

DISPOSAL ACT: GENERAL PUBLIC FACT SHEET

On September 8, 2014, the Drug Enforcement Administration (DEA) made available for public view a final rule regarding the disposal of pharmaceutical controlled substances in accordance with the Controlled Substance Act, as amended by the Secure and Responsible Drug Disposal Act of 2010 (“Disposal Act”). The final rule is available for public view at <http://www.federalregister.gov/public-inspection>. The final rule will officially publish in the *Federal Register* on September 9, 2014, and will be available on <http://www.regulations.gov>, and our website, <http://www.DEAdiversion.usdoj.gov>. This General Public Fact Sheet contains a general summary of some of the effects of the new rule on the general public. For detailed information, please visit our website or contact your local DEA office.

1. What is the Disposal Act?

- The Disposal Act amended the Controlled Substances Act (CSA) to give the DEA authority to promulgate new regulations, within the framework of the CSA that will allow ultimate users to deliver unused pharmaceutical controlled substances to appropriate entities for disposal in a safe and effective manner consistent with effective controls against diversion. The goal of the Disposal Act is to encourage public and private entities to develop a variety of methods of collection and disposal in a secure, convenient, and responsible manner.

2. Who is an “ultimate user”?

- The CSA defines an “ultimate user” as “a person who has lawfully obtained, and who possesses, a controlled substance for his own use or for the use of a member of his household or for an animal owned by him or a member of his household.”

3. Are my options for disposing of pharmaceuticals more limited now?

- No. These regulations don’t limit the ways that ultimate users may dispose of pharmaceutical controlled substances—they expand them. The DEA’s new regulations outline the methods by which pharmaceutical controlled substances may be transferred to authorized collectors for disposal. Ultimate users now have expanded options to safely and responsibly dispose of their unused and unwanted, lawfully-possessed pharmaceutical controlled substances: through collection receptacles, mail-back packages, and take-back events.

4. May I continue to dispose of pharmaceutical controlled substances using methods that were valid prior to this final rule?

- Yes. Any method of pharmaceutical disposal that was valid prior to these regulations continues to be valid.
- For example, ultimate users may continue to utilize the FDA and EPA guidelines for the disposal of medicines, available through the DEA website at http://www.deadiversion.usdoj.gov/drug_disposal/index.html.

5. Will there still be take-back events every six months?

- Law enforcement may continue to conduct take-back events at any time. Any person or community group, registrant or non-registrant, may partner with law enforcement to conduct take-back events. The DEA encourages communities to partner with law enforcement to continue to conduct take-back events.
- The DEA will continue to sponsor nationwide take-back events in the spring and fall. DEA will continue to encourage local law enforcement to implement additional take-back efforts conducted in accordance with the new regulations.

6. Can I dispose of a friend or family member's pharmaceutical controlled substances for them?

- You may dispose of a member of your household's unused or unwanted pharmaceutical controlled substances. But, if they are *not* a member of your household, you may not dispose of their pharmaceutical controlled substances on their behalf. Only ultimate users may dispose of pharmaceutical controlled substances. An ultimate user, which includes a household member of the person or pet who was prescribed the medication, may transfer pharmaceutical controlled substances to authorized collectors or law enforcement via a collection receptacle, mail-back package, or take-back event.
- Exceptions:
 - If someone dies while in lawful possession of pharmaceutical controlled substances, any person lawfully entitled to dispose of the decedent's property may dispose of the pharmaceutical controlled substances; and
 - A long-term-care facility may dispose of a current or former resident's pharmaceutical controlled substances.

7. My mother has pharmaceutical controlled substances delivered to her home. She passed away, and I would like to dispose of her unused pharmaceutical controlled substances. I did not live with her. Can I dispose of them?

- Yes, so long as you are lawfully entitled to dispose of her property, you may dispose of her unused pharmaceutical controlled substances.

8. How can I find a collection receptacle location near me?

- Members of the public may search for an Authorized Collection Site at <https://apps.deadiversion.usdoj.gov/pubdispsearch> to find a collection receptacle location near them.

9. I live in a rural location. There are no collection receptacles, mail-back programs, or take-back events in the vicinity. How can I safely and securely dispose of my unwanted pharmaceutical controlled substances?

