

House Bill 3273

Sponsored by Representative SCHOUTEN, Senators HEARD, STEINER HAYWARD; Representatives ALONSO LEON, BARKER, DOHERTY, GOMBERG, GORSEK, GREENLICK, HELM, HERNANDEZ, KENY-GUYER, KOTEK, MARSH, MCLAIN, MITCHELL, NERON, NOSSE, PILUSO, POWER, PRUSAK, REARDON, SALINAS, SANCHEZ, SMITH G, WILLIAMS, WILLIAMSON, Senators BOQUIST, DEMBROW, FAGAN, GELSER, GOLDEN, MANNING JR, MONNES ANDERSON, TAYLOR

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 each manufacturer of prescription drugs that are sold within this state to develop and implement drug take-back program for purpose of collecting from individuals and nonbusiness entities prescription drugs for disposal.

Directs Department of Environmental Quality and Environmental Quality Commission to administer Act. Requires manufacturers subject to Act to first submit plan for participating in drug take-back program on or before July 1, 2020. Requires drug take-back programs to be operational by February 1, 2021.

Becomes operative January 1, 2020.

Sunsets September 15, 2031.

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. Definitions. As used in sections 1 to 22 of this 2019 Act:

(1) **"Authorized collector" means a person that enters into an agreement with a program operator for the purpose of collecting covered drugs under a drug take-back program.**

(2)(a) **"Covered drug" means a drug that a covered entity has discarded or abandoned or that a covered entity intends to discard or abandon.**

(b) **"Covered drug" includes:**

(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.**

(c) **"Covered drug" does not include:**

(A) **Vitamins or supplements;**

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

(C) **Products that are regulated as both cosmetics and nonprescription drugs by the federal Food and Drug Administration;**

(D) **Drugs and biological products for which a covered 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**

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.

1 (E) Pet pesticide products.

2 (3)(a) "Covered entity" means a resident of this state or a nonbusiness entity located in
3 this state.

4 (b) "Covered entity" does not include a law enforcement agency or an entity that gener-
5 ates pharmaceutical waste, such as a hospital, health care clinic, office of a health care
6 provider, veterinary clinic or pharmacy.

7 (4)(a) "Covered manufacturer" means a person that manufactures prescription drugs, as
8 defined in ORS 689.005, that are sold within this state.

9 (b) "Covered manufacturer" does not include:

10 (A) A person that:

11 (i) Packages or repackages prescription drugs that are sold within this state or who la-
12 bels or relabels the containers of prescription drugs that are sold within this state; and

13 (ii) Does not produce, prepare, propagate, compound, convert or process prescription
14 drugs that are sold within this state; or

15 (B) A prepaid group practice described in ORS 441.229.

16 (5) "Drop-off site" means the location where an authorized collector operates a secure
17 repository for collecting covered drugs.

18 (6) "Drug" has the meaning given that term in ORS 689.005.

19 (7) "Drug take-back organization" means an organization designated by a covered man-
20 ufacturer or a group of covered manufacturers to act as an agent of the covered manufac-
21 turer or group of covered manufacturers for the purpose of participating in a drug take-back
22 program.

23 (8) "Drug take-back program" means a program developed and implemented by a pro-
24 gram operator for the collection, transportation and disposal of covered drugs for which a
25 plan has been approved under section 4 of this 2019 Act.

26 (9) "Mail-back service" means a method of collecting covered drugs from a covered entity
27 by using prepaid, preaddressed mailing envelopes.

28 (10) "Manufacture" has the meaning given that term in ORS 689.005.

29 (11) "Pharmacy" has the meaning given that term in ORS 689.005.

30 (12) "Potential authorized collector" means:

31 (a) A person that:

32 (A) Is registered with the Drug Enforcement Administration of the United States De-
33 partment of Justice; and

34 (B) Qualifies under federal law to collect and dispose of controlled substances, or qualifies
35 under federal law to have the person's registration modified in such a way that authorizes
36 the person to collect and dispose of controlled substances.

