

Drug Take Back Guide

for Arkansas



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Published March 2023

The Office of National Drug Control Policy, as part of its National Drug Control Strategy, called for an increase of prescription drug return and disposal programs in the spring of 2010 to curb prescription drug abuse.

In 2010, then State Drug Director Fran Flener launched an educational program to encourage people to “Monitor, Secure and Dispose” of their prescription medications. She also launched the website artakeback.org to educate and encourage everyone to “Monitor, Secure and Dispose” of their prescription medications.



The U.S. Drug Enforcement Administration launched the national Prescription Drug Take Back Day on September 25, 2010, in response to an epidemic of prescription drug abuse in the United States. Twice a year, the DEA hosts a national Prescription Drug Take Back Day.

Arkansas supports the DEA drug take back days with partners and more than 130 law enforcement and government agencies, numerous community organizations, businesses, media outlets and public health providers. The office of the Arkansas drug director works closely with the DEA to coordinate this growing coalition and maintain the artakeback.org website.

Arkansas has more than 275 permanent collection boxes with at least one in each county. To find a collection box, click on the **Collection Sites tab** of the artakeback website and type in a zip code, choose a distance and click the filter tab.

Ideally, the investment of our statewide partnerships and community participation, is not only a strategic piece of substance prevention, but also an opportunity to educate our youth and aging adult population about the risks of substance misuse. Thanks to the dedication of the law enforcement community and its partners along with all Arkansans, the take back events have exceeded expectations.



Tom Fisher | Kirk Lane

Arkansas State Drug Director | Director of the Arkansas Opioid Recovery Partnership

Who's This Guide For?

This guide offers general DEA guidelines for Law Enforcement and Pharmacies ONLY.

This guide offers general DEA guidelines for Law Enforcement and Pharmacies ONLY to host or participate in state sanctioned drug takeback days, and/or to independently acquire and house a permanent drug takeback kiosk.

The guide encourages law enforcement and pharmacies to collect and destroy pharmaceuticals safely, conveniently and responsibly. More importantly, ultimate users can dispose of unused controlled substances/medications responsibly, keeping them from harming the environment, public drinking water and reducing those left in the home.

For DEA guidelines related to “manufacturers, distributors, reverse distributors, narcotic treatment programs, hospitals/clinics with on-site pharmacies and retail pharmacies.” [See federal regulation.](https://www.federalregister.gov/documents/2014/09/09/2014-20926/disposal-of-controlled-substances)

(<https://www.federalregister.gov/documents/2014/09/09/2014-20926/disposal-of-controlled-substances>)

A Little History

Before the Secure and Responsible Drug Disposal Act passed October 12, 2010, people were limited in how they disposed of leftover pharmaceuticals. The Controlled Substances Act (prior to the Disposal Act) said people had to destroy the substance themselves. This included flushing, discarding, surrendering to law enforcement or contacting the DEA to help. As a result, people chose “none of the above” and drugs remained easily accessible to those who misuse, divert and abuse. The new law loosened the restrictions which enabled the state drug take back events.



An ultimate user is a person who lawfully possesses a pharmaceutical drug for their own use, for a household member or for a household animal. Users may dispose of a household member's unused or unwanted pharmaceutical drugs. If they are not a household member, they may not dispose of their pharmaceutical drugs on their behalf. Only ultimate users may dispose of pharmaceutical drugs.

Exceptions:

- **If someone dies while in lawful possession of a pharmaceutical drug, any person lawfully entitled to dispose of the decedent's property may dispose of the drugs**
- **A long-term-care facility may dispose of a current or former resident's pharmaceutical drugs.**

[See federal regulation.](https://www.federalregister.gov/documents/2014/09/09/2014-20926/disposal-of-controlled-substances)
(<https://www.federalregister.gov/documents/2014/09/09/2014-20926/disposal-of-controlled-substances>)



Law Enforcement Agencies

The DEA allows federal, state, tribal or local law enforcement to maintain collection receptacles at law enforcement locations.

