking. The agency shall by routine technical rulemaking, pursuant to Title 5, chapter 375, subchapter 2-A, adopt rules to carry out the purposes of this chapter.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

## SUMMARY

This bill creates the Unused Pharmaceutical Disposal Program, administered by the Maine Drug Enforcement Agency, to provide for the safe, effective and proper disposal of unused or expired prescription drugs. The program involves the use of prepaid mailers to be made available and used by the public to mail unused or expired prescription drugs to a single collection location. The drugs received may be handled only by agency officers and must be disposed of in a manner that ensures the safety of the public and the environment. The director of the Maine Drug Enforcement Agency is authorized to accept funding from public and private sources to carry out the purposes of the program.