37 (b) A law enforcement agency or other entity not described in paragraph (a) of this sub-
38 section, as approved by the Environmental Quality Commission by rule.

39 (13) "Program operator" means a covered manufacturer, group of covered manufacturers
40 or drug take-back organization that develops and implements, or plans to develop and im-
41 plement, a drug take-back program approved by the department.

42 (14)(a) "Retail drug outlet" means a retail drug outlet, as defined in ORS 689.005, that is
43 open to and accessible by the public.

44 (b) "Retail drug outlet" does not include a hospital that does not have an on-site phar-
45 macy or a health care clinic that does not have an on-site pharmacy.

1 (15) “Wholesale drug outlet” has the meaning given that term in ORS 689.005.

2 **SECTION 2. Requirement to participate in drug take-back program.** (1) Except as pro-
 3 vided in subsection (2) of this section, each covered manufacturer shall participate in a drug
 4 take-back program that complies with the requirements of sections 1 to 22 of this 2019 Act.
 5 A covered manufacturer may participate in a drug take-back program independently, as part
 6 of a group of covered manufacturers or by delegating the covered manufacturer’s duties
 7 under sections 1 to 22 of this 2019 Act to a drug take-back organization.

8 (2) A covered manufacturer is not required to participate in a drug take-back program
 9 as described in subsection (1) of this section if the covered manufacturer manufactures
 10 prescription drugs for fewer than 50 patients in this state. A covered manufacturer that
 11 manufactures prescription drugs for fewer than 50 patients in this state must provide mail-
 12 back services to those patients.

13 (3) If a covered manufacturer does not participate in a drug take-back program as de-
 14 scribed in subsection (1) of this section, and does not qualify for exemption under subsection
 15 (2) of this section, the State Board of Pharmacy may assess a fine against the covered
 16 manufacturer in an amount not to exceed \$1,000 for each day that prescription drugs man-
 17 ufactured by the covered manufacturer are sold in this state.

18 **SECTION 3. Organization of program operator.** The program operator of a drug take-
 19 back program must be organized as an entity that is exempt from income taxes under sec-
 20 tion 501(c)(3) of the Internal Revenue Code, as amended and in effect on the effective date
 21 of this 2019 Act.

22 **SECTION 4. Plans and updated plans for drug take-back programs.** (1) In a form and
 23 manner prescribed by the Department of Environmental Quality, a program operator must
 24 submit to the department a plan for participating in a drug take-back program. The de-
 25 partment shall approve a proposed drug take-back program plan if the program operator
 26 submits a completed application, the proposed drug take-back program meets the require-
 27 ments of subsection (2) of this section and the program operator pays the fee established by
 28 the department under section 15 of this 2019 Act.

29 (2) To be approved by the department, a proposed drug take-back program plan must:

30 (a) Identify and provide contact information for the program operator and each covered
 31 manufacturer participating in the proposed drug take-back program;

32 (b) Provide for a collection system that complies with sections 6, 7 and 8 of this 2019 Act;

33 (c) Provide for a disposal system that complies with section 9 of this 2019 Act;

34 (d) Include policies and procedures to ensure the safe and secure handling and disposal
 35 of covered drugs;

36 (e) Include policies and procedures to ensure the security of patient information that
 37 may be printed on the packaging of a covered drug;

38 (f) Set forth a plan to cover all costs associated with the proposed drug take-back pro-
 39 gram, with the costs of the proposed drug take-back program apportioned among each cov-
 40 ered manufacturer participating in the proposed drug take-back program according to the
 41 share of revenue that each covered manufacturer participating in the proposed drug take-
 42 back program earns from making sales of prescription drugs within this state;

43 (g) Set forth short-term and long-term goals with respect to the amount of covered drugs
 44 collected under the proposed drug take-back program and with respect to fostering public
 45 awareness of the proposed drug take-back program; and

1 (h) Describe how the drug take-back program will provide convenient service in every
 2 county in this state, including how under the drug take-back program the program operator
 3 will:

4 (A) Establish at least one drop-off site in each county in this state;

5 (B) Establish at least one drop-off site in each city in this state that has 20,000 or more
 6 residents; and

7 (C) Establish additional drop-off sites in each city in this state at a rate of one drop-off
 8 site per 20,000 residents.