They may also voluntarily hold take back events and administer mail-back programs either independently or by partnering with private entities or community groups. The ultimate user will continue to be able to surrender their unwanted pharmaceutical controlled substances to law enforcement.

[See federal regulation.](https://www.ecfr.gov/current/title-21/chapter-II/part-1317/subpart-B/section-1317.35)

(<https://www.ecfr.gov/current/title-21/chapter-II/part-1317/subpart-B/section-1317.35>)

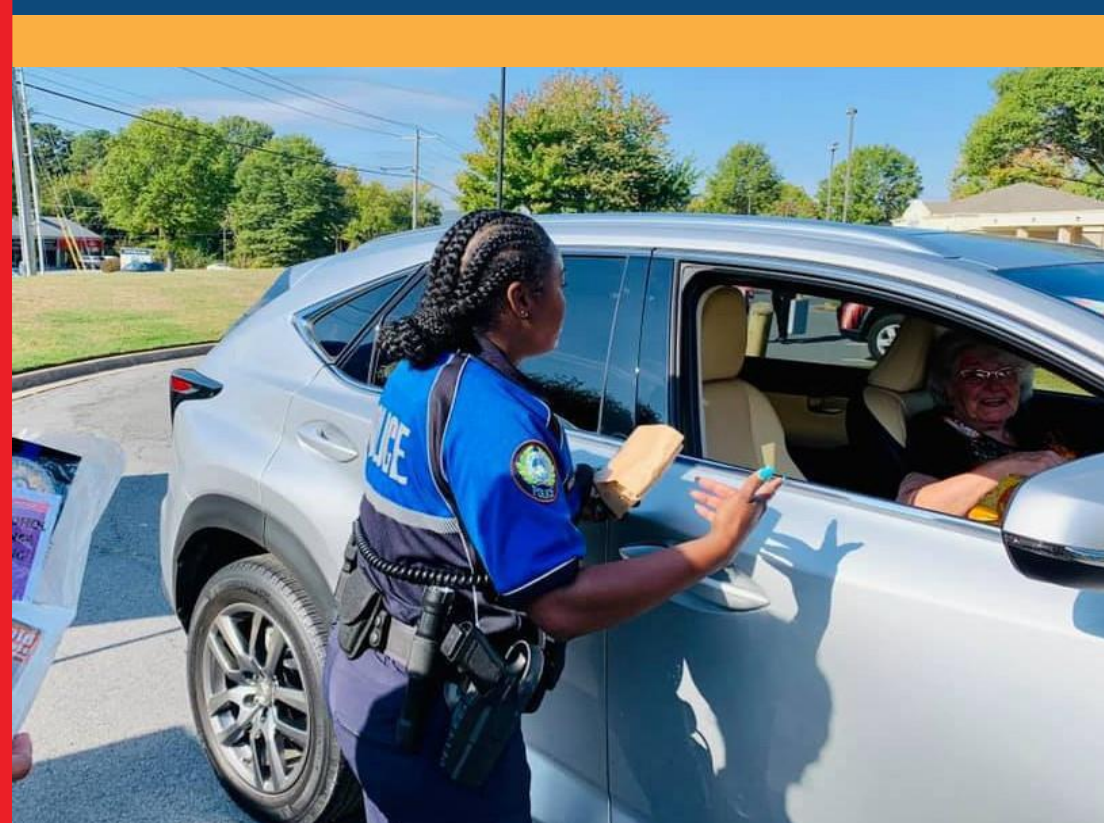


Law Enforcement Agency

The Notice of Proposed Rule Making (NPRM) proposed the definition of “law enforcement officer” to include persons who are employees of a “law enforcement agency.” The DEA modified this definition to specifically include employees of law enforcement components of federal agencies.

Any person who meets the criteria for “employee” and “law enforcement officer” outlined in the final rule will be a qualified officer for the purposes of disposal of pharmaceutical controlled substances, regardless of whether the person is considered a “civilian” law enforcement officer.

