



38 MRS §1612 Drug Take-back Stewardship Program

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MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

Protecting Maine's Air, Land and Water

LD – 8 An Act to Support Collection and Proper Disposal of Unwanted Drugs

- Signed into law June 8, 2021.
- Drug manufacturers, individually or jointly, are required to:
 - operate a stewardship program that has been approved by the Department; *or*
 - Enter into an agreement with a stewardship organization that will operate a program
- Manufacturers must submit stewardship plan to Department by July 1, 2022.
 - Department must approve or reject within 120 days
 - Stewardship Organization (“SO”) must implement plan 180 days after approval



What are the covered drugs

Any substance recognized as a drug under 21 United States Cod, Section 321 (g)(1), including prescription and non-prescription drugs, drugs in medical devices, generic drugs, and drugs for veterinary use.

Does not include:

- Vitamin supplements
- Cosmetics, cleaning products, shampoo, soap, etc.
- Pet Pesticide products in collars, shampoos, etc.
- Emptied syringes or other empty medical devices
- Home kidney dialysis
- Used solely in a clinical setting



Program Plan Requirements

Plans submitted by the manufacturers must:

- Certify that the SO will accept **all** drugs regardless of manufacturer
- Include the lists of manufacturers, drugs, and contact information in that specific SO
- Describe the collection process – which must be free, convenient, and ongoing to public
 - Include list of collectors
- Describe outreach and education
- Describe how collected drugs will be tracked, measured, and disposed



Collection of Drugs

- Plan must make available free, convenient, and ongoing collection opportunities to all persons
 - Ensure access in all areas of state, including rural and underserved areas
- Must include:
 - Authorized collection receptacles
 - Mail-back envelopes
 - Cannot include home disposal/destruction methods



Collection of Drugs (cont.)

- Out of state/ by mail pharmacy must provide mail-back option for covered drugs
- In State pharmacy must provide information to customer regarding the option to mail back unwanted drugs in addition to collection locations.
- All pharmacies licensed in the State are “mandatory pharmacy collectors” and must be a collection location.



Collection of Drugs (cont.)

- An authorized collector (such as a law enforcement agency) can elect to participate in the program in the way they see fit, and must be added within 90 days of requesting to participate
- Does not prevent law enforcement from collection activities or being a collection agent



Program Funding

- All costs of collection is to be paid by the stewardship organization (which are funded by the manufacturers)
- Drug manufacturers will fund Department oversight through annual fee



Education and Outreach

- Stewardship programs are responsible for developing education and outreach materials. Must include:
 - Publicly accessible website
 - Signage at collection locations
 - Brochures for distribution to consumers at time of purchase

In addition to providing information about the program, it must also discourage improper disposal methods



Performance Goals

- Performance goals for determining the success of the program are based on education and outreach efforts
 - Awareness of the program by 60% of residents after one year
 - 70% after two years
 - 75% after 4 years





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