9 (3)(a) The drop-off site required under subsection (2)(h)(A) of this section may be the
 10 same drop-off site as the drop-off site required under subsection (2)(h)(B) of this section.

11 (b) The department may waive the requirement of subsection (2)(h)(A) of this section
 12 with respect to an individual county if the drug take-back program plan describes how the
 13 drug take-back program will provide mail-back service in the county.

14 (4)(a) Not later than 90 days after receiving a plan under subsection (1) of this section,
 15 the department shall issue an order either approving or rejecting the plan. If the department
 16 rejects the plan, the department shall include in the order the reason or reasons for the re-
 17 jection.

18 (b) Not later than 60 days after the department issues an order rejecting a plan under
 19 paragraph (a) of this subsection, a program operator must submit to the department a re-
 20 vised plan for participating in a drug take-back program. Not later than 90 days after re-
 21 ceiving a revised plan under this paragraph, the department shall issue an order either
 22 approving or rejecting the revised plan. If the department rejects the revised plan, the de-
 23 partment shall include in the order the reason or reasons for the rejection.

24 (c) If the department issues an order rejecting a revised plan under paragraph (b) of this
 25 subsection, the department may:

26 (A) Require the program operator to further revise the plan in accordance with the
 27 processes set forth in paragraph (b) of this subsection; or

28 (B) Impose a penalty on each covered manufacturer participating in the proposed drug
 29 take-back program as described in section 14 of this 2019 Act.

30 (d) Not later than four years after the department issues an order approving a plan under
 31 paragraph (a) of this subsection, a program operator must submit to the department an up-
 32 dated plan for the continued operation of a drug take-back program, in which the program
 33 operator describes any substantive changes to the drug take-back program that involve an
 34 element required under subsection (2) of this section. An updated plan is subject to the ap-
 35 proval processes set forth in this subsection.

36 (5) The department shall make each plan submitted under subsection (1) of this section
 37 and each revised or updated plan submitted under subsection (4) of this section available to
 38 the public.

39 **SECTION 5. Changes to drug take-back programs.** (1) In a form and manner prescribed
 40 by the Department of Environmental Quality, a program operator must request preapproval
 41 from the department for any change to a drug take-back program that substantively alters
 42 the drug take-back program. A program operator must make a request under this subsection
 43 not later than 60 days before the change is to occur. For purposes of this subsection, the
 44 following types of changes substantively alter a drug take-back program:

45 (a) Changes to which covered manufacturers are participating in the drug take-back

1 program;

2 (b) Changes involving methods used to collect covered drugs;

3 (c) Changes involving methods used to dispose of covered drugs;

4 (d) Changes to the policies and procedures for handling and disposing of covered drugs;

5 (e) Changes to the policies and procedures for securing patient information that may be
6 printed on the packaging of a covered drug; and

7 (f) Changes involving methods used to foster public awareness of the proposed drug
8 take-back program.

9 (2) In a form and manner prescribed by the department, a program operator must notify
10 the department of any change to a drug take-back program that does not substantively alter
11 the drug take-back program. A program operator must provide notice under this subsection
12 not later than 30 days before the change is to occur. For purposes of this subsection, the
13 following types of changes do not substantively alter a drug take-back program:

14 (a) Changes to the location of a drop-off site; and

15 (b) Changes to the schedule or location of collection events held pursuant to section 8
16 of this 2019 Act.

17 (3) In a form and manner prescribed by the department, a program operator must notify
18 the department, not later than 30 days after the change occurs, of any change involving:

19 (a) The contact information for the program operator;

20 (b) The contact information for a covered manufacturer participating in the drug take-
21 back program; or

22 (c) The ownership of a covered manufacturer participating in the drug take-back pro-
23 gram.

