



July 28, 2010

The Honorable Henry Waxman  
Chairman  
Committee on Energy and Commerce  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Joe Barton  
Ranking Member  
Committee on Energy and Commerce  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairman Waxman and Ranking Member Barton:

The National Association of Chain Drug Stores (NACDS) applauds you and the Committee for advancing legislation to help address prescription medication abuse and diversion. Our members are committed to ensuring that prescription medications are used appropriately and we believe access to neighborhood pharmacies and pharmacist-provided care can improve medication adherence, thereby improving health outcomes, reducing costs and mitigating problems related to medication abuse, diversion and waste. We are pleased to add our strong support to legislation the Committee is considering.

NACDS represents 154 traditional drug stores, supermarkets, and mass merchants with pharmacies – from regional chains with four stores to national companies. NACDS members also include more than 900 pharmacy and front-end suppliers, and over 70 international members from 24 countries. Chains operate 37,000 pharmacies, and employ more than 2.5 million employees, including 118,000 full-time pharmacists. They fill more than 2.5 billion prescriptions annually, which is more than 72 percent of annual prescriptions in the United States.

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**H.R.5809, the Safe Drug Disposal Act**

NACDS supports efforts to find a safe and effective means for consumers to dispose of their unused medications, including controlled substances. We believe these programs must be structured to protect public health and safety and preserve the integrity of the drug distribution supply chain. We believe that “mail back” programs, such as one successfully tested in the state of Maine with the support of the Environmental Protection Agency, are an effective means of safely disposing of unused medications.

While some have suggested drug “take back” programs are a way to address disposal of unused medications, these programs can raise health and safety concerns. Having pharmacies accept previously-dispensed prescription drugs from the public is potentially hazardous since these drugs have left the secure drug distribution system. These products could be contaminated with infectious diseases or other hazardous substances. This would pose risks to the public and pharmacy personnel through exposure to contaminants and could possibly contaminate other products, including drugs or food. Moreover, drug take back programs can be impractical, since pharmacies are designed for the safe and efficient dispensing of medicines to consumers, not as collection sites.

We applaud the Committee’s bipartisan leadership, and the bill’s primary sponsors Representatives Inslee, Stupak and Smith, for working with us to address these concerns.

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We understand Congressman Stupak will offer an amendment to ensure that regulations by the Drug Enforcement Administration (DEA) will not require any entity to establish a drug disposal program, such as a take back program. This would leave pharmacies and other entities free to determine the best means for working with consumers and law enforcement to safely dispose of unused drugs. We strongly support the amendment.

**H.R. 5710, the National All-Schedules Electronic Reporting Reauthorization Act**

While most individuals take prescription medications responsibly, the potential exists for controlled substances to be diverted and abused. Numerous states utilize prescription drug monitoring programs as a tool to curb diversion and abuse of controlled substances. While these programs can be useful to law enforcement in combating diversion, it is important that they not be administratively burdensome or disruptive to patient care activities and the legitimate practices of pharmacy and medicine. Our industry works with all states that have prescription drug monitoring programs, which serve important national and state public health goals. H.R. 5710 will assist states with funding for state prescription drug monitoring programs and we are pleased to support this legislation.

**H.R. 2923, the Combat Methamphetamine Enhancement Act**

Our membership has long supported both local and national efforts to combat methamphetamine abuse and production. In fact, even before the introduction of state and federal legislation, the majority of the chain pharmacies took voluntary, proactive steps to reduce the theft and illegitimate use of products containing pseudoephedrine and ephedrine. Moreover, our members have worked closely with DEA and state and local law enforcement officials since 1995 to stem the tide of methamphetamine production in communities across the United States.

H.R. 2923 closes a loophole in the Combat Methamphetamine Epidemic Act of 2005 by requiring all entities that sell products containing pseudoephedrine to certify with DEA. We have endorsed this legislation and remain committed to working with federal policymakers to craft solutions to help combat methamphetamine abuse and production.

Thank you for your leadership on these important issues. We look forward to working with you as these bills move to the full House of Representatives for its consideration. If you have any questions, please feel free to contact Paul T. Kelly, Vice President, Federal Government Affairs, at (703) 549-3001.

Sincerely,



Steven C. Anderson, IOM, CAE  
President and Chief Executive Officer

cc: The Honorable Frank Pallone, Chairman, Energy and Commerce,  
Subcommittee on Health

The Honorable John Shimkus, Ranking Member, Energy and  
Commerce, Subcommittee on Health

The Honorable Bart Stupak, Chairman, Energy and Commerce,  
Subcommittee on Oversight and Investigations

The Honorable Lamar Smith, Ranking Member, Judiciary Committee

The Honorable Jay Inslee

The Honorable Bart Gordon

The Honorable Ed Whitfield