[See federal regulation.](https://www.ecfr.gov/current/title-21/chapter-II/part-1300)
(<https://www.ecfr.gov/current/title-21/chapter-II/part-1300>)





Collecting, Recording, Storing and Destroying

Federal, state, tribal or local law enforcement may collect controlled substances from ultimate users and from those who may lawfully dispose of a deceased ultimate user's property using the following:

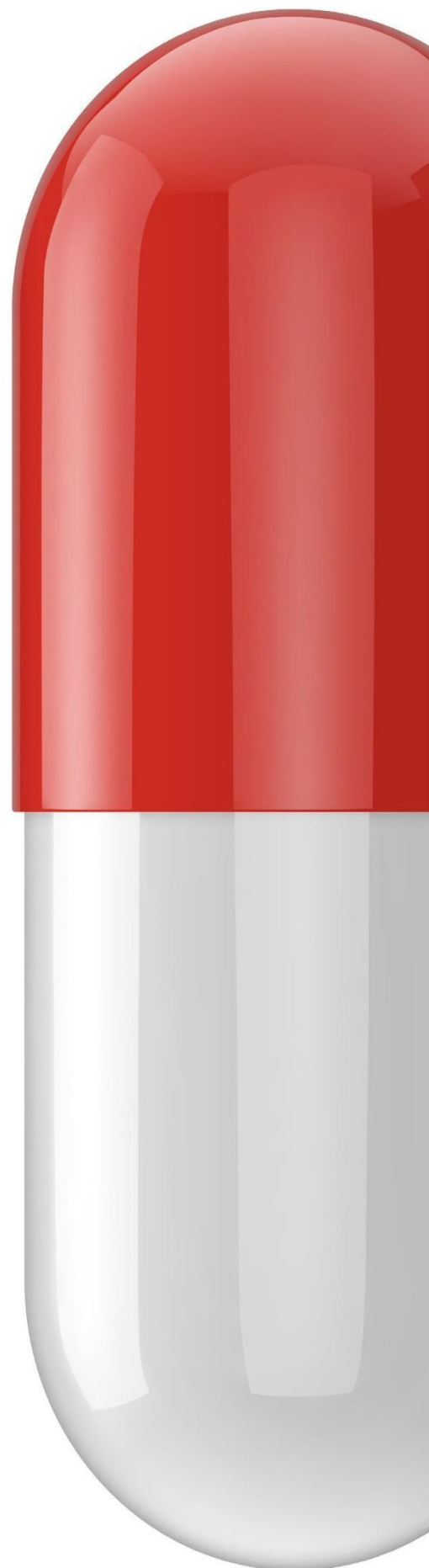
- Take back events
- Mail-back programs
- Collection receptacles located inside law enforcement's building listed at the address

Law enforcement agencies which conduct a take back event, mail-back program or have a collection receptacle should maintain any records of drug removal, storage or destruction consistent with that agency's record keeping requirements for illicit controlled substances evidence.

Law enforcement agencies must ensure the confidentiality of the individual disposing of a drug, per state and federal laws. Any pharmaceutical drugs law enforcement collects via a take back event, mail-back program or collection receptacle should be stored in a way that prevents the diversion of controlled substances and is consistent with that agency's procedures for storing illicit controlled substances. Any pharmaceutical drugs collected through a take back event, mail-back program or collection receptacle should be transferred to a destruction location to prevent the diversion of the drugs. This should be consistent with the agency's procedures for transferring illicit controlled substances.

See federal regulation

(<https://www.federalregister.gov/documents/2014/09/09/2014-20926/disposal-of-controlled-substances#p-670>)



Procedure for Drug Take Back Day

Preparation

1. Emails and notifications will be posted throughout the Arkansas law enforcement community to those who want to participate in the drug take back collection day. Agencies may register following the guidelines outlined on notifications or by calling DEA- Little Rock (501-217-6500) before each drug take back day event in the spring and fall. Registration is required for each event even if an agency has a 24-hour drug take back box. (See page 21 for sample registration form.)
2. The registrant will get information on where and when to bring the collected controlled substances for destruction. This is usually several days after the drug take back day.
3. If an agency does not turn over its collected controlled substances on the scheduled date, it will be responsible for properly destroying the controlled substances. In most cases, an agency can contact the office of the Arkansas drug director for help in these rare occurrences. (See contact Information page 18.)
4. The registered law enforcement collection sites will be posted at artakeback.org.





