WHEREAS, The federal Centers for Medicare and Medicaid Services estimates that more than $1 billion in unused prescription drugs—including Schedule II controlled substances and other narcotics—are improperly disposed of each year, and;

WHEREAS, Unused prescription drugs disposed of in the sewage system flow into rivers, lakes, oceans, and are spread onto farm fields as sludge, and;

WHEREAS, Unused prescription drugs disposed of in the trash can be scavenged by identity thieves, poison children and animals, and seep through landfills into groundwater, and;

WHEREAS, The poor, uninsured, and underinsured can benefit from the use of recycled narcotics as long as the medication is in its original, unopened container and a licensed pharmacist has determined that the contents are not expired, unadulterated, or misbranded, and;

WHEREAS, There is a growing movement in many states to enact drug repository legislation, and this legislation does not include the use of recycling narcotics, and;

WHEREAS, Although many state statutes do not preclude or prohibit the return of narcotics, it is the understanding of the (insert legislative body here) that federal agencies have prohibited the return of controlled substances—after they have been dispensed to patients—to physicians’ offices, pharmacies, hospitals, hospices, health clinics, long-term care facilities, or similar state repositories for any purpose, and;

WHEREAS, (insert legislative body here) recognizes that, in the absence of bad faith, any donor, participant, provider, or pharmaceutical manufacturer shall not be liable for any claim or injury arising from participation in a drug repository program.

THEREFORE BE IT RESOLVED THAT The (insert appropriate legislative body here) memorializes the federal government to work with states in establishing recycling and redistribution programs for narcotics in health care facilities and other established state drug repositories.

THEREFORE BE IT FURTHER RESOLVED THAT Copies of this resolution be sent to the President of the United States, the United States Congress, and the appropriate leadership of the United States Department of Health and Human Services, the United States Food and Drug Administration, the United States Office of National Drug Control Policy, the United States Drug Enforcement Administration, and the United States Pharmacopeia.

Adopted by the Health and Human Services Task Force at the States and Nation Policy Summit on December 9, 2006. Approved by the ALEC Board of Directors January 8, 2007.

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Resolution on Federalism in Recycling Narcotics (Adobe PDF File)