

SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. _____

_____, 2023

DRUG DISPOSAL PROGRAM

AN ORDINANCE OF THE LEGISLATIVE BODY OF SALT LAKE COUNTY, UTAH, ENACTING CHAPTER 9.51 OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, ENTITLED “DRUG DISPOSAL PROGRAM” AND ESTABLISHING SUCH A PROGRAM FOR SALT LAKE COUNTY

The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. Chapter 9.51 of the Salt Lake County Code of Ordinances, 2001 is hereby enacted to read as follows:

Chapter 9.51 – DRUG DISPOSAL PROGRAM

9.51.010 – Legislative findings and purpose.

A. The Council finds that:

1. Certain lawfully possessed controlled substances, particularly unused or expired prescription drugs including opioids, present a public safety risk and are prone to misuse and other forms of harm if they are not properly disposed of.
2. Improper disposal of lawfully possessed controlled substances has been shown to cause harm to the environment and public health.
3. Salt Lake County residents would benefit from the establishment of a drug disposal program that promotes the convenient, secure, and environmentally friendly disposal of lawfully possessed controlled substances.
4. The establishment of a drug disposal program is consistent with the council’s responsibility as the county’s local substance abuse authority to develop plans and appropriate funds for the provision of substance abuse prevention services to county residents.

B. The purpose of this chapter is to promote public health, safety, and the general welfare of county residents consistent with the goal of reducing the potential misuse and harm of certain lawfully possessed controlled substances by establishing and administering a program for the convenient, secure, and environmentally friendly disposal of such lawfully possessed controlled substances. The Council intends that this program be established as a community drug disposal program, and that funding under this chapter be considered as a prevention program eligible for funding from the county's opioid treatment and prevention fund as a recognized core strategy for opioid remediation.

9.51.020 – Definitions.

For the purposes of this chapter, the following definitions shall apply:

- A. “Controlled substance” means the same as that term is defined in Utah Code Ann. § 58-37-2 or its successor.
- B. “Department” means the Salt Lake County Health Department.
- C. “Environmentally friendly” means a controlled substance that is rendered:
 - 1) non-retrievable, as determined by the Department, consistent with applicable federal and state regulatory guidance;
 - 2) non-hazardous, as determined by the Department, consistent with applicable federal and state regulatory guidance; and
 - 3) permissible to dispose in a landfill in a manner that does not violate state or federal law relating to surface water or groundwater.
- D. “Home-controlled substance disposal receptacle” means a receptacle provided by the program that can be used by an individual to render a small amount of

controlled substances at an individual's residence non-retrievable and environmentally friendly.

- E. "Non-retrievable" means the same as that term is defined in 21 C.F.R. 1300.05.
- F. "On-site" means the means the same as that term is defined in 21 C.F.R. 1300.05.
- G. "Program" means the Drug Disposal Program established in section 9.51.030 and described throughout this chapter.
- H. "Repository" means a controlled substance disposal repository described in section 9.51.040.

9.51.030 – Drug Disposal Program established.

The Council does hereby establish, and the Department may, within funds made available for this purpose including opioid treatment and prevention funds, administer a program, known as the Drug Disposal Program, to provide for the safe, secure, and environmentally friendly disposal of lawfully possessed controlled substances in the county.

9.51.40 – Drug Disposal Program – substantive provisions.

The Department, in developing and implementing the program:

- A. May work with state and municipal governments, law enforcement agencies, pharmacies, hospitals, and other entities to ensure that one or more repositories are present in each municipality in the county, as well as in unincorporated areas of the county.
- B. May, instead of, or in addition to, establishing a repository in each municipality, establish a process for residents of the county to obtain a home-controlled substance disposal receptacle.

- C. May solicit and enter into agreements pursuant to county ordinance and policy to implement the program consistent with funds made available by the council.
- D. Shall ensure that each repository:
 - 1) renders a controlled substance placed in the repository non-retrievable and environmentally friendly, on-site;
 - 2) is secure from tampering or unauthorized removal; and
 - 3) properly disposes of a controlled substance placed in the repository after the controlled substance is rendered environmentally friendly.
- E. Shall require verification that:
 - 1) a repository complies with subsection D; and
 - 2) a home-controlled substance disposal receptacle renders a controlled substance non-retrievable and environmentally friendly.
- F. Shall ensure that the program operates in accordance with all applicable federal and state laws and regulations.
- G. Shall publish on the Department's website:
 - 1) a list of each repository established by the program; and
 - 2) if home controlled substance disposal receptacles are used as part of the program, information on how to obtain a home-controlled substance disposal receptacle.

9.51.050 – Effect of other law.

Nothing contained in this chapter is intended to conflict with or supersede any applicable federal or state law or regulation concerning controlled substances or their disposal. If any

section, subsection, clause or provision of this chapter is held invalid, the remainder shall not be affected by such invalidity.

SECTION II. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication in a newspaper published and having general circulation in Salt Lake County.

APPROVED and ADOPTED this _____ day of _____, 2023.

SIGNATURES ON FOLLOWING PAGE

SALT LAKE COUNTY COUNCIL

By: _____
Aimee Winder Newton, Chair

ATTEST:

Lannie Chapman
Salt Lake County Clerk

REVIEWED AS TO FORM

Deputy District Attorney Date

Council Member Alvord voting _____
Council Member Bradley voting _____
Council Member Bradshaw voting _____
Council Member Granato voting _____
Council Member Harrison voting _____
Council Member Stewart voting _____
Council Member Stringham voting _____
Council Member Theodore voting _____
Council Member Winder Newton voting _____

Vetoed and dated this ____ day of _____, 2023.

By: _____
Jennifer Wilson, Mayor

(Complete as Applicable)

Veto override: Yes ____ No ____ Date _____

Ordinance published in the newspaper: Date _____

Effective date of ordinance: _____

SUMMARY OF

SALT LAKE COUNTY ORDINANCE NO. _____

On the ____ day of _____, 2023, the County Council of Salt Lake County adopted Ordinance No. _____, establishing chapter 9.51 of the Salt Lake County Code of Ordinances, 2001, to establish a Salt Lake County Drug Disposal Program.

SALT LAKE COUNTY COUNCIL

By: _____
Aimee Winder Newton, Chair

ATTEST:

Lannie Chapman
Salt Lake County Clerk

- Council Member Alvord voting _____
- Council Member Bradley voting _____
- Council Member Bradshaw voting _____
- Council Member Granato voting _____
- Council Member Harrison voting _____
- Council Member Stewart voting _____
- Council Member Stringham voting _____
- Council Member Theodore voting _____
- Council Member Winder Newton voting _____

A complete copy of the ordinance is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2-100A, Salt Lake City, Utah.