

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 48.
FOODS AND DRUGS.

CHAPTER 8F.
SAFE DISPOSAL OF UNUSED PHARMACEUTICALS.

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PHARMACEUTICALS.

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CHAPTER 8F. SAFE DISPOSAL OF UNUSED PHARMACEUTICALS.

§ 48-851.01. DEFINITIONS.

For the purposes of this chapter, the term:

- (1) "Health care facility" means a hospital, assisted living facility, nursing home, or institutional pharmacy.
- (2) "Institutional pharmacy" means that physical portion of a health care facility where drugs, devices, and other materials used in the diagnosis or treatment of injury, illness, and disease are dispensed, compounded, or distributed and pharmaceutical care is provided.
- (3) "Pharmaceutical product" means a drug or biologic for human use regulated by the federal Food and Drug Administration.
- (4) "Retail pharmacy" means a pharmacy that provides services to the public on an outpatient basis.

(Mar. 5, 2010, D.C. Law 18-112, § 2, 56 DCR 9378.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 18-112, the "Unused Pharmaceutical Safe Disposal Act of 2009", was introduced in Council and assigned Bill No. 18-313, which was referred to the Committee on Health. The Bill was adopted on first and second readings on November 3, 2009, and December 1, 2009, respectively. Signed by the Mayor on December 11, 2009, it was assigned Act No. 18-242 and transmitted to both Houses of Congress for its review. D.C. Law 18-112 became effective on March 5, 2010.

Delegation of Authority

Delegation of Authority Pursuant to the Unused Pharmaceutical Safe Disposal Act of 2009, see Mayor's Order 2011-90, May 6, 2011 (58 DCR 4176).

§ 48-851.02. SAFE DISPOSAL OF UNUSED PHARMACEUTICALS.

(a)(1) The Board of Pharmacy shall design a public education campaign to educate individuals on:

- (A) The importance of promptly disposing of unused pharmaceuticals to avoid accidental overdoses, medication errors, and household drug theft;
- (B) How disposing of pharmaceuticals by flushing them into the public sewer system or throwing them in the trash can be harmful to the environment and can contaminate the drinking water supply; and
- (C) How to dispose of unused pharmaceuticals in a safe and environmentally sound manner.

(2) Each retail pharmacy licensed in the District of Columbia shall implement the public education campaign as required by the Board of Pharmacy.

(b)(1) By July 1, 2010, the Board of Pharmacy shall make recommendations to the Mayor regarding the establishment of a program to enable consumers to dispose of unused pharmaceuticals, including controlled substances, in a safe and environmentally sound manner.

(2) In developing recommendations, the Board of Pharmacy shall give consideration to a mail-in program that:

- (A) Utilizes prepaid mailing envelopes that allow an individual to mail unused pharmaceuticals to a single collection location approved for all pharmaceuticals including controlled substances;
- (B) Distributes the prepaid mailing envelopes to the public at various locations, including to all retail pharmacies;

(C) Provides for the collected pharmaceuticals to be disposed of in a manner that is:

- (i) Safe;
- (ii) Secure;
- (iii) Environmentally sound; and
- (iv) In compliance with District and federal environmental requirements; and

(D) Randomly assesses the toxicity of pharmaceuticals received; provided, that the assessment results do not identify the:

- (i) Patient;
- (ii) Person who mailed the material;
- (iii) Prescriber; or
- (iv) Pharmacy.

(Mar. 5, 2010, D.C. Law 18-112, § 3, 56 DCR 9378.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 18-112, see notes following § 48-851.01.

§ 48-851.03. DISPOSAL OF PHARMACEUTICALS BY HEALTH CARE FACILITIES.

(a) Effective January 1, 2011, it shall be unlawful for a health care facility to dispose of any pharmaceutical product, used or unused, by flushing the product down a drain or by any other method that utilizes the public sewer system, except as authorized by the Mayor through rulemaking.

(b) A health care facility that is determined to have disposed of a pharmaceutical product in a manner prohibited by this chapter or by rules issued pursuant to this chapter shall be subject to a civil fine of up to \$1,000 per occurrence and required to submit to the Board of Pharmacy a mitigation plan designed to prevent further occurrences.

(Mar. 5, 2010, D.C. Law 18-112, § 4, 56 DCR 9378.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 18-112, see notes following § 48-851.01.

§ 48-851.04. RULES.

(a) The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, shall issue rules to implement the provisions of § 48-851.03. The rules shall specify safe, secure, and environmentally sound methods for health care facilities to dispose of used and unused pharmaceuticals.

(b) The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, may issue rules to implement the provisions of § 48-851.02.

(Mar. 5, 2010, D.C. Law 18-112, § 5, 56 DCR 9378.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 18-112, see notes following § 48-851.01.