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March 10, 2009

Docket No. DEA-316  
Drug Enforcement Administration  
Attention: DEA Federal Register Representative/ODL  
8701 Morrissette Drive  
Springfield, VA 22152

Docket No. DEA-316: Disposal of Controlled Substances by Persons Not Registered With the Drug Enforcement Administration; Advance Notice of Proposed Rulemaking

Dear Sir or Madam:

I am writing on behalf of the American Veterinary Medical Association (AVMA), with comments for the US Drug Enforcement Administration (DEA) on the advance notice of proposed rulemaking titled "Disposal of Controlled Substances by Persons Not Registered with the Drug Enforcement Administration." The AVMA recognizes that DEA is seeking options for the disposal of controlled substances dispensed to DEA non-registrants that protect public health and safety, minimize the possibility of diversion, are consistent with the Controlled Substances Act and DEA regulations, and provide sound environmental solutions. **The AVMA recommends that law enforcement agencies are the appropriate agencies to undertake safe disposal of controlled substances from ultimate users, including client-owned animals.**

As a not-for-profit association established to advance the science and art of veterinary medicine, the AVMA is the recognized national voice for the veterinary profession. The association's more than 76,000 members represent approximately 86% of U.S. veterinarians, who are involved in myriad areas of veterinary medical practice including private, corporate, academic, industrial, governmental, military, and public health services.

In the January 21, 2009 *Federal Register*, the US Drug Enforcement Administration announced its advance notice of proposed rulemaking to make regulations governing the disposal of controlled substances by ultimate users, including veterinary client-owned animals. Drugs "for his own use or the use of a member of his household or for an animal owned by him or a member of his household" are explicitly mentioned in the DEA announcement.

The AVMA shares DEA's concern that a significant contributor to teenage drug abuse is ready access to controlled substances in family medicine cabinets. Thus, there is likely a significant benefit to public health by removing unneeded (unwanted/outdated) controlled substances from the home and disposing of them in a manner that prevents diversion while being sensitive to the environment. While controlled substances dispensed for human patients greatly outnumber those dispensed for animals, the AVMA desires to do its part in protecting public health.

The AVMA desires to help prevent diversion of controlled substances and support sound environmental disposal of the drugs for the benefit of public health. The AVMA balances those goals with the desire to limit any unnecessary economic burden on veterinarian registrants, the majority of which represent small businesses.

The DEA acknowledges increasing interest in drug "take back" programs (organized collection events), though DEA regulations prohibit ultimate users from donating controlled substances to "take back" programs. We recognize that DEA regulations also prohibit registrants (e.g., practitioners, pharmacists) from accepting such donations from ultimate users. Reverse distributors are authorized to receive and destroy controlled substances, but they can only receive from other registrants (e.g., practitioners, pharmacists). They can not receive controlled substances from the ultimate user. Recordkeeping requirements apply to the disposal of controlled substances.

We acknowledge that Section 1307.21 of Title 21 of the US Code of Federal Regulations provides a procedure for disposal of controlled substances by non-registrants, though it requires DEA authorizations and is used in extremely limited circumstances. DEA has recently granted temporary permission to law enforcement agencies who have requested authorization to accept disposal of controlled substances that have been dispensed to ultimate users. Thus the only "take back" programs that DEA has allowed are those in which law enforcement officials directly receive the controlled substances from the ultimate users.

After evaluating the information, the AVMA has taken the following official position:

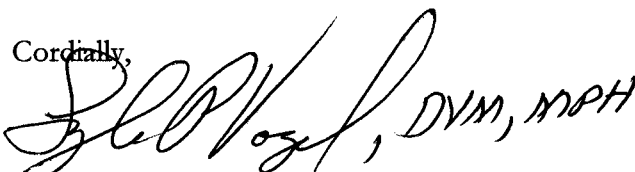
**Client Disposal of Controlled Substances**

In response to the US Drug Enforcement Administration's consideration of controlled substance take-back programs that might be enacted for ultimate users (clients), the AVMA believes law enforcement agencies are the appropriate entities to undertake the safe disposal of such substances.

Should you have additional questions, kindly contact Dr. Elizabeth Curry-Galvin, Director, Scientific Activities at 847-925-8070, ext. 6633 or [egalvin@avma.org](mailto:egalvin@avma.org).

We appreciate the opportunity to comment.

Cordially,

  
for W. Ron De Haven, DVM, MBA  
Chief Executive Officer

WRD/ECG