



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

January 23, 2023

The Honorable Regina Birdsell, Chair
Senate Health and Human Services Committee
Legislative Office Building, Room 101
Concord, NH 03301

RE: SB 50, AN ACT relative to pharmaceutical drug take-back programs.

Dear Chair Birdsell and Members of the Committee:

Thank you for the opportunity to testify on SB 50. This bill would amend RSA 318-E:1, RSA 318-B:17-a, and RSA 318:42, XVII to allow pharmaceutical drug take-back programs to occur in long-term care facilities, nursing homes, and assisted living facilities in accordance with United States Drug Enforcement Administration (USDEA) regulations. The bill would allow residents of such facilities, and persons lawfully acting as an authorized agent for a resident, to dispose of any unused or unwanted pharmaceutical drugs in their possession via such a take-back program. NHDES supports the bill's intent to allow these facilities to host drug take-back programs to serve their residents but has a specific concern with the clarity and scope of the proposed amendments to RSA 318-E:1.

While the bill intends for take-back programs to serve facility residents, the proposed text for RSA 318-E:1, VII(a) indicates that a long-term care facility, nursing home, or assisted living facility "may utilize" a drug take-back program. This wording may give the impression that long-term care facilities, nursing homes, and assisted living facilities are allowed under this bill to dispose of, via a take-back program, waste pharmaceutical drugs possessed by the facility; for example, in an on-site pharmacy. However, existing federal and state laws and regulations do not allow such facilities to dispose of their own waste pharmaceuticals via a take-back program. In addition to applicable USDEA requirements for disposal of pharmaceutical drugs, such facilities are also subject to applicable state and federal hazardous waste management requirements. To provide greater clarity to stakeholders, NHDES respectfully suggests amending the proposed text for RSA 318-E:1, VII(a), by replacing the words "may utilize a drug take-back program," with "may establish a drug take-back program for residents or their authorized agents," or similar language.

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Thank you again for the opportunity to comment on SB 50. Should you have questions or need additional information, please feel free to contact either Mike Wimsatt, Waste Management Division Director, at michael.wimsatt@des.nh.gov or (603) 271-1997, or Wendy Bonner, Hazardous Waste Management Bureau Regulatory Manager, at wendy.bonner@des.nh.gov or (603) 271-2937.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Scott", with a long horizontal flourish extending to the right.

Robert R. Scott
Commissioner

ec: Sponsors of SB 50: Senators Lang, Avard, Pearl; Representatives Bogert, Coker