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A9576-B/S9100 (GUNTHER/HANNON)

AN ACT TO AMEND THE PUBLIC HEALTH LAW, IN RELATION TO ENACTING THE DRUG TAKE BACK ACT

The New York State Association of County Health Officials (NYSACHO) supports the above-referenced legislation, which would expand safe drug disposal options for consumers seeking to discard unused prescription medications.

In its 2015 report to the Governor and Legislature, the NYS Department of Health (NYSDOH) reports that, in 2013, there were 952 drug-related deaths involving prescription opioids. This translates to more than 18 fatalities weekly, a 40% increase from 2009. Numbers of opioid-related emergency room (ER) visits and hospitalizations are also on the rise, with the number of opioid-related ER visits rising 73% from 2010 to 2014. Overdose rates are highest for those in the 25-54 age group and, according to the Centers for Disease Control and Prevention, at least half of all opioid overdose deaths involve a prescription opioid.

Many persons using drugs get prescription drug medications from friends or family. Teens who abuse prescription drugs often become addicted when they are prescribed an opioid, typically due to a sports injury. Still others find the drugs in medicine cabinets and use opioids to self-medicate, unaware of the potential risks of the drugs they take. Adolescents may also ingest prescription opioids as part of recreational drug use and experimentation.

Lack of safe disposal options leaves unused medications accessible to anyone, including children. If medication disposal occurs, it usually done at home, through flushing or disposal down household drains. This leads to negative impacts on the environment, particularly on aquatic life and water supplies.

New York State public health law allows law enforcement agencies and pharmacies to participate voluntarily as safe drug disposal sites. While 42 counties in New York State provide safe drug disposal sites, not one of these sites is operated by a pharmacy. New York City is the only municipality with a pharmacy chain providing safe drug disposal sites. In the rest of the state, state, county, municipal or campus law enforcement agencies operate disposal sites. These sites provide a valuable service to communities, but also create barriers. Most individuals do not routinely visit police agencies and may not know their agency's location, or may feel unsafe in the areas in which they are located.

In contrast, people frequently visit pharmacies for prescription and non-prescription medication and shopping for other household items. Providing pharmacy based safe drug disposal options will enable people to dispose of unused controlled substances routinely, rather than leaving them unused and accessible in the home, or disposed in an unsafe manner. Pharmacists have experience in disposing unused, expired medications, so handling and storage should not place an undue burden on pharmacy operations. The legislation also allows for mail-back disposal options.

This legislation takes important policy steps to stem access to prescription opioids. Requiring manufacturers of controlled substances to fund drug disposal programs, and requiring pharmacies to operate safe disposal sites

for controlled substances will expand safer alternatives for end-users of these controlled substances to dispose of unused prescription medications. This in turn limits access to unauthorized or excessive use of these products and can help reduce the risks of addiction and overdose.

NYSACHO however, is concerned that this proposal continues to put forward a preemption clause. As currently written, this bill would prevent local governments from exercising their home rule right to enact more stringent local laws should they deem it to necessary to protect the public's health and safety. In 2017, Governor Cuomo explicitly cited preemption language as one of the reasons for his veto of similar legislation, noting that local laws "may go further than the scope of this bill in attempting to create a truly comprehensive stewardship approach." NYSACHO therefore supports this legislation with the caveat that the bill be amended to remove the preemption language prior to its enactment into law.

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