

LEGISLATIVE DIGEST

(Amendment of the Whole, dated 11/23/2010)

[San Francisco Safe Drug Disposal Ordinance.]

Ordinance amending the San Francisco Environment Code by adding Chapter 22, Sections 2201 through 2211, to: require any person who produces a drug offered for sale in San Francisco to participate in an approved drug stewardship program for the collection and disposal of unwanted drugs from residential sources; provide for implementation, enforcement, fees, and penalties; and phase-in the application of the Chapter to non-prescription drugs and controlled substances; and making environmental findings.

Existing Law

San Francisco does not currently have any law making drug companies responsible for collecting or disposing of unused medications.

Amendments to Current Law

The proposal is an ordinance that would amend the San Francisco Environment Code to require any person who produces a drug offered for sale in San Francisco to participate in an approved drug stewardship program for the collection and disposal of unwanted prescription and non-prescription drugs from residential sources.

Product Stewardship Programs

Beginning September 1, 2011, every drug company (or "producer") who sells prescription or non-prescription drugs ("covered products") in the City would be required to participate in a drug disposal (or "product stewardship") program to collect and dispose of unwanted drugs from residential sources. The producer could operate a stewardship program individually or jointly with other producers, or contract with a private "stewardship organization" to operate a program on behalf of the producer. These requirements would not apply until January 1, 2012 for covered products that are non-prescription drugs or controlled substances. Cosmetics would not be covered products under the Chapter.

The producer would have to pay all administrative and operating costs of the program, including the cost of collecting, transporting, and disposing of unwanted products. Neither the

producer nor the program would be allowed to charge a fee for the program when the drugs were sold or collected for disposal.

Product Stewardship Plans

Each stewardship program would be required to submit a product stewardship plan to the Department of the Environment for approval. The plan would have to include, among other things:

- A description of the methods by which unwanted products from residential generators would be collected in the City; and,
- A description of how the unwanted products would be safely and securely tracked and handled from collection through final disposal.

No stewardship program would be allowed to begin collecting unwanted products until it had received written approval of its stewardship plan from the Department. Initial plans would have to be submitted by April 1, 2011.

Disposal Of Unwanted Products

Each stewardship program would be required to comply with all applicable laws and regulations, and to dispose of all unwanted products it collected from residential sources at a medical waste facility.

Program Promotion And Outreach

Each stewardship program would have to prepare education and outreach materials listing the location and operation of collection locations in the City and distribute the materials to health care facilities, pharmacies, and other interested parties. The program would also have to set up a web site and a toll-free telephone number to provide similar information.

Enforcement

The ordinance would be enforced by the Department of the Environment and the City Administrator. Violators would first receive a written warning and 30 days to correct their violations. Violators who did not correct their violations within 30 days could be subject to administrative fines. Violators could also be subject to court-ordered civil fines or criminal misdemeanor penalties.

* * *

The amendment of the whole, dated 11/23/2010, requires "drug wholesalers" to provide certain information to the City, but does not impose any duties on them as "producers."

The amendment of the whole excludes "cosmetics" from the definition of "covered products," and delays the application of the Chapter to "controlled substances" and "non-prescription drugs" until January 1, 2012.

The amendment of the whole also delays several compliance dates set in the legislation.