24 **SECTION 6. Authorized collectors.** (1) Before submitting to the Department of Environ-
25 mental Quality a plan under section 4 (1) of this 2019 Act, a program operator must:

26 (a) Solicit potential authorized collectors for the purpose of collecting covered drugs un-
27 der the drug take-back program; and

28 (b) Enter into agreements with all willing authorized collectors for the purpose of col-
29 lecting covered drugs under the drug take-back program.

30 (2) In entering into agreements under this section, a program operator must enter into
31 an agreement, insofar as the agreement is practicable and cost-effective, with each retail
32 drug outlet, hospital with an on-site pharmacy, health care clinic with an on-site pharmacy
33 and law enforcement agency that demonstrates to the program operator the capability of
34 being an authorized collector.

35 (3) An agreement entered into under this section must require an authorized collector
36 to comply with all state laws and rules and federal laws and regulations governing the
37 keeping of covered drugs, as identified by the State Board of Pharmacy by rule.

38 (4) In approving plans and updated plans under section 4 of this 2019 Act, and in preap-
39 proving changes under section 5 of this 2019 Act, the department shall, insofar as is practi-
40 cable, ensure that each resident of this state has adequate access to a drop-off site.

41 **SECTION 7. Drop-off sites.** (1) The system by which a program operator collects covered
42 drugs under a drug take-back program must be safe and secure to use on an ongoing basis.

43 (2) For purposes of a drug take-back program:

44 (a) A drop-off site must be available for use during the normal business hours of the
45 authorized collector;

1 (b) A drop-off site must use a secure repository in compliance with all state laws and
 2 rules and federal laws and regulations governing the keeping of covered drugs in repositories,
 3 as identified by the State Board of Pharmacy by rule;

4 (c) The secure repository used at a drop-off site must be serviced and emptied as often
 5 as necessary to avoid reaching capacity;

6 (d) A sign must be affixed to the secure repository used at a drop-off site that promi-
 7 nently displays a toll-free telephone number and a website address that a covered entity may
 8 use to provide feedback to the program operator about the drug take-back program; and

9 (e) If a drop-off site is located at a long-term care facility, as defined in ORS 442.015, only
 10 individuals who reside at the long-term care facility may use the drop-off site.

11 **SECTION 8. Covered drug collection events.** If a drug take-back program provides for the
 12 periodic collection of covered drugs through collection events, the collection events must be
 13 conducted:

14 (1) In accordance with the applicable regulations and protocols of the Drug Enforcement
 15 Administration of the United States Department of Justice; and

16 (2) In coordination with the local solid waste management officials who have jurisdiction
 17 over the impacted area.

18 **SECTION 9. Disposal of covered drugs.** Covered drugs collected at a drop-off site must
 19 be disposed of:

20 (1) At a hazardous waste disposal facility that meets the requirements of 40 C.F.R. parts
 21 264 and 265, as in effect on the effective date of this 2019 Act; or

22 (2) At a municipal solid waste incinerator that is permitted to accept pharmaceutical
 23 waste.

24 **SECTION 10. Public awareness.** (1) A program operator must promote, and provide public
 25 outreach and education about, the safe and secure collection of covered drugs under the drug
 26 take-back program through the use of a website and written materials provided at the time
 27 a covered drug is delivered to a covered entity, and through the use of any signage, adver-
 28 tising or other means that the program operator determines is an effective means of fos-
 29 tering public awareness. At a minimum, a program operator must:

30 (a) Promote the safe and secure storage of covered drugs by covered entities;

31 (b) Disseminate information on the inherent risks of improperly storing or disposing of
 32 opioids or opiates;

33 (c) Discourage the disposal of covered drugs in the garbage or sewer system;

34 (d) Promote the disposal of covered drugs through the use of the drug take-back pro-
 35 gram;

36 (e) Establish a toll-free telephone number and a website address that a covered entity
 37 may use to contact the program operator about the drug take-back program;

38 (f) Publicize information on the location of drop-off sites and collection processes;

39 (g) Work with authorized collectors to develop a readily recognizable and consistent de-
 40 sign for repositories to be used at drop-off sites and to develop clear, standardized in-
 41 structions to covered entities on how to use those repositories; and

42 (h) Conduct a survey once every two years of covered entities and pharmacists, health
 43 care providers and veterinarians who interact with covered entities.

