DEA Final Rule: Disposal of Pharmaceutical Controlled Substances

The federal Drug Enforcement Administration (DEA) published their final rule on September 9, 2014 expanding how controlled substances can be collected from residents. The final rule goes into effect on October 9th and will take some time to implement before residents can dispose of their unwanted medicines via the new collection options. When implemented, the expanded methods of disposal are expected to benefit the public by decreasing the supply of controlled substances available for misuse, abuse, diversion, preventable poisoning and to protect the environment.

Protocols for return of controlled substances

The final rule defines protocols for the return of unwanted controlled substances for disposal. The rule allows unwanted controlled substances from:

- any person the drug is prescribed to;
- any member of the person’s household who has a prescribed drug (including pets); and
- individuals lawfully entitled to dispose of a deceased person’s property.

Options for collection included in the new rule

Expanded options for collecting controlled substances from individuals and their family members for safe destruction will be more convenient for residents. Collection options for secure medicine return programs now include:

Collection locations (permanent drop-boxes) and mail-back programs Operated by authorized drug manufacturers, distributors, reverse distributors, retail pharmacies, hospitals/clinics with an on-site pharmacy, narcotic treatment centers, or law enforcement agencies.

Take-back events Conducted by law enforcement agencies.

Permanent drop-boxes at long-term care facilities Operated by an authorized retail pharmacy or by an authorized hospital/clinic with an on-site pharmacy.
**Collection of controlled substances**

Although the rule does not require pharmacies and law enforcement, or any entity, to establish a medicine take-back location, those who would like to become an authorized collector will be able to collect both controlled and non-controlled substances.

Residential medicines, including controlled substances, collected by any of these return methods may be co-mingled with other consumer medications. Consumers can place all leftover medicines into one collection box or one mail-back envelope without having to identify and separate different medications.

All collection methods must be conducted under specific security protocols that ensure safe handling of collected medicines to prevent diversion.

**Final destruction**

The final rule also makes it simpler for authorized collectors to send drugs for final destruction through existing providers of pharmaceutical waste disposal.

*The Rule does not limit the specific destruction method*

The Rule requires that drugs collected from take-back programs must be rendered non-retrievable.

*Flushing and trash disposal does not meet the standard*

The DEA reiterated in the publication of the final rule that flushing and trash disposal do not meet the non-retrievable standard. This only applies to drugs collected by authorized collectors and law enforcement and does not prohibit residents from flushing or trash disposal of unwanted drugs, where allowed by law.

*Disposal method compliance*

Disposal method must comply with federal, tribal, state, local laws.

**National take-back initiative**

As stated in the final rule, September 27, 2014 was the last national DEA prescription drug take-back day. At this time, DEA is not planning to sponsor any more take-back events.