Operation Day

1. Use cardboard boxes for the prescription drugs collected. Obtain a sharps container for event sites if possible. Local hospitals are potential sources.
2. At least two assigned uniformed officers must be at each collection site. **Officers will be the ONLY persons handling drugs.**
3. Volunteers may hand out materials such as departmental public relations material or prescription abuse and public information handouts. Volunteers could be community watch participants, business owners, sponsors or partners. Public officials or political figures are a good draw and an opportunity for them to meet the public. Volunteers may use costumes or signs to attract attention in high-traffic areas.
4. Have a designated law enforcement vehicle pick up collected drugs at each site every hour or so and deliver them to the law enforcement agency to be secured. This will maintain security at the site.
5. If possible, designated law enforcement personnel should box, weigh and document the collected controlled substances. The weight of the drugs collected will be required when the agency turns over the controlled substances to the DEA/National Guard on the scheduled pickup date provided by DEA.
6. Offer giveaways for children at each site such as stick-on badges, pencils, etc. This is a good public relations opportunity. Please provide photographs of the event to the Arkansas Drug Take Back Facebook site.
7. Inform community members that quality control issues require that the drugs be destroyed per DEA regulations and it is illegal to redistribute them. Some community members who return prescription drugs might want the drugs to be contributed to a charitable organization. This is not allowed. All drugs collected are destroyed through the DEA in an environmentally safe commercial incinerator.
8. Secure all collected drugs at the department evidence location and follow departmental evidence procedure.
9. Return borrowed equipment.

