

May 13, 2019

SENATE BILL NO. 3240
(Second Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 3240 (Second Reprint) with my recommendations for reconsideration.

I commend the sponsors of this legislation for their efforts to combat the opioid epidemic. According to the National Institute on Drug Abuse, an estimated 18 million Americans misused prescription medications at least once in 2017. As an important component of my administration's efforts to halt the abuse and diversion of prescription drugs, the New Jersey Division of Consumer Affairs operates Project Medicine Drop. This program allows consumers to dispose of unused and expired medications anonymously, seven days a week and 365 days a year, at prescription drug drop boxes located within the headquarters of participating police departments. Our shared goal is simple: eradicating drug addiction.

Senate Bill No. 3240 (Second Reprint) aims to prevent drug addiction by facilitating the safe disposal of unwanted and expired drugs and medications. The bill requires pharmacists and hospice care programs to educate their patients on how to safely discard unused, unwanted or expired drugs and needles. Education will help ensure that individuals prescribed drugs and medications know how to limit the likelihood of the substance being misused and reduce the chances of the drug leaking into the environment. Similarly, requiring pharmacies and hospice care facilities to offer a mechanism to dispose of or deactivate the unwanted drug or medication will decrease the chances of dangerous controlled substances being misused or accessible to other individuals.

While the goal of the bill is laudable and one that my administration shares, the legislation requires the availability of one particular type of drug disposal instead of allowing pharmacies

to choose which form of disposal they will offer. Specifically, the bill requires pharmacies and hospice care programs to "offer to make available for purchase, or furnish at no cost to the patient, a nontoxic composition that can be used to permanently sequester or deactivate unused, unwanted, or expired drugs and medications for the purpose of safely disposing of the drugs and medications."

I do not believe it is appropriate to dictate the type of drug disposal method that must be offered by a pharmacy or hospice care program. While I recognize the attractiveness of a disposal device that patients are able to take home with them, there is insufficient data and clinical testing to conclude that the various nontoxic solutions available on the market are all equally able to permanently deactivate or sequester the drugs. In fact, to my knowledge, none of the available products that would satisfy the criteria outlined in the bill have yet received approval from any federal regulatory agency, including the Drug Enforcement Administration, the Food and Drug Administration, and the Environmental Protection Agency.

During legislative testimony, the sponsors of the bill stated that any drug deactivation product should neutralize at least 98 percent of the medication to reduce the chance of drugs being misused or infiltrating the landfill or water supply. I wholly agree with this sentiment, and am recommending the inclusion of language that will require pharmacies and hospice care programs to offer a drug disposal method that has been proven by an independent lab to meet the safety and environmental standards suggested by the legislative sponsors.

Therefore, I herewith return Senate Bill No. 3240 (Second Reprint) and recommend that it be amended as follows:

Page 2, Title, Line 2: Delete "45" and insert "24"

Page 6, Section 1, Lines 41-42: Delete "offer to make available for purchase, or furnish at no

cost to the patient," and insert "all pharmacies must have available on site at least one method for individuals to dispose of unwanted or expired prescription drugs or medications including, but not limited to, a secured medicine drop box and"

Page 6, Section 1, Line 45:

After "medications" insert ". Any manufacturer of a nontoxic composition made available must provide one or more studies performed by an independent lab attesting to the solution's efficacy in permanently deactivating or sequestering at least 98 percent of the drug. If the nontoxic solution becomes federal Drug Enforcement Administration compliant, the independent lab testing requirement shall become obsolete. The manufacturer will also need to obtain certification from an independent lab that none of the components of the nontoxic solution are considered hazardous waste as defined by New Jersey law"

Page 7, Section 1, Lines 20-21:

Delete "Division of Consumer Affairs in the Department of Law and Public Safety" and insert "Department of Health"

Page 9, Section 2, Lines 4-5:

Delete "offer to make available for purchase, or furnish at no cost to the patient," and insert "all pharmacies must have available on site at least one method for individuals to dispose of unwanted or expired prescription drugs or medications including, but not limited to, a secured medicine drop box and"

Page 9, Section 2, Line 8:

After "medications" insert ". Any manufacturer of a nontoxic composition made available must provide one or more studies performed by an independent lab attesting to the solution's efficacy in permanently deactivating or sequestering at least 98 percent of the drug. If the nontoxic solution becomes federal Drug Enforcement Administration compliant, the independent lab testing requirement shall become obsolete. The manufacturer will

also need to obtain certification from an independent lab that none of the components of the nontoxic solution are considered hazardous waste as defined by New Jersey law"

Page 10, Section 2, Line 3:

After "that" insert "meets the safety and environmental standards established in paragraph (2) of subsection a. of section 1 of P.L. , c. (C.) (pending before the Legislature as this bill) and subparagraph (b) of paragraph (6) of subsection b. of this section,"

Page 10, Section 2, Line 23:

After "that" insert "meets the safety and environmental standards established in paragraph (2) of subsection a. of section 1 of P.L. , c. (C.) (pending before the Legislature as this bill) and subparagraph (b) of paragraph (6) of subsection b. of this section,"

Page 10, Section 3, Lines 33-34:

Delete "Division of Consumer Affairs in the Department of Law and Public Safety" and insert "Department of Health"

Page 10, Section 3, Line 41:

Delete "division's" and insert "Department's"

Page 10, Section 3, Lines 41-43:

Delete "and shall be distributed to hospice care programs and pharmacy practice sites upon request"

Respectfully,

/s/ Philip D. Murphy

Governor

[seal]

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor