

The safe medication disposal ordinance: a public health opportunity for pharmacists and the pharmaceutical industries

Opinion

The National Prevention Strategy was released in 2011 with the leadership of the U.S. Surgeon General Dr. Regina Benjamin to "guide our nation in the most effective and achievable means for improving health and well-being. The Strategy prioritizes prevention by integrating recommendations and actions across multiple settings to improve health and save lives". Within that strategy there are currently seven priorities, including preventing drug abuse and excessive alcohol use. As one of their recommendations, they state the requirement to "*Facilitate controlled drug disposal programs, including policies allowing pharmacies to accept unwanted drugs*".¹ Within this framework, Alameda County's Safe Medication Disposal Ordinance was passed unanimously by the Alameda County Board of Supervisors in the summer of 2012 along with overwhelming support from the community, specifically its leaders in the government and in public health/environmental health and medicine, concerned citizens and non-profits devoted to decreasing the impact of prescription drug abuse and those interested in lessening the risks from medications in our environment.

The National Prevention Strategy explicitly cleared the way for the establishment of controlled drug disposal programs that are working with pharmacies to accept unwanted medications. However, the real question or debate that has been the focus of the media and the courts has been around the question of "Who will fund these programs?" In the view of public health, the perspective is become determined that the government should not be one to fund these programs through local tax dollars. Instead, the consensus is that the pharmaceutical industry should bear the brunt of the burden for the cost of creating, managing and maintaining these drug take-back programs. Based on successful drug take back programs found in other nations such as Canada, this model of funding is based on the idea of product responsibility and product stewardship which is also a means to fostering environmental sustainability. According to the Product Stewardship Institute, product responsibility is where "manufacturers are responsible for recycling or safely disposing of their products once consumers are done with them". Product stewardship is also defined as "This act of making products more sustainable-of ensuring that they have minimal impacts on health, safety and the environment across their lifecycle".² The National Science Foundation states that the goal of environmental sustainability is "to promote sustainable engineered systems that support human well-being and that are also compatible with sustaining natural (environmental) systems".³

This week the US Supreme Court refused to consider the challenge of the pharmaceutical industry to Alameda County's Safe Medication Disposal Ordinance paving the way for the full implementation of Alameda County's plans to work hand in hand with the pharmaceutical industry to fund, create and establish effective safe medication disposal efforts within the county. In addition to Alameda

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County, King County in Washington State was the second to establish a similar ordinance in 2013. Currently within the Northern California Bay Area region, San Mateo County and San Francisco County have also recently established similar ordinances in their efforts to further promote the public's health. Previous to the US Supreme Court refusal to the pharmaceutical industry's challenge, arguments have been made regarding the ordinance's unfair economic impact on the pharmaceutical industry, the favorability of home medication disposal education over county wide medication take back programs and its potential impact on interstate commerce. According to a recent Wall Street Journal editorial "*Bad Drug Trip in Alameda: An important commerce case for the Supreme Court*" from May 17, 2015,⁴ even its Constitutionality has been questioned in the light of Article I of the U.S. Constitution, which concerns power to regulate shared state markets. In fact, it does seem unrealistic at face value for a local county in the U.S. to require economic funding from a national private industry or organization/group to run a program specifically only within its own borders or jurisdiction. However, the recent refusal made by the US Supreme Court has supported the proposals of Alameda County's Safe Medication Disposal Ordinance to do just that.

As Pharmaceutical Research and Manufacturers of America (PhRMA), representing the country's leading biopharmaceutical researchers and biotechnology companies faces the prospect of meeting the requirements of Alameda County's Safe Medication Disposal Ordinance, this difficult situation can also be viewed instead, as an opportunity to begin working more closely with public health and the environment in ways that may foster new relationships, ideas and goals for further improving the nation's overall health. It is definitely an exciting time of transition for significantly transforming the health and well-being of our communities across the nation towards environmental sustainability and more healthy living.

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Conflict of interest

The author declares no conflict of interest.

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