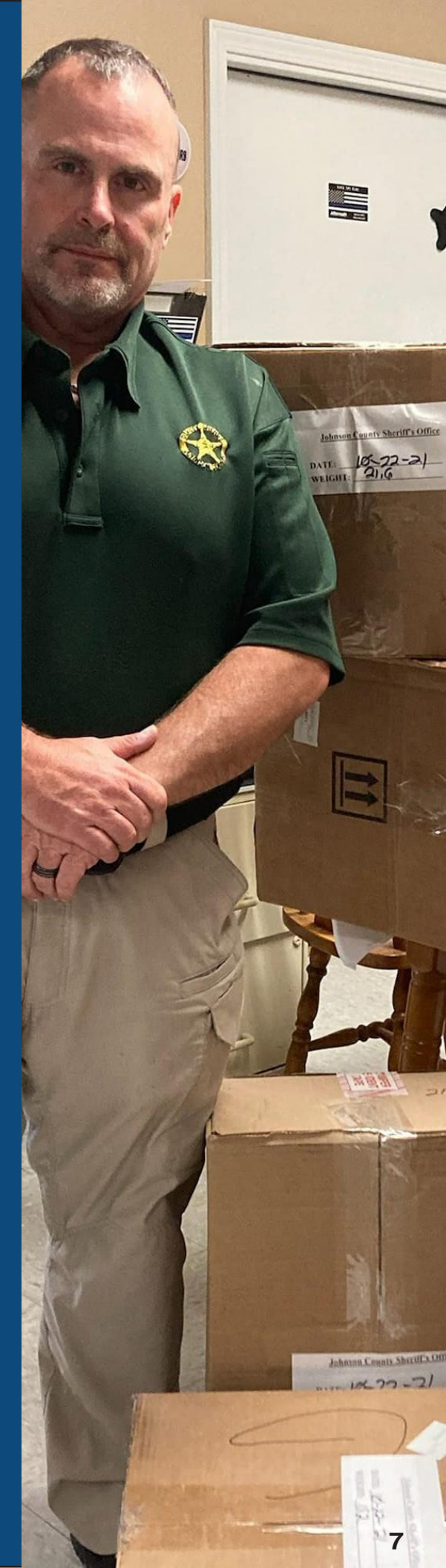


Post Operations

1. Box all drugs collected in cardboard boxes not to exceed 50 pounds.
2. Agencies are encouraged to write media releases, or they can be part of the official release. Make sure pill bottle labels are not disclosed on media releases. Invite partners, sponsors and other participants to contribute to the media release.
3. Prepare a departmental file on the operation, including an incident report outlining the operation and weight of recovered drugs.
4. Deliver all sealed and marked boxes to the designated pickup site provided by the DEA upon your registration. You will be provided a DEA receipt for your items. It is important to meet at the designated locations on the date and time provided. This is usually a few days after the drug take back collection date.

Tips

- Registration is REQUIRED to participate in DEA Arkansas Drug Take Back day(s).
- Sample registration form is on page 21.
- DEA and National Guard coordinate pickup of collected pharmaceuticals on specific days, times and locations.
- Registered sites will be listed by drug director's office at artakeback.org.
- Collection sites NOT registered will NOT be able to participate in Arkansas Drug Take Back Day.





Frequently Asked Questions for Law Enforcement

Does a law enforcement agency have to comply with the DEA requirements for drug collection receptacles?

No. Law enforcement agencies are not required to have a collection receptacle that meets all of the specifications required by the DEA for registrants (i.e. removable liners that are uniquely identifiable), and the rule clarifies the specifications apply to authorized collectors and not law enforcement. [See federal regulation](https://www.ecfr.gov/current/title-21/chapter-II/part-1317/subpart-B/section-1317.35) (<https://www.ecfr.gov/current/title-21/chapter-II/part-1317/subpart-B/section-1317.35>)

Can a law enforcement agency operate a collection receptacle at a retail pharmacy without the pharmacy having to register as an authorized collector?

No. The retail pharmacy must adhere to all DEA regulations, including registration as an authorized collector.

Who can participate in Arkansas Drug Take Back Day?

DEA announces the designated national drug take back dates, and anyone may participate. Law enforcement must be at and in control of the take back site. A law enforcement agency must register to participate. Please be sure registration is completed (see sample signup sheet page 21) which ensures the collection site has been approved by the DEA. A carefully coordinated pick up (date, time, place) of all collected materials must be coordinated well in advance of the take back day. Citizens can help in advertising or participating in an event as permitted by the participating law enforcement agency.

What kind of drugs can be collected at a take back day?

It is important to allow citizens to dispose of any type substances they want. Making it simple keeps the citizens involved in protecting their household and environment. The law enforcement agency should be innovative in handling items such as sharps and liquids for their protection. Vaping devices will also be accepted.



What happens to all of the items collected during take back day?

Everything collected during take back day will be destroyed by DEA. Collected controlled substances cannot be donated or used for any other purpose other than to be destroyed because they are not safe. All of the collected substances are required to be turned over to DEA for safe destruction in an environmentally safe commercial incinerator per DEA policy.

Should citizens remove the pill bottle labels or remove the substances from the pill bottles that contain them?

Citizens are welcome to remove container contents and labels. They are welcome to dispose of all of the items which will be commercially incinerated. The key is to make them feel comfortable in participating.

Where can I find resources and data regarding Arkansas drug take back?

All resources can be found at artakeback.org or by downloading the artakeback link from the free “Narcansas” app.



Pharmacies

Pharmacies are a natural partner in the fight against opioid misuse. There are a number of vendors nationally that produce and provide drug takeback kiosks and liners. The following outlines the regulations for pharmacy collection boxes.

Kiosk Placement

Collection receptacles must be securely placed and maintained:

- Inside a collector’s registered location, inside law enforcement’s location or at an authorized long-term care facility
- Near the designated area where controlled substances are stored and where an employee is present (e.g., can be seen from the pharmacy counter)

Exceptions:

- At a hospital/clinic: A collection receptacle must be in an area regularly monitored by employees, and shall not be located near any area where emergency or urgent care is provided
- At a narcotic treatment program: A collection receptacle must be located in a room that does not contain any other controlled substances and is securely locked with controlled access
- At a long-term care facility: A collection receptacle must be located in a secured area regularly monitored by long-term care facility employees.