- There are no restrictions on using a mail-back package obtained from another state. You may dispose of your unwanted pharmaceutical controlled substances in a mail-back package that you received from another state, even if the mail-back package is delivered to a location outside of your state.

- Additionally, these regulations expand—not limit—the options that ultimate users have to dispose of unwanted pharmaceutical controlled substances. You may continue to dispose of your unwanted pharmaceutical controlled substances using the lawful methods you used prior to the effective date of the new regulations, as long as those methods are consistent with Federal, State, tribal, or local laws and regulations, including surrendering pharmaceutical controlled substances to law enforcement.

10. Can I dispose of illicit drugs through a collection receptacle, mail-back package, or take-back event? How can I safely and securely dispose of my unwanted marijuana?

- No. Persons may not dispose of illicit drugs (*e.g.*, schedule I controlled substances such as marijuana, heroin, LSD) through any of the three disposal methods.
- Persons may not dispose of any controlled substances that they do not legally possess. This includes schedules II-V controlled substances that are illegally obtained and possessed.

11. I don't have a mail-back package, but I remember the address from the last mail-back package I used. Can I mail pharmaceutical controlled substances to that address without an official mail-back package?

- No. Persons must use the mail-back package that was provided by an authorized collector or one of their partners. The mail-back package must meet certain specifications, to include having a unique identification number. If an authorized collector receives a sealed mail-back package that they did not provide, the collector must reject it, or if they inadvertently accept it, they must notify the DEA.
- If persons would like to use a mail-back package and don't possess one, they may contact an authorized collector to obtain one.

12. Can I dispose of my insulin syringes through one of the disposal methods? What about my child's asthma inhaler?

- The DEA's disposal regulations do not address the disposal of insulin syringes or asthma inhalers.
- However, the DEA strongly discourages the disposal of insulin syringes, other sharps or needles, unused preloaded auto-injectors, asthma inhalers, compressed cylinders, other aerosol products, iodine-containing medications, or mercury-containing thermometers in collection receptacles, by mail-back packages, or take back events, unless the collector specifically indicates that they are accepted in accordance with Federal, state, tribal, and local law and regulations. You may continue to use any valid alternative methods to dispose of those medications and medical implements.
- Accepting these materials for disposal without adequate safety measures places law enforcement, the collectors, and employees at the facilities that destroy the substances at risk of significant harm by puncture, exposure, or explosion.

- Ultimately, the collectors, law enforcement, and registrants who accept substances for destruction are obligated to take the necessary measures to ensure the safe storage, transfer, transportation, and destruction of substances they choose to accept, including any necessary measures to prevent the unwanted collection of hazardous or other undesirable materials, and to ensure compliance with all applicable Federal, state, tribal, and local laws and regulations.
- Please carefully review the collector or law enforcement instructions for what is and is not accepted as part of the mail-back package, take-back event, or collection receptacle program. If you have any questions about a specific item, you should ask an employee of the authorized collector or law enforcement official administering the mail-back, take-back, or collection receptacle program.

13. Can my pharmacy or other collector force me to give personal information, like my name, my prescription information, or my physician information?

- No. A collector may not force anyone to provide any personal information about themselves, their prescription, or their physician.
- In order to protect personally identifiable information, the DEA encourages persons not to place prescription bottles in collection receptacles or mail-back packages.

14. What happens to my pharmaceuticals after I dispose of them? Can they be sold, given away, re-packaged, or re-dispensed for use by another patient? Can they be otherwise recycled?

- Pharmaceutical controlled substances transferred from ultimate users to authorized collectors via either collection receptacles or mail-back programs shall be securely stored or transferred until rendered non-retrievable. They may not be re-sold, donated, repackaged, or re-dispensed. Currently, the most common method of rendering pharmaceutical controlled substances non-retrievable is incineration.

15. Are there environmental impacts?

- Disposed pharmaceuticals must be rendered non-retrievable in compliance with all applicable Federal, State, tribal, and local laws, including those relating to environmental protection. By expanding options on how ultimate users may dispose of their pharmaceutical controlled substances, fewer of these substances may end up in our nation's water system.