



**Contra
Costa
County**

To: Board of Supervisors
From: FAMILY & HUMAN SERVICES COMMITTEE
Date: December 20, 2016

Subject: Adoption- Ordinance No. 2016-24, establishing pharmaceutical drug stewardship program in unincorporated area and determination of exemption under CEQA

RECOMMENDATION(S):

1. ADOPT Ordinance No. 2016-24, which would require drug manufacturers to establish a stewardship program for the collection and disposal of unwanted pharmaceutical drugs, and WAIVE reading.
2. FIND that the adoption of Ordinance No. 2016-24 is exempt from the California Environmental Quality Act (CEQA) under section 15061, subdivision (b)(3), of the CEQA Guidelines.
3. DIRECT the Conservation and Development Director or his designee to file a Notice of Exemption with the County Clerk-Recorder.
4. DIRECT the Health Services Director or his designee to arrange for payment of a \$25 processing fee to the Department of Conservation and Development and \$50 filing fee to the County Clerk-Recorder.

FISCAL IMPACT:

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **12/20/2016** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor

ABSENT: Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: December 20, 2016

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Daniel Peddycord, (925)
313-6700

There is no anticipated impact to the County general fund. The proposed Safe Drug Disposal Ordinance would require the producers of covered drugs to fully fund the administrative and operational cost of an approved

FISCAL IMPACT: (CONT'D)

product stewardship program for the safe disposal of prescription drugs. Revenue from proposed fees to be paid by producers would cover costs incurred by the County health officer related to the inspection of stewardship plans and any related investigation, audits, enforcement and adjudication.

BACKGROUND:

On December 13, 2016, the Board introduced Ordinance No. 2016-24 (“Ordinance”). The Ordinance, which is similar to ordinances adopted by other counties, would require drug manufacturers to establish and pay for a system to collect unwanted pharmaceutical drugs. The goal would be to establish at least three drop-off sites in each of the five supervisorial districts in locations that allow for convenient and equitable access by residents of the unincorporated areas of those districts. If achievement of this goal is not feasible in a supervisorial district, the stewardship program would need to provide for a mail-back service and periodic take-back events that are at least six hours in length, held at least once per quarter and located in at least three locations in the district.

Under the Ordinance, preference would be given to having retail pharmacies and law enforcement agencies serve as collectors. In addition, mail-back services would need to be made available to individuals who are disabled or homebound.

If adopted, the Ordinance would require the producer of a covered drug to submit a product stewardship plan to the County health officer, describing how it would provide for the disposal options described above. Covered drugs include both prescription and non-prescription drugs. The Ordinance would allow a producer to satisfy its obligations either individually or jointly with other producers, in the form of a stewardship organization. As drafted, the ordinance would require producers to provide notice to all retail pharmacies and all law enforcement agencies located in the County of the opportunity to participate as collectors.

In the event a provision of the Ordinance is violated, the responsible person would be notified and given time to cure the violation before administrative fines are imposed. Violations could also be prosecuted as criminal infractions, punishable by fines that are equal in amount to administrative fines.

Department of Conservation and Development (DCD) staff has completed an environmental review of Ordinance No. 2016-24. The California Environmental Quality Act (CEQA) applies to projects that have the potential to cause a significant effect on the environment. Where it can be seen with certainty that there is no possibility that an activity may have a significant effect on the environment, the activity is not subject to CEQA. (Cal. Code Regs., tit. 14, § 15061, subd. (b)(3).) DCD staff has concluded that adoption of the ordinance and the mandates set forth in the ordinance, including the establishment of a drug stewardship program, implementation and monitoring of the program, will not have a significant effect on the environment.

CONSEQUENCE OF NEGATIVE ACTION:

If Ordinance No. 2016-24 is not adopted, the proposed drug stewardship program would not go into effect.

ATTACHMENTS

Ordinance No. 2016-24 Final