



Anne M. Carney
Senator, District 29

THE MAINE SENATE

3 State House Station
Augusta, Maine 04333

*Testimony of Senator Anne Carney introducing
LD 2021, An Act to Clarify the Laws Regarding Pharmaceutical Product
Stewardship Laws
Before the Joint Standing Committee on Environment and Natural Resources
January 24, 2024*

Senator Brenner, Representative Gramlich and esteemed colleagues on the Environment and Natural Resource Committee, as you know, I am Senator Anne Carney, proudly representing Senate District 29, which includes South Portland, Cape Elizabeth, and part of Scarborough. I am pleased to introduce LD 2021, An Act to Clarify the Laws Regarding Pharmaceutical Product Stewardship, submitted by the Department of Environmental Protection pursuant to Joint Rule 203.

In 2021, this committee recommended and the Legislature passed a bill that establishes a drug take-back stewardship program, 38 MRSA §1612. Broadly speaking, the law requires drug manufacturers and importers to operate a drug take-back stewardship program to collect and dispose of certain drugs. The drug take-back program furthers state policy, adopted in 2009, to promote product stewardship in order to protect the health safety and welfare of Maine residents. 38 MRSA §1772(1). The program is designed to promote safe disposal of pharmaceutical products in order to prevent improper use of drugs and keep antibiotics, steroids, and other pharmaceuticals out of our rivers, lakes and drinking water.

The new pharmaceutical stewardship program began operation near the end of June, 2023. During implementation, Department of Environmental Protection staff became aware of conflicting language about whether generic pharmaceuticals were included in the program. The 2021 legislation intended to include generics within the scope of the bill and make sure they were subject to the pharmaceutical

stewardship program. Simply stated, the purpose of LD 2021 is to clarify that generics are included.

Because approximately 90 percent of consumed prescription drugs in the US are generic, the intended benefits of the pharmaceutical stewardship program can really only be achieved if both name-brand and generic drugs are included. One might worry that low cost/high volume generics would bear an increased burden for the cost of the program; the 2021 legislation addressed this concern by linking cost of the program to revenue and not volume, making the program affordable for generics manufacturers and importers. In fact, other states with similar drug take back programs include generic drugs in their programs, and even today multiple generic manufacturers are participating in Maine's program.

Thank you for your consideration today. I ask that the committee vote Ought To Pass on LD 2021, to ensure clarity in Maine's pharmaceutical stewardship program and am happy to answer your questions.

Anne Carney

State Senator, Senate District 29

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