

## STATE OF MAINE

—  
 IN THE YEAR OF OUR LORD  
 TWO THOUSAND AND THIRTEEN

—  
 S.P. 306 - L.D. 881

**An Act To Improve the Unused Pharmaceutical Disposal Program**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 22 MRSA §2700**, as amended by PL 2005, c. 297, §§1 and 2 and affected by §3, is further amended to read:

**§2700. Unused Pharmaceutical Disposal Program**

**1. Establishment; purpose.** There is established the Unused Pharmaceutical Disposal Program, referred to in this chapter as "the program." The purpose of the program is to ensure the safe, effective and proper disposal of unused pharmaceuticals. For purposes of compliance with federal law and regulation, the return of pharmaceuticals under this section is deemed to be for law enforcement purposes.

**2. Administration.** The program is administered by the Maine Drug Enforcement Agency, referred to in this chapter as "the agency," established in Title 25, section 2955.

**3. Return of pharmaceuticals.** The agency ~~shall~~ may create ~~a system~~ systems for the ~~return~~ safe, effective and proper disposal of unused pharmaceuticals. ~~The system must~~ systems may include the use of prepaid mailing envelopes into which the unused pharmaceuticals are placed and returned to a single collection location. The prepaid mailing envelopes must be made available to the public at various locations, including, but not limited to, pharmacies, physicians' offices and post offices. The agency may randomly assess the toxicity of materials received under the program as long as the assessment results do not identify the patient, person who mailed the material, prescriber or pharmacy.

**4. Disposal of pharmaceuticals.** ~~The agency shall ensure that only agency officers handle the unused pharmaceuticals received pursuant to subsection 3. The~~ All unused pharmaceuticals received under the program must be disposed of ~~by the agency~~ in a manner that is designed to be effective, secure and in compliance with local, state and federal environmental requirements, including the federal Resource Conservation and Recovery Act of 1976, as amended.

**5. Unused Pharmaceutical Disposal Program Fund; funding.** The Unused Pharmaceutical Disposal Program Fund, referred to in this chapter as "the fund," is established within the agency to be used by the director of the agency to fund or assist in funding the ~~program~~ safe, effective and proper disposal of unused pharmaceuticals. Any balance in the fund does not lapse but is carried forward to be expended for the same purposes in succeeding fiscal years. The fund must be deposited with and maintained and administered by the agency. The agency may accept funds into the fund from any non-General Fund source, including grants or contributions of money or other things of value, that it determines necessary to carry out the ~~purposes of this chapter~~ safe, effective and proper disposal of unused pharmaceuticals. Money ~~received~~ accepted into the fund by the agency to ~~establish and maintain the program~~ must be used for the expenses of ~~administering this chapter~~ safe, effective and proper disposal of unused pharmaceuticals.

**6. Rulemaking.** The agency shall adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**7. Disposal; funding.** The program must operate with funding solely from the fund provided in subsection 5. ~~The program may begin operation for 2 years on July 1st of any year in which notice is given by April 1st by the director of the agency to the State Budget Officer that funding has been procured for the fund that is sufficient to operate the program for 2 years.~~