

Adopt Jus 1600 to read as follows:

## CHAPTER Jus 1600 PROCEDURES FOR PHARMACEUTICAL DRUG COLLECTION AND DISPOSAL PROGRAMS

Statutory Authority: RSA 318-E:1

### PART Jus 1601 PURPOSE AND SCOPE

#### Jus 1601.01 Purpose.

(a) The purpose of these rules is to establish uniform procedures and standards for collecting and disposing of expired or unwanted pharmaceutical drugs from households and residences in order to:

(1) Provide the public with an environmentally safe, accessible and convenient alternative to disposing of pharmaceutical drugs in the landfill or sewer systems that may later negatively effect the environment; and

(2) Encourage citizens to remove expired or unwanted pharmaceutical drugs from their homes to reduce access to addictive drugs for accidental or intentional misuse by individuals, especially children, in the home.

Jus 1601.02 Scope. Controlled and non-controlled drugs collected in accordance with this chapter shall be exempt from the disposal requirements for controlled drugs stipulated in RSA 318-B:17.

### PART Jus 1602 DEFINITIONS

Jus 1602.01 “Collection box” means a secured, lined receptacle into which pharmaceutical drugs can be deposited and which remains in possession of designated law enforcement officers for the purposes of a collection event.

Jus 1602.02 “Collection event” means a one-day program through which the public may safely dispose of unused or expired home-generated pharmaceutical drugs that are no longer wanted or needed by the consumer, at a secure collection site.

Jus 1602.03 “Controlled drugs” means “controlled drugs” as defined in RSA 318-B:1, VI.

Jus 1602.04 “Department” means the department of justice.

Jus 1602.05 “Drop box” means a double-locked, lined receptacle into which pharmaceutical drugs are deposited, situated in a police station and constructed in a manner that prevents tampering or access by non-authorized persons.

Jus 1602.06 “Law enforcement officer” means any officer of the state or political subdivision of the state whom is empowered by law to conduct investigations of or to make arrests for offenses enumerated in RSA 318-B:2.

Jus 1602.07 “Pharmaceutical drug” means “pharmaceutical drug” as defined in RSA 318-E:1, I.

#### PART Jus 1603 PERMANENT DROP BOXES

##### Jus 1603.01 Police Station Permanent Drop Boxes.

(a) The chief law enforcement officer of an agency seeking to place a permanent drop box in a police station shall first request and obtain written authorization from the:

Drug Enforcement Administration – Office of Diversion Control  
NEW ENGLAND DIVISION  
JFK Federal Building  
15 New Sudbury Street, Room E-400  
Boston, MA 02203  
(617) 557-2191

(b) A permanent drop box shall only be located in a police station and must remain in the custody of law enforcement at all times.

(c) The drop box shall be placed in a location that is accessible to the public and under constant video surveillance.

(d) The drop box shall be securely mounted to a wall or floor to prohibit removal of the box or retrieval of the contents from within the box without a key.

(e) The drop box shall be clearly marked with the following information:

(1) Prescription drugs (controlled and non-controlled) and over-the-counter drugs from households and residences only;

(2) Pharmaceutical drugs may be disposed of in the original containers or in a sealed plastic bag;

(3) Liquid pharmaceuticals shall remain in the original container; and

(4) No needles, syringes, or lancets.

(f) Individuals shall place unused pharmaceutical drugs directly into the collection box. Law enforcement personnel shall not directly handle the collected pharmaceuticals at any time.

(g) Individuals utilizing the drop box in accordance with this chapter shall not be questioned or required to disclose personal identification.

(h) The chief law enforcement officer and a law enforcement officer designated by the chief law enforcement officer of an agency maintaining a permanent drop box shall be the sole possessors of keys to the drop box. Each shall have a separate and distinct key, with both keys required in order to access the drop box.

(i) The chief law enforcement officer and a law enforcement officer designated by the chief law enforcement officer of an agency maintaining a permanent drop box shall be responsible for jointly removing the contents of the drop box for disposal in accordance with the procedures outlined in Part Jus 1605.

(j) The chief law enforcement officer of an agency maintaining a permanent drop box shall provide written notification to the Attorney General that the agency has established a program in accordance with these rules.

Jus 1603.02 Pharmaceutical Drugs Collected in Permanent Drop Box.

(a) Collected pharmaceutical drugs shall remain secured in the drop box until ready for disposal.

(b) An inventory of collected pharmaceutical drugs shall not be required by these rules.

(c) Collected pharmaceutical drugs shall not be resold or reused.

PART Jus 1604 PERIODIC OR ONE-TIME PHARMACEUTICAL DRUG  
TAKE-BACK EVENTS

Jus 1604.01 Participation.

(a) Participation in a pharmaceutical drug take-back event by any public or private entity is voluntary.

(b) If a public or private entity participates in a pharmaceutical drug take back event, it shall be done in accordance with these rules and in conjunction with a participating chief law enforcement officer of a law enforcement agency.

(c) The chief law enforcement officer of an agency seeking to participate in a collection event shall first request and obtain written authorization from the:

Drug Enforcement Administration – Office of Diversion Control  
NEW ENGLAND DIVISION  
JFK Federal Building  
15 New Sudbury Street, Room E-400  
Boston, MA 02203  
(617) 557-2191

(d) The chief law enforcement officer of an agency participating in a pharmaceutical drug take-back event shall provide written notification to the Attorney General that the agency has established an event in accordance with these rules.

Jus 1604.02 Standards and Procedures for the Collection Event.

(a) At least 2 law enforcement officers designated by the chief law enforcement officer of an agency participating in a collection event shall, at all times, be present and responsible for supervising the collection event.

(b) The law enforcement officers referred to in paragraph (a) shall, at all times, have sole control over, and sole possession of, all pharmaceuticals collected, and the collection box(es) in which the collected pharmaceuticals are stored.

(c) Individuals donating unused pharmaceutical drugs shall place them directly into the collection box. Law enforcement officers shall not directly handle the surrendered pharmaceuticals at any time.

(d) Individuals utilizing the collection event in accordance with this chapter shall not be questioned or required to disclose personal identification.

(e) Only controlled and non-controlled pharmaceutical drugs, and over-the-counter drugs from households and residences shall be collected.

(f) Syringes shall not be placed in the collection box. A bulk sharps disposal container may be provided at each collection event for the disposal of sharps.

Jus 1604.03 Removal of Collection Boxes.

(a) At the conclusion of the collection event, law enforcement officers referred to in paragraph (a) shall be responsible for removing the collection box(es) the same day from the event location for disposal in accordance with the procedures outlined in section Jus 1605.

(b) Collected pharmaceutical drugs shall remain secured in the collection box(es) until ready for disposal.

(c) An inventory of collected pharmaceutical drugs is not required.

(d) Collected pharmaceutical drugs shall not be resold or reused.

## PART Jus 1605 DISPOSAL OF DONATED PHARMACEUTICAL DRUGS

### Jus 1605.01 Procedure for Disposal of Donated Pharmaceutical Drugs.

(a) Pharmaceutical drugs collected pursuant to Jus 1603 or Jus 1604 shall be destroyed via incineration at a solid waste disposal facility that is authorized to accept the waste under the destination state's laws and rules.

(b) Pharmaceutical drugs collected pursuant to Jus 1603 or Jus 1604 shall remain in the custody of the designated law enforcement officer until the destruction of the material is witnessed by the law enforcement officer.

### Jus 1605.02 Documentation of Disposal of Pharmaceutical Drugs.

(a) The designated law enforcement officer in Jus 1605.01(b) above shall document the following:

- (1) The date and location of the collection event or location of the permanent drop box;
- (2) The weight of the collected pharmaceuticals; and
- (3) The date and location where the collected pharmaceuticals drugs were destroyed.
- (4) The name(s) of the designated participating law enforcement officers.

## PART Jus 1606 RECORDKEEPING

### Jus 1606.01 Records.

(a) The chief law enforcement officer of an agency participating in a program under Jus 1603 or Jus 1604 shall retain a copy of the documentation of the disposal of pharmaceutical drugs, as required by Jus 1605, for a period not less than 5 years.

(b) Each agency participating in a program under this chapter shall develop and maintain a written manual of policies and procedures consistent with these rules.

## PART Jus 1607      WAIVERS

Jus 1607.01    Waiver Request.

(a) The chief law enforcement officer of a law enforcement agency seeking to participate in a pharmaceutical drug take-back program may request a waiver of specific rules outlined in this Chapter in accordance with (c) through (f), below.

(b) The chief law enforcement officer requesting a waiver shall submit the information set forth in (c) in writing to the department at:

Department of Justice  
33 Capitol Street  
Concord, NH 03301

(c) The waiver request shall set forth the following information:

- (1) A description of the pharmaceutical drug take-back program to which the waiver request relates;
- (2) A reference to the specific section of the rules for which a waiver is being sought;
- (3) A full and detailed explanation of why a waiver is necessary;
- (4) Whether the waiver is needed for a limited duration and, if so, an estimate of when the waiver will no longer be needed;
- (5) A full explanation with supporting data of the alternatives, if any, proposed to be implemented or used in lieu of the rule requirements; and
- (6) A full explanation of how the waiver, including any proposed alternatives:
  - a. Would be consistent with the intent of RSA 318, RSA 318-B and RSA 318-E; and
  - b. Would adequately protect human health and the environment and prevent the illegal diversion of collected pharmaceutical drugs.

Jus 1607.02    Incomplete Waiver Requests. Any waiver request that is received by the department that does not conform with Jus 1607.01(c) shall be deemed incomplete and returned to the requestor with an explanation.

Jus 1607.03    Waiver Response.

(a) The department shall issue a written response to a request for a waiver within 30 days of receiving a complete request. If the waiver is denied, the denial shall specifically set forth the reason(s) for the denial.

(b) The department shall grant a waiver if it determines that the intent of RSA 318, 318-B and 318-E will be met, human health and the environment will be protected, and the illegal diversion of collected pharmaceutical drugs will be prevented. In granting the waiver, the department shall impose such conditions, including time limitations, as the department deems necessary to ensure that the activities conducted pursuant to the waiver will be consistent with the intent of RSA 318, 318-B and 318-E.

(c) No waiver shall be granted to any requirement specified in statute unless the statute expressly allows such requirement to be waived.