

SUMMARY OF A PROPOSED ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, ADDING CHAPTER 14A TO THE SONOMA COUNTY CODE TO ESTABLISH THE SONOMA COUNTY SAFE DRUG AND SHARPS DISPOSAL ORDINANCE

On September 11, 2018 the Board of Supervisors of the County of Sonoma will consider a proposed ordinance that would add Chapter 14A to the Sonoma County Code to establish the Sonoma County Safe Drug and Sharps Disposal Ordinance.

The proposed ordinance will add the following as Chapter 14A to the Sonoma County Code:

1. Section 14A-1 provides the Purpose in support of this ordinance.
2. Section 14A-2 provides Definitions related to the ordinance including, among other things,

"Covered Drug" means a Drug sold in any form and used by Consumers, including Prescription, Nonprescription, Brand-name Drugs, Generic Drugs, Drugs for veterinary use, and Drugs in medical devices and combination products. "Covered Drug" does not include vitamins or supplements; herbal-based remedies; personal care products; cannabis; drugs for which Producers provide a take-back program as part of a federal law; or Schedule I drugs as defined by the U.S. Drug Enforcement Agency.

"Manufacturer" means a person, company, corporation or other entity engaged in the Manufacture of Drugs or Sharps.

"Participating Jurisdiction" means an incorporated city or town within Sonoma County that authorizes the Department to administer and enforce the ordinance.

"Producer" means one of the following:

- a. The Person who Manufactures Covered Drugs or Sharps and who sells, offers for sale, or distributes Covered Drugs or Sharps in Sonoma County under that Person's own name or Brand-name; or
- b. The owner or licensee of a Brand-name under which the Covered Drug or Sharps are sold or distributed in Sonoma County; or
- c. The Producer of that Covered Drug or Sharps is the Person who brings that Covered Drugs or Sharps into Sonoma County for sale or distribution.

"Producer" does not include

A Retailer that puts its store label on a Covered Drug or Sharps, or

A pharmacist who dispenses Prescription Drugs or Sharps to, or compounds a prescribed individual Drug product for a Consumer.

"Safe Medicine Disposal Program" means the existing program that is a partnership between local agencies, Pharmacies, and law enforcement offices to safely dispose of Unwanted Covered Drugs or Unwanted Sharps.

“Sharps” means one or more hypodermic needles, pen needles, intravenous needles, lancets and other devices used to penetrate the skin for drawing blood, or for the delivery of Drugs.

"Stewardship Organization" means an organization designated by a Producer or group of Producers to act as an agent on behalf of one or more Producers to develop, implement, and operate a Stewardship Plan.

"Stewardship Plan" means a plan for the collection, transportation, and disposal of Drugs & Sharps that is financed, developed, implemented, and participated in by one or more Producers and must be approved by the Department.

"Wholesaler" means a Person who buys Drugs or Sharps for resale or distribution to corporations, individuals, or entities other than Consumers.

3. Section 14A-3, Jurisdiction, provides that this ordinance applies only to unincorporated Sonoma County and to those cities (participating Jurisdictions) that authorize the County to administer and enforce this ordinance.
4. Section 14A-4, Stewardship Plan-Participation, provides that each Producer must participate in a Plan approved by the County within a time specified in the ordinance.
5. Section 14A-5, Stewardship Plan – Components, provides a list of what must be included in the Plan, which includes, among other things, contact information for all Producers, a description of the proposed collection system and handling and disposal of Drugs and Sharps, policies and procedures for persons handling these items, and a description of public education outreach effects.
6. Section 14A-6, Stewardship Plan-Approval, sets a time frame and a process for the plan to be submitted to the County for review and approval.
7. Section 14A-7, Stewardship Plan – Prior Approval for Change, provides a process for making changes to an approved Plan.
8. Section 14A-8, Stewardship Plan – Collection System, provides that no person can be required to serve as a collector under a Plan and provides for the requirements of a collection system to be included in a Plan. The collection system establishes certain convenience standards for unincorporated Sonoma County and for Participating Jurisdictions.
9. Section 14A-9, Stewardship Plan – Disposal, requires all Plans to comply with all applicable laws regarding disposal of pharmaceutical waste controlled substances, Drugs and Sharps.
10. Section 14A-10, Point of Sale, requires retailers to display materials approved by the County explaining how and where to dispose of unwanted Drugs and Sharps.
11. Section 14A-11, Stewardship Plan – Promotion and Outreach, requires all Stewardship Plans (if more than one) to coordinate with each other to develop a

single system of promotion and outreach that includes certain specified components.

12. Section 14A-12, Stewardship Plan, Reporting Requirements, requires the Stewardship Plan Operation to submit a report to the County, within a specified time, that includes certain specified items.
13. Section 14A-13, Fees, requires producers and/or a Stewardship Organization participating in the Plan to submit fees that are established by the County Board of Supervisors. The fee is calculated to recover the reasonable regulatory cost of administering and enforcing this ordinance.
14. Section 14A-14, Stewardship Plan – Enforcement and Fines, provides that the County may adopt regulations as needed to implement, administer and enforce this ordinance, that civil and criminal fines can be imposed, and that attorneys’ fees may be recovered in an enforcement action.
15. Section 14A-15, Appeals, provides a hearing process and procedure, and judicial review for enforcement actions taken by the County.
16. Section 14A-16, General Provisions, explains that the County is adopting this ordinance to promote the general welfare and that this ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA).

Copies of the proposed ordinance are available for public inspection during regular business hours in the office of the Clerk of the Board of Supervisors, 575 Administration Drive, Room 100A, Santa Rosa, California and on-line at <https://sonomacounty.ca.gov/Health-Services/>.

Sheryl Bratton
Clerk of the Board of Supervisors

By: _____
Deputy Clerk