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May 12, 2010

The Honorable John Conyers, Jr.  
Chairman  
Committee on the Judiciary  
United States House of Representatives

The Honorable Lamar Smith  
Ranking Member  
Committee on the Judiciary  
United States House of Representatives

The Honorable Henry A. Waxman  
Chairman  
Committee on Energy and Commerce  
United States House of Representatives

The Honorable Joe Barton  
Ranking Member  
Committee on Energy and Commerce  
United States House of Representatives

*Via Facsimile*

RE: H.R. 1359, the "Secure and Responsible Drug Disposal Act of 2009"

Dear Chairman Conyers, Ranking Member Smith, Chairman Waxman and Ranking Member Barton,

We, the undersigned attorneys general, write to express our strong support for House Resolution 1359, the "Secure and Responsible Drug Disposal Act of 2009." The measure seeks to amend the Controlled Substances Act (CSA) to allow the ultimate users of prescription pharmaceuticals classified as controlled substances to dispose of unwanted or leftover drugs safely and in accordance with the CSA. Currently, this bill is before the Committee on the Judiciary, and passage of the measure is a critical step in reducing prescription drug abuse and diversion across the nation.

***Prescription drug abuse is on the rise***

While the majority of individuals who use these prescription drugs do so for legitimate purposes, according to the Centers for Disease Control and Prevention, the non-medical use of prescription drugs is reaching an epidemic level. Nearly 7 million Americans over the age of 12

report abuse of prescription medications in the past month, and an additional 6,000 report abuse of these medications for the first time *every day*.

The National Survey on Drug Use and Health (NSDUH), a yearly survey of the Substance Abuse and Mental Health Services Administration (SAMHSA), notes that among teens between the ages of 12 and 17, prescription drugs are the second most commonly abused illicit drug, trailing only marijuana. In fact, prescription drugs are the drug of choice for 12-13 year olds.

Teens and even their parents often believe that prescription drugs are “safer” to abuse than other illegal drugs because they come from a doctor. However, when used inappropriately, these medications can be as dangerous as methamphetamine or heroin. Deaths as a result of prescription drug overdose or mixed toxicity of drugs are impacting communities large and small across the nation, and in seventeen states, these deaths outnumber traffic crash deaths.

### **How the Secure and Responsible Drug Disposal Act will help reduce diversion**

The vast majority of non-medical users obtain their drugs from friends or family members and 63 percent of teens believe that prescription drugs are easy to get from their parents’ medicine cabinet. This easy access to unused medications is a significant contributing factor in abuse, diversion, and unintentional poisonings.

Along with the CSA, DEA regulations are in place to ensure that the distribution and handling of controlled substances are carefully tracked, until patients pick up a prescription for their personal use. However, under the current regulations, a patient who lawfully obtains and possesses a controlled substance for his or her own use, the “ultimate user,” may not distribute the substance to another entity, even for the purpose of disposal.

Long-term care facilities face a similar dilemma because they are generally not registered under the DEA, but may acquire controlled substances from patients who pass away or who no longer need the medications. Thus, these facilities have no method of disposal and cannot legally deliver the controlled substances to another entity for disposal.

The DEA has temporarily granted exceptions to these restrictions, allowing local law enforcement agencies to host specific drug take-back events or establish permanent pharmaceutical drop-off locations under their supervision. However, this solution is time intensive for law enforcement as well as intimidating and often inconvenient for those with leftover pharmaceuticals. The “Secure and Responsible Drug Disposal Act of 2009” will:

- Authorize specific individuals to collect unused pharmaceuticals classified as controlled substances for disposal.
- Amend the CSA to allow ultimate users of controlled substances to dispose of unused pharmaceuticals safely and legally by delivering the drugs to an authorized entity.
- Give the Attorney General the authority to permit long-term care facilities to dispose of controlled substances on behalf of ultimate users.

In our constant struggle to reduce substance abuse and all of its negative consequences – criminal activity, deaths, broken families and strained public resources – we know that prevention and minimizing easy access to drugs of abuse is critical and necessary. The changes to the CSA proposed with this legislation will make it easier for individuals and long-term care facilities to dispose of unused medications, making all of our families and communities safer.

We would like to thank Representative Stupak (Michigan) and Representative Smith (Texas) for co-sponsoring the Secure and Responsible Drug Disposal Act, and urge Congress to enact this important legislation.

Sincerely,



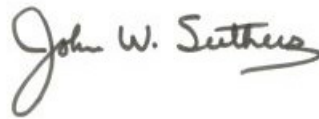
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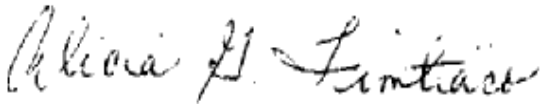
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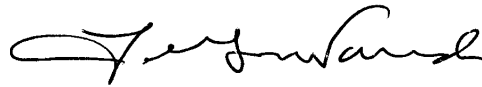
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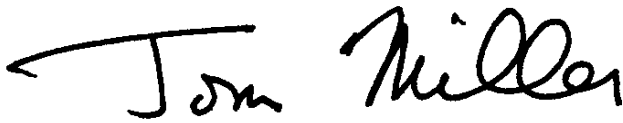
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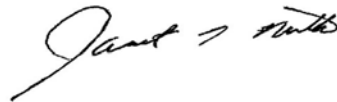
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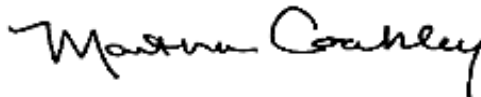
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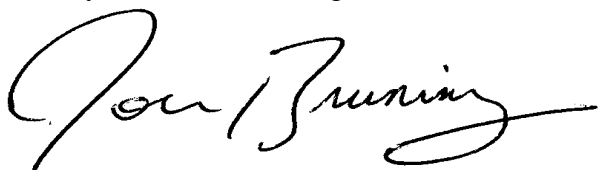
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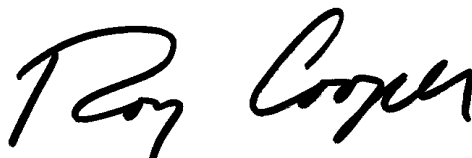
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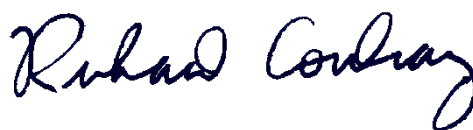
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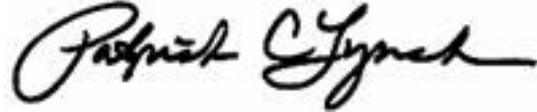
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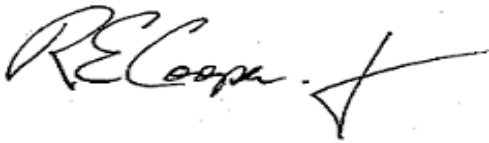
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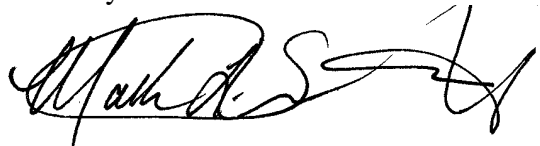
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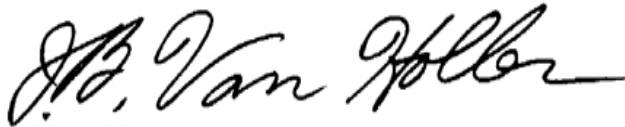
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