



MISSOURI BOARD OF PHARMACY

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STATEMENT ON DRUG TAKE BACK PROGRAMS FOR PURPOSES OF DISPOSAL

(This statement reflects the Board of Pharmacy's current interpretation of Missouri's law and regulations and does not constitute a legal opinion or other binding legal statement. The Board reserves the right to modify its interpretation as necessary or appropriate. Licensees should independently review all statutes and rules cited herein to ensure compliance with Missouri law.)

The Board has received several inquiries regarding drug take-back programs that allow members of the public to return unused medications for purposes of disposal. Section § 338.315, RSMo, prohibits a Missouri-licensed pharmacy, pharmacist or pharmacy employee from receiving legend drugs for disposal from any source other than a Missouri-licensed distributor. As commonly defined, receipt would include ***taking possession*** of a legend drug for purposes of disposal.

However, the Board is aware of alternative take-back programs being conducted by state and federal law enforcement agencies. Under these programs, drugs are returned to collection sites/receptacles that are under the supervision of law enforcement personnel and located outside of the permitted pharmacy area. The Board considers these programs to be in compliance with Missouri law if the licensee ***does not take possession*** of returned medications for purposes of disposal as prohibited by statute. The Board will not consider returned medication to be under the ***possession*** of a licensee if: (1) medications are returned to collection sites/receptacles that are outside of the permitted pharmacy area(s), and (2) returned medications remain under the control of law enforcement at all times, and (3) law enforcement personnel is present whenever drugs are returned or on site.

The Board recognizes the important role take-back programs can play in preventing diversion and eliminating environmental hazards. To ensure compliance, licensees should review all applicable state and federal law before participating in a take-back program.

*Missouri Board of Pharmacy
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