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A Department of the City and County of San Francisco

# Safe Drug Disposal Stewardship Ordinance

## What does the Ordinance do?

The Safe Drug Disposal Stewardship Ordinance requires medicine manufacturers who sell their products in San Francisco, to provide all San Francisco residents with a safe and convenient way to dispose of their unwanted home-generated medicine.

The proposed Ordinance builds on San Francisco's successful pilot medicine collection program which was launched in April 2012. As of March 2015, the pilot program has collected 26 tons, or 52,000 pounds, of medication, proving that a pharmacy-based collection program works.

The Ordinance uses an Extended Producer Responsibility model in which manufacturers, retailers, consumers, and local government all play a role in managing and properly disposing of unwanted and expired medications to reduce accidental poisonings, control substance abuse, and protect the environment.



## Why does San Francisco need a medicine collection program?

There is clear evidence of harm to the environment. Flushing pharmaceuticals and their metabolites can lead to water pollution, and pharmaceuticals have been conclusively shown to be affecting aquatic ecosystems. Many pharmaceuticals have endocrine disrupting effects which can impact aquatic species, even at very low concentrations. In addition, as San Francisco works towards our goal of "Zero Waste to Landfill" by 2020, there simply will be no wastes going directly to landfill. All "trash" will be sorted by recycling workers to remove recoverable material, and trashed medicines will expose recycling workers to potentially dangerous chemicals. Furthermore, many believe that the most compelling and immediate reason for safe and secure medicine disposal is public safety. Safe medicine disposal is one of four key elements of national efforts to address the prescription drug abuse epidemic.

## What medicines are covered by the Ordinance?

The Ordinance applies to both prescription and over-the-counter human and pet medicines which are used or stored in San Francisco homes. These medicines are called "covered drugs" in the Ordinance.

The Ordinance does not include vitamins or supplements, herbal-based and homeopathic remedies, and personal care products that are regulated as both cosmetics and nonprescription drugs by the Federal government.

## Who is a producer?

The Ordinance defines "Producer" to include any person who manufactures covered drugs which are sold in or into San Francisco. Pharmacists and other professionals who prepare individual compounded drugs as part of their practice are not considered Producers.

## What do producers have to do?

Each Producer whose covered drug product is sold in San Francisco must participate in a Stewardship Plan which provides a minimum number of collection and disposal opportunities to San Francisco residents. The Ordinance does not apply to unwanted medicines from businesses, including pharmacies, hospitals, clinics, and doctor's offices. Safe disposal of medicines from businesses is required under existing state and federal law.

Stewardship Plans must be approved by the Director of the Department of the Environment and must contain detailed information on how the producers participating in that plan will provide a minimum of five (5) collection sites per Supervisorial District to ensure convenient drop-off options for all San Francisco residents, for a total of 55 drop-off sites.

Producers have one year from the effective date of the Ordinance to prepare and submit a written Stewardship Plan. Plans must be implemented within three (3) months of Plan approval by SFDOE.

Producers may operate their own Plans, join together to operate a multi-party Plan, or enter into an agreement with a Stewardship Organization to operate a Plan on their behalf.



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Stewardship Plans must include a discussion of how patient privacy will be maintained and how packaging will be recycled, as well as how unwanted medicines will be safely disposed of in compliance with current law.

As part of Plan development, the Ordinance requires producers to contact all retail pharmacies and law enforcement agencies located in San Francisco with an offer to participate as a medicine drop-off (collection) site. Any pharmacy or law enforcement agency wishing to participate must be included in the Plan without charge.

The Ordinance requires that mail-back envelopes for medicine disposal must be made available to home-bound and disabled residents on request, and in the event that the minimum goal of five collection sites per Supervisorial District is not met.

The Ordinance requires the operator of each Stewardship Plan to submit to the Department an annual report describing the Plan's activities for the preceding year.

Producers are also required to update their Stewardship Plan at least every four years, to conduct biennial surveys of SF residents and health professionals on the effectiveness of their Plan, and to establish a toll-free telephone number and website for outreach purposes. All outreach and survey materials must be multilingual.

### Who is paying?

Producers are responsible for all costs of administering and operating their Stewardship Plan. They are also required to pay for the Department's costs for Plan review and oversight

The participation of Retail pharmacies and law enforcement agencies as medicine collectors is voluntary under the Ordinance.

Producers may offer financial or other incentives to pharmacies and law enforcement, but they are not required to offer any incentive or to pay for costs of staff time at drop-off sites provided by volunteer collectors.

The Ordinance prohibits producers or collectors from charging a point-of-sale fee to consumers at the time of collection or disposal to recoup the costs of operating the Stewardship Plan.

### What do pharmaceutical wholesalers, retailers, and repackagers have to do?

The Ordinance requires pharmaceutical wholesalers who sell covered drugs in or into San Francisco to provide a list of the producers of those covered drugs to the Department. Lists must be submitted in a form prescribed by the Director. This list is initially due 60 days after the effective date of the Ordinance, and must be annually updated and resubmitted by January 15.

Retailers and repackagers, whose label appears on a covered drug or its packaging sold in San Francisco, also have roles. The Ordinance requires applicable retailers and repackagers to provide written notification of whether the producer of the covered drug has provided its notice of intent to participate in a Plan. Retailers and repackagers must also provide the contact information of all producers from where they obtain covered drugs, including the telephone number, mailing address, and email address of their point of contact. This information must be submitted six (6) months after the effective date of the Ordinance, or by six (6) months after the covered drug starts selling in San Francisco.

### What is the role of the Department of the Environment?

In addition to reviewing and approving Stewardship Plans, the Ordinance requires the Department to report biennially to the Board of Supervisors on implementation of the Ordinance

The Ordinance also requires the Department to support each Plan's outreach and promotion efforts through the Department's existing outreach mechanisms.

The Department is also responsible for administering the penalty provisions of the Ordinance. Producers not in compliance with the Ordinance are subject to civil penalties or fines of up to \$1,000 per day.

The Ordinance gives the Department the ability to adopt rules necessary to implement, administer, and enforce the requirements of the Ordinance.

### What is the role of the Commission on the Environment?

The Ordinance assigns the Commission on the Environment to approve a schedule of fees for Ordinance implementation that are calculated to recover but not exceed actual costs to the City.

**For more information contact the San Francisco Department of the Environment by email at [SafeMeds@sfgov.org](mailto:SafeMeds@sfgov.org)**



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