House Bill 3315

Sponsored by Representative BUEHLER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Directs Oregon Health Authority to establish program under which authority oversees establishment of kiosks for purpose of collecting from consumers and disposing of certain drugs.

Becomes operative January 1, 2018.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to drugs; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

(a) "Hospital" has the meaning given that term in ORS 442.015.

(b) "Law enforcement agency" means an agency that employs law enforcement officers to enforce criminal laws.

(c) "Law enforcement officer" means an officer employed to enforce criminal laws by:

(A) This state or a municipal government within this state; or

(B) A political subdivision or agency of a government described in subparagraph (A) of this paragraph.

(d)(A) "Manufacturer" means a manufacturer, as defined in ORS 689.005, that manufactures drugs that are sold within this state.

(B) "Manufacturer" does not include a retail drug outlet whose store label appears on a drug or the packaging of a drug.

(e) "Retail drug outlet" has the meaning given that term in ORS 689.005.

(2)(a) The Oregon Health Authority shall establish a program under which the authority oversees the establishment of kiosks in this state for the purpose of collecting from consumers and disposing of the following drugs:

(A) Prescription drugs, as defined in ORS 689.005;

(B) Nonprescription drugs, as defined in ORS 689.005;

(C) Drugs marketed under a brand name, as defined in ORS 689.515;

(D) Drugs marketed under a generic name, as defined in ORS 689.515;

(E) Biological products, as described in ORS 689.522;

(F) Drugs intended to be used by a licensed veterinarian; and

(G) Combination products.

(b) This subsection does not require the authority, or any entity described in subsection (3)(a) of this section, to use kiosks for the purpose of collecting from consumers and disposing of:

(A) Vitamins or supplements;

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

(B) Herb-based remedies or homeopathic drugs, products or remedies;

(C) Products that are regulated as both a cosmetic and a nonprescription drug by the federal Food and Drug Administration;

(D) Drugs and biological products for which a manufacturer administers a drug take-back program as part of a risk evaluation and mitigation strategy under the oversight of the federal Food and Drug Administration; or

(E) Pet pesticide products.

(3) In establishing the program described in subsection (2) of this section, the authority shall:

(a) Collaborate with hospitals, retail drug outlets and law enforcement agencies to establish kiosks on the premises of those entities for the purpose of collecting from consumers and disposing of the drugs described in subsection (2)(a) of this section;

(b) Ensure that each kiosk established pursuant to paragraph (a) of this subsection is located on the premises of a hospital, retail drug outlet or law enforcement agency that qualifies under federal law to collect and dispose of controlled substances;

(c) Ensure that at least one kiosk is established pursuant to paragraph (a) of this subsection for every 50,000 residents of this state;

(d) In consultation with the Department of Environmental Quality, adopt rules providing for the safe disposal of drugs collected at kiosks established pursuant to paragraph (a) of this subsection;

(e) Compile and prepare information on:

(A) How to properly dispose of drugs described in subsection (2)(a) of this section in accordance with applicable federal laws and regulations;

(B) The location of kiosks established pursuant to paragraph (a) of this subsection; and

(C) How to properly use kiosks established pursuant to paragraph (a) of this subsection; and

(f) Disseminate the information described in paragraph (e) of this subsection to retail drug outlets.

(4)(a) The authority shall impose an annual fee against manufacturers for the purpose of paying the authority's expenditures under this section. The authority may impose and collect the fee in a manner prescribed by the authority, provided that:

(A) The amount of the fee is reasonably calculated to not exceed the authority's expenditures under this section; and

(B) The amount of the fee imposed against each manufacturer is based on the volume of drugs sold by the manufacturer in this state.

(b) Fee moneys collected by the authority under this section must be deposited in the Oregon Health Authority Fund established under ORS 413.101. Fee moneys deposited in the fund under this paragraph are continuously appropriated to the authority for purposes of administrating this section.

(5) The authority shall adopt rules necessary to implement this section.

SECTION 2. (1) This section is intended to establish that the state has the exclusive right to regulate the collection from consumers and disposal of the drugs described in section 1 (2)(a) of this 2017 Act.

(2) Except as otherwise expressly authorized by the laws of this state, a county or city, or other unit of local government, may not adopt an ordinance or rule that provides for the

collection from consumers or disposal of the drugs described in section 1 (2)(a) of this 2017 Act, except to the extent that the ordinance or rule provides for the enforcement of a state law or rule or federal law or regulation that governs the collection from consumers and disposal of the drugs described in section 1 (2)(a) of this 2017 Act.

SECTION 3. (1) Section 1 of this 2017 Act becomes operative on January 1, 2018.

(2) The Oregon Health Authority may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the authority to exercise, on and after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on the authority by section 1 of this 2017 Act.

SECTION 4. This 2017 Act takes effect on the 91st day after the date on which the 2017 regular session of the Seventy-ninth Legislative Assembly adjourns sine die.