44 (2) For purposes of conducting a survey under subsection (1)(h) of this section:

45 (a) In a form and manner prescribed by the Department of Environmental Quality, a

1 program operator must submit proposed survey questions to the department for preapproval.

2 (b) Surveys must:

3 (A) Measure public awareness of the drug take-back program;

4 (B) Assess the extent to which drop-off sites, collection events and mail-back services
5 are convenient and easy to use; and

6 (C) Assess knowledge of and attitudes toward the risks posed by improperly storing cov-
7 ered drugs and improperly discarding or abandoning covered drugs.

8 (3) A program operator shall coordinate with other program operators under this section
9 to ensure that covered entities can easily identify, understand and access the services pro-
10 vided by all drug take-back programs that are operational in this state. At a minimum, all
11 of the drug take-back programs that are operational in this state must provide a single
12 toll-free telephone number and a single website address that a covered entity may use to
13 contact program operators about the drug take-back programs and to acquire information
14 about the location of the drop-off sites and the collection processes of the drug take-back
15 programs.

16 (4) Upon request, a retail drug outlet, hospital with an on-site pharmacy or health care
17 clinic with an on-site pharmacy must provide a covered entity with written materials pro-
18 vided by a program operator for the purpose of promoting the safe and secure collection of
19 covered drugs at the time that a covered drug is delivered to a covered entity.

20 SECTION 11. Annual report to the Department of Environmental Quality. (1) In a form
21 and manner prescribed by the Department of Environmental Quality, a program operator
22 must submit to the department an annual report on the development, implementation and
23 operation of the drug take-back program that includes:

24 (a) A list of covered manufacturers participating in the drug take-back program;

25 (b) The total amount, by weight, of covered drugs collected under the drug take-back
26 program;

27 (c) The amount, by weight, of covered drugs collected under each method of collecting
28 drugs under the drug take-back program;

29 (d) The address of each drop-off site used under the drug take-back program;

30 (e) The date and location of collection events held pursuant to section 8 of this 2019 Act;

31 (f) The method or methods used to transport covered drugs collected under the drug
32 take-back program;

33 (g) The disposal technologies or processes used pursuant to section 9 of this 2019 Act;

34 (h) Whether any safety or security problems occurred during the collection, transporta-
35 tion or disposal of covered drugs and, if a problem occurred, a summary of possible resolu-
36 tions;

37 (i) A summary of the drug take-back program's compliance with section 10 of this 2019
38 Act; and

39 (j) A summary of the annual expenditures of the drug take-back program.

40 (2) The department shall review reports submitted under this section and approve those
41 that comport with the requirements of this section. If the department does not approve a
42 report under this subsection, the department shall provide the program operator with writ-
43 ten notice of revisions necessary for approval.

44 (3) The department shall publish approved reports submitted under this section on a
45 website of the department.

1 **SECTION 12. Funding drug take-back programs.** Each covered manufacturer or group
 2 of covered manufacturers must pay all costs associated with participating in a drug take-
 3 back program. A program operator or authorized collector may not impose a charge, in-
 4 cluding any charge imposed at the time that a covered drug is sold to or collected from a
 5 covered entity, against covered entities for the purpose of recouping the costs of a drug
 6 take-back program.

7 **SECTION 13. Inspection and audit.** The Department of Environmental Quality shall en-
 8 sure compliance with sections 1 to 22 of this 2019 Act by:

9 (1) Entering into an agreement with the State Board of Pharmacy whereby the board,
 10 during routine inspections of retail drug outlets:

11 (a) Inspects drop-off sites located at retail drug outlets; and

12 (b) Informs the department of drop-off sites that are not in compliance with sections 1
 13 to 22 of this 2019 Act;

14 (2) Inspecting drop-off sites not located retail drug outlets; and

15 (3) Auditing the records of program operators.

