



Pharmaceutical Product Stewardship Work Group

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Comments on Senate Bill 411

To Chair Nosse, Vice Chair Goodwin and members of the House Committee on Behavioral Health and Health Care.

The Pharmaceutical Product Stewardship Work Group (“PPSWG”) is a membership association with over 700 members and affiliated companies that produce a broad spectrum of pharmaceutical products. PPSWG relies on MED-Project USA to implement household pharmaceutical drug take-back programs in jurisdictions across the country.

PPSWG urges the House Committee on Behavioral Health and Health Care to adopt Senate Bill 411 as passed by the Senate.

Existing Oregon law prevents drug take-back plan operators like MED-Project from using medical waste incineration to dispose of collected drugs, thereby excluding a potentially less costly disposal option that meets or exceeds all other local, state, and federal requirements.

In addition to potentially preventing program operators from operating their drug take-back programs in the most cost-effective and pro-competitive manner, current law also conflicts with the federal 9th Circuit Court of Appeals decision in *Daniels Sharpsmart v. Smith* (889 F.3d 608 (9th Cir. 2018)), where the court was clear that states cannot directly restrict commerce, like the disposal of waste removed from a state, occurring wholly in other states.

Senate Bill 411 would align Oregon with this decision, giving the Oregon Department of Environmental Quality the flexibility to approve drug take-back program plans providing for medical waste incineration. Senate bill 411 would also align Oregon with the other states with drug take-back laws that allow a program operator to use all available compliant destruction facilities.

Thank you for this opportunity to provide these comments and for your consideration.