

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Environmental Preservation and Conservation Committee

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BILL: SB 626

INTRODUCER: Senator Richter

SUBJECT: Collection and Disposal of Household Pharmaceuticals

DATE: February 2, 2012

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiggins	Yeatman	EP	<b>Pre-meeting</b>
2.			HR	
3.			BC	
4.				
5.				
6.				

**I. Summary:**

This bill requires the Department of Environmental Protection (DEP) to establish a grant program to reimburse local law enforcement agencies for the expenses associated with the collection and proper disposal of household pharmaceuticals. Monies collected from a \$21 surcharge against persons in violation of certain controlled substances statutes will be deposited into the Household Pharmaceuticals Collection and Disposal Trust Fund.

This bill creates ss. 403.745, and 938.16, F.S.

**II. Present Situation:**

Many people toss expired or unused household pharmaceuticals in the trash or flush them down the toilet. According to DEP, as part of a national study, testing of some Florida water bodies found 12-15 substances of concern, including pharmaceuticals, at parts per million concentrations, consistent with other findings around the country. Other research has shown effects on wildlife in areas of the United States where it has been examined. The sources of pharmaceuticals in the water are harder to determine. For example, the majority of antibiotics used in the United States is for animal husbandry and would enter water bodies by different routes and in different quantities than human use antibiotics. Also, how the human body metabolizes pharmaceuticals varies significantly according to the drug. In some cases, 90 percent of a pharmaceutical passes out of the body unchanged. In other cases, half or more of the pharmaceutical is absorbed and metabolized by the body.<sup>1</sup>

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<sup>1</sup> Florida Department of Environmental Protection, *Senate Bill 626* (Jan. 20, 2012) (on file with the Senate Committee on Environmental Preservation and Conservation).

There is no standard ongoing household pharmaceuticals collection program in Florida. Law enforcement agencies periodically collaborate with a retail store to host a community event to collect and safely dispose of these items. According to DEP, at an October 2011 collection event in Tallahassee sponsored by the DEP and the Southern Waste Information Exchange (SWIX), citizens reported that they threw pharmaceuticals in the trash (26 percent), flushed them down the toilet (18 percent), or just stored them when a collection event was not available (54 percent).

### **Chapter 893, F.S. – “Drug Abuse Prevention and Control”**

Controlled substances are drugs with the potential for abuse. Chapter 893, F.S., sets forth the Florida Comprehensive Drug Abuse Prevention and Control Act, and classifies controlled substances into five categories, known as schedules. The distinguishing factor between the schedules is the potential for abuse<sup>2</sup> of the substance and whether there is a currently accepted medical use. These schedules are used to regulate the manufacture, distribution, preparation and dispensing of the substances.<sup>3</sup>

A **Schedule I** substance has a high potential for abuse and no currently accepted medical use in treatment in the United States and its use under medical supervision does not meet accepted safety standards. Examples: heroin and methaqualone.

A **Schedule II** substance has a high potential for abuse, a currently accepted but severely restricted medical use in treatment in the United States, and abuse may lead to severe psychological or physical dependence. Examples: cocaine and morphine.

A **Schedule III** substance has a potential for abuse less than the substances contained in Schedules I and II, a currently accepted medical use in treatment in the United States, and abuse may lead to moderate or low physical dependence or high psychological dependence or, in the case of anabolic steroids, may lead to physical damage. Examples: lysergic acid; ketamine; and some anabolic steroids.

A **Schedule IV** substance has a low potential for abuse relative to the substances in Schedule III, a currently accepted medical use in treatment in the United States, and abuse may lead to limited physical or psychological dependence relative to the substances in Schedule III. Examples: alprazolam; diazepam; and phenobarbital.

A **Schedule V** substance has a low potential for abuse relative to the substances in Schedule IV, a currently accepted medical use in treatment in the United States, and abuse may lead to limited physical or psychological dependence relative to the substances in Schedule IV. Examples: low dosage levels of codeine; certain stimulants; and certain narcotic compounds.

Except as authorized by Chapter 893 and Chapter 499, s. 893.13, F.S., makes it unlawful for any person to sell, manufacture, deliver, or possess with intent to sell, manufacture, or deliver a controlled substance. Section 893.135, F.S., relates to trafficking in controlled substances and

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<sup>2</sup> S. 893.02(20), F.S.

<sup>3</sup> See, s. 893.03, F.S.

s. 893.1351, F.S., provides that a person may not own or lease a place with the knowledge that the place or structure will be used for the purpose of trafficking in a controlled substance. A person who violates Chapter 893 can face sanctions ranging from a First Degree Misdemeanor up to and including a Felony of the First Degree (punishable by up to 30 years in Florida State Prison).

### III. Effect of Proposed Changes:

**Section 1** creates s. 403.745, F.S., to establish a grant program to reimburse local law enforcement agencies for the expenses associated with the collection and disposal of household pharmaceuticals. To be eligible for a grant, a law enforcement agency must conduct the collection and disposal of household pharmaceuticals in a manner consistent with DEP rules and state and federal requirements.

**Section 2** creates s. 938.16, F.S., to fund the household pharmaceuticals collection and disposal grant program. In addition to any sanction imposed for a violation of s. 893.13, s. 893.135, or s. 893.1351, the court shall impose a surcharge of \$21. Payment of the surcharge shall be a condition of probation, community control, or any other court-ordered supervision. Twenty dollars of the surcharge shall be deposited into the Household Pharmaceuticals Collection and Disposal Trust Fund established in s. 403.7451, F.S. The clerk of the court shall retain \$1 of each surcharge that the clerk of the court collects as a service charge.

**Section 3** establishes an effective date.

### IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

### V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may provide new business opportunities for businesses that provide collection and disposal services of these prescription drugs.

**C. Government Sector Impact:**

The bill will create a grant program within DEP. DEP has indicated that they can administer this program with existing resources but would need budget authority to administer the revenues generated by the surcharge. If local law enforcement agencies chose to hold a collection event, the cost would be reimbursed through the grant program. It is anticipated that there would be no additional costs to local governments other than the costs associated with managing the grant receipts and processing requests for reimbursement under the grants.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.