16 **SECTION 14. Enforcement and discipline.** (1)(a) The Environmental Quality Commission
 17 shall send notice to a covered manufacturer if the covered manufacturer fails to participate
 18 in a drug take-back program as required by sections 1 to 22 of this 2019 Act. Notice sent
 19 under this subsection must explain the possible penalties that may be incurred by the cov-
 20 ered manufacturer for committing the violation.

21 (b) If, 120 days after the date on which the commission sent notice under paragraph (a)
 22 of this subsection, the covered manufacturer continues to sell drugs within this state with-
 23 out participating in a drug take-back program, the commission may impose a civil penalty
 24 against the covered manufacturer for an amount that does not exceed \$10,000 for each day,
 25 beginning on the 121st day, that the covered manufacturer commits the violation.

26 (2)(a) The commission shall send notice to a program operator if the commission deter-
 27 mines that the program operator's drug take-back program is not in compliance with
 28 sections 1 to 22 of this 2019 Act. Notice sent under this subsection must explain the possible
 29 penalties that may be incurred by the program operator for committing the violation.

30 (b) If a drug take-back program continues not to be in compliance with sections 1 to 22
 31 of this 2019 Act 30 days after the date on which the commission sent notice under paragraph
 32 (a) of this subsection, the commission may:

33 (A) Impose a civil penalty against the program operator for an amount that does not
 34 exceed \$10,000 for each day, beginning on the 31st day, that the program operator commits
 35 the violation; and

36 (B) If the commission determines that the violation presents a risk to public health and
 37 safety, suspend, in whole or in part, operation of the drug take-back program.

38 (3) The commission shall deposit moneys collected through the imposition of civil penal-
 39 ties under this section into the Secure Drug Take-Back Account established under section
 40 16 of this 2019 Act.

41 **SECTION 15. Fees.** (1) The Department of Environmental Quality shall establish the fol-
 42 lowing fees for the purpose of paying the costs of administering sections 1 to 22 of this 2019
 43 Act:

44 (a) A one-time fee for reviewing a drug take-back program plan submitted under section
 45 4 of this 2019 Act.

1 (b) An annual fee for expenses associated with the ongoing costs of administering
 2 sections 1 to 22 of this 2019 Act.

3 (c) An hourly fee for any other work that the department must do on behalf of a drug
 4 take-back program.

5 (2) Fees established under subsection (1) of this section must be reasonably calculated
 6 to pay the expenses associated with the purpose for which the fee is collected.

7 (3) The department shall deposit fee moneys collected pursuant to this section into the
 8 Secure Drug Take-Back Account established under section 16 of this 2019 Act.

9 **SECTION 16. Secure Drug Take-Back Account.** (1) The Secure Drug Take-Back Account
 10 is established in the State Treasury, separate and distinct from the General Fund. Interest
 11 earned by the account shall be credited to the account. All moneys in the account are con-
 12 tinuously appropriated to the Department of Environmental Quality for purposes of admin-
 13 istering sections 1 to 22 of this 2019 Act.

14 (2) The Secure Drug Take-Back Account shall consist of all moneys deposited into or
 15 credited to the account, including:

16 (a) Moneys collected under and deposited into the account pursuant to sections 14 and
 17 15 of this 2019 Act; and

18 (b) Moneys appropriated or transferred to the account by the Legislative Assembly.

19 **SECTION 17. Liability.** An authorized collector, covered manufacturer, drug take-back
 20 organization, drug take-back program, potential authorized collector and program operator
 21 may not be held criminally or civilly liable for any function, duty or power performed for the
 22 purpose of complying with sections 1 to 22 of this 2019 Act, unless the function, duty or
 23 power was performed with gross negligence or willful and wanton misconduct.

24 **SECTION 18. Antitrust immunity.** The Legislative Assembly declares that program op-
 25 erators providing covered entities with drug take-back program services, including the safe
 26 and secure collection, transportation and disposal of covered drugs, is in the best interests
 27 of the public. Therefore, the Legislative Assembly declares its intent that participating in
 28 drug take-back programs as required by sections 1 to 22 of this 2019 Act shall be exempt
 29 from state antitrust laws. The Legislative Assembly further declares its intent to provide
 30 immunity for participating in drug take-back programs as required by sections 1 to 22 of this
 31 2019 Act from federal antitrust laws. This section does not authorize any person to engage
 32 in activities or to conspire to engage in activities that constitute per se violations of state
 33 or federal antitrust laws that are not authorized under sections 1 to 22 of this 2019 Act.

34 **SECTION 19. Confidentiality.** Any proprietary information or any financial, manufactur-
 35 ing or sales information or data that the Department of Environmental Quality receives from
 36 a covered manufacturer or drug take-back organization under sections 1 to 22 of this 2019
 37 Act is confidential and not subject to public disclosure under ORS 192.311 to 192.478, except
 38 that the department may disclose summarized information or aggregated data if the infor-
 39 mation or data does not directly or indirectly identify the proprietary information or the fi-
 40 nancial, manufacturing or sales information or data of a specific covered manufacturer or
 41 drug take-back organization.

42 **SECTION 20. Nonapplicability of the Uniform Controlled Substances Act.** The provisions
 43 of the Uniform Controlled Substances Act do not apply to a program operator, insofar as the
 44 program operator is collecting, transporting and disposing of covered drugs pursuant to
 45 sections 1 to 22 of this 2019 Act.

1 **SECTION 21. Moratorium.** Except as expressly authorized by state law, the governing
 2 body of a city or a county may not enact an ordinance requiring, or otherwise establishing
 3 a program for, the collection of covered drugs by nongovernmental entities through the use
 4 of drop-off sites or mail-back services.

5 **SECTION 22. Rulemaking.** The Environmental Quality Commission shall adopt any rules
 6 necessary for the effective administration of sections 1 to 22 of this 2019 Act. Upon request,
 7 the State Board of Pharmacy shall assist the commission in adopting rules under this sec-
 8 tion.

9 **SECTION 23. Report to the Legislative Assembly.** Not later than July 1, 2021, the De-
 10 partment of Environmental Quality shall submit a report to the Legislative Assembly, in the
 11 manner provided by ORS 192.245, describing the administration of sections 1 to 22 of this 2019
 12 Act. The report must include:

13 (1) An evaluation of whether the collection of covered drugs by drug take-back programs
 14 that are operational in this state is safe and secure;

15 (2) A summary of available data on whether the drug take-back programs are effective
 16 at reducing the risks posed by improperly stored covered drugs and improperly discarded or
 17 abandoned covered drugs; and

18 (3) A comprehensive review of the strategies employed by drug take-back programs to
 19 achieve the requirements of sections 1 to 22 of this 2019 Act.

20 **SECTION 24. Repeals.** (1) Sections 1 to 20 of this 2019 Act are repealed on September 15,
 21 2031.

22 (2) Section 23 of this 2019 Act is repealed on December 31, 2021.

23 **SECTION 25. Required date for initial participation.** (1) Each program operator, as de-
 24 fined in section 1 of this 2019 Act, shall submit to the Department of Environmental Quality
 25 a plan for participating in a drug take-back program as required by section 4 (1) of this 2019
 26 Act on or before July 1, 2020.

27 (2) Each drug take-back program must be operational by February 1, 2021.

28 **SECTION 26. Operative date.** (1) Sections 1 to 22 of this 2019 Act become operative on
 29 January 1, 2020.

30 (2) The Department of Environmental Quality, the Environmental Quality Commission
 31 and the State Board of Pharmacy may take any action before the operative date specified in
 32 subsection (1) of this section that is necessary to enable the department, commission or
 33 board to exercise, on and after the operative date specified in subsection (1) of this section,
 34 all the duties, powers and functions conferred on the department, commission or board by
 35 sections 1 to 22 of this 2019 Act.

36 **SECTION 27. Captions.** The section captions used in this 2019 Act are provided only for
 37 the convenience of the reader and do not become part of the statutory law of this state or
 38 express any legislative intent in the enactment of this 2019 Act.

39 **SECTION 28.** This 2019 Act takes effect on the 91st day after the date on which the 2019
 40 regular session of the Eightieth Legislative Assembly adjourns sine die.