

FACT SHEET ON HOW TO DRAFT PHARMACEUTICAL STEWARDSHIP ORDINANCES

This fact sheet is intended to be used as a tool for anyone considering a producer responsibility ordinance for household pharmaceuticals. It summarizes key elements of the two existing pharmaceutical ordinances that have passed in the U.S. for Alameda County California and King County Washington. In addition, it includes San Francisco's draft ordinance where it was left after it passed during the first reading but was never adopted as PhRMA provided \$110,000 to instead do a collaborative pilot project and just signed an agreement with the City in August 2013 for \$125,000 for the voluntary project extension. The consensus is that the best ordinance to start with is King County which was the most recently adopted in June of 2013.

Questions to ask and have policy leadership answer before going to Counsel to draft an Ordinance:

1. What medications much be accepted by the program? (OTC, vitamins, controlled)?
2. Will producers pay 100% of the program hard costs?
3. Will it have convenience requirements will be defined?
4. Will it require a producer funded and managed public education/outreach program?
5. Will pharmacies be required to (1) host bins, and/or (2) advertise the program?
6. Will it allow producers to charge the cost to the consumer visibly or be internalized in price?
7. Will it require producers to pay fees to reimburse for public agency oversight costs?
8. Will it allow the public agency to assess a penalty/fine for failure to comply, and if so what?

Comparison of Ordinances by the Counties of Alameda, King and San Francisco:

Question	Alameda County Safe Medication Disposal Ordinance Adopted 7/24/12	King County Secure Medicine Return Ordinance Adopted 6/20/13	San Francisco (not passed) Safe Drug Disposal Ordinance
Are over-the-counter medications covered?	No	Yes	Yes
Are vitamins/ supplements covered?	No	No	Yes
Are controlled substances covered?	Yes , partially, special provisions for how controlled are handled.	Yes	No , controlleds must be phased in after Federal rules final
Will producers pay 100% of the program hard costs?	Yes	No – The County funds collection bins up to maximum of	Yes

		400 bins.	
Will it have convenience standards, and if so what?	No , but an explanation of how the system will be convenient and adequate to serve the needs of residents is required in the plan.	Yes – Every retail pharmacy and law enforcement office that volunteers must be included in the system. If a jurisdiction does not have at least 1 site plus one additional site for every 30,000 population, then producers must also provide periodic collection events or mail-back services, or some combination.	No , but an explanation of how the system will be convenient and adequate to serve the needs of residents is required in the plan.
Will it require a public education/outreach program?	Yes	Yes	Yes
Will pharmacies be required to (1) host bins, or (2) advertise the program?	No	No , all potential collectors will participate voluntarily.	No , the separate Safe Drug Disposal Information ordinance requires pharmacies to display ads for the collection program.
Will it allow producers to charge visible fees?	No	No	No
Will it provide oversight fees to reimburse costs incurred by the public agency?	Yes	Yes	Yes
Allows the public agency to assess a penalty/ fine?	Yes , max. penalty of \$1,000/day.	Yes , max.penalty of \$2,000/ day.	Yes , \$50-\$500 per day fines/up to 6 mo. Jail.

Ordinance Legal Contacts:

Alameda County, CA: Kathleen Pacheco, Senior Deputy County Counsel
Ph: 510-272-6700 Email: kathleen.pacheco@acgov.org

King County, WA: Amy Eiden, Deputy Prosecuting Attorney
Ph: 206-477-1082 Email: amy.eiden@kingcounty.gov
<http://www.kingcounty.gov/healthservices/health/BOH/MedicineTakeback.aspx>

San Francisco, CA: Thomas Owen, Deputy City Attorney
Ph:415-554-4679 Email:thomas.owen@sfgov.org