See federal regulation.

<https://www.federalregister.gov/documents/2014/09/09/2014-20926/disposal-of-controlled-substances#p-721>



Design Specifications for Collection Receptacles

According to the DEA rules, a collection receptacle must meet the following design specifications:

- Securely fastened to a permanent structure so it cannot be removed
- Securely locked and substantially constructed with a permanent outer container and a removable inner liner
- The outer container must include a small opening that allows contents to be added to the inner liner but does not allow the inner liner’s contents to be removed
- The outer container must prominently display a sign indicating only Schedule II-V controlled and non-controlled substances are acceptable. This is if a collector chooses to comingle substances. (Schedule I controlled substances, controlled substances that are not lawfully possessed by the ultimate user and other illicit or dangerous substances are not permitted.)
- Except at a narcotic treatment program, the small opening in the outer container of the collection receptacle must be locked or made inaccessible to the public when an employee is not present (e.g., when the pharmacy is closed) or when the collection receptacle is not being regularly monitored by long-term care facility employees.

See federal regulation.

<https://www.federalregister.gov/documents/2014/09/09/2014-20926/disposal-of-controlled-substances#p-721>



A Note to Law Enforcement

A law enforcement agency is NOT required to have a collection receptacle that meets the DEA specifications defined for pharmacies.

Nor is it required to meet the liner requirements and removal stipulations. This is for pharmacies only!



Liner Requirements

Inner Liner

An inner liner must meet the following requirements:

- Must be waterproof, tear-resistant, and no evidence of tampering
- Must be removable and sealable immediately upon removal without emptying or touching the contents
- Contents of the inner liner shall not be viewable from the outside when sealed
- The size of the inner liner shall be clearly marked on the outside of the liner (e.g., 5-gallon, 10-gallon, etc.)
- Shall have a permanent, unique identification number so the inner liner can be tracked.

Only the collector's employees shall have access to the inner liner. Two employees shall seal the inner liner immediately after it is removed from the permanent outer container, and the sealed inner liner shall not be opened, x-rayed, analyzed or penetrated.

[See federal regulation.](#)

(<https://www.federalregister.gov/documents/2014/09/09/2014-20926/disposal-of-controlled-substances#p-691>)

Employees Installing and Removing Liner

At least two of the collector's employees shall install and remove (or supervise the installation and removal of) the inner liner. These employees must not have been convicted of any felony relating to controlled substances or had an application for DEA registration denied, had a DEA registration revoked or suspended or surrendered a DEA registration for cause. For long-term care facilities, the installation, remov-



al, transfer and storage of inner liners shall be performed by or under the supervision of one employee of the collector and one supervisor-level employee of the long-term care facility (e.g., a charge nurse or supervisor) designated by the collector; or, by or under the supervision of the collector's two employees.

[See federal regulations 721 and 737.](#)

(<https://www.federalregister.gov/documents/2014/09/09/2014-20926/disposal-of-controlled-substances#p-721>) &

(<https://www.federalregister.gov/documents/2014/09/09/2014-20926/disposal-of-controlled-substances#p-737>)

What is an Employee? Part 1

Some factors determining employee status:

- The hiring party's right to control the manner and means by which the product is accomplished
- The skill required
- The source of the instrumentalities and tools
- The location of the work
- The length of the relationship between the parties
- Whether the hiring party has the right to assign additional projects to the hired party
- The extent of the hired party's discretion over when and how long to work
- The method of payment
- The hired party's role in hiring and paying assistants
- Whether the work is part of the regular business of the hiring party
- Whether the hiring party is in business
- The provision of employee benefits and the tax treatment of the hired party.

What is an Employee? Part 2

Other applicable factors may be considered and no one factor is dispositive.

The following criteria will determine whether a person is an employee of a registrant for the purpose of disposal:

- The person is directly paid by the registrant
- Subject to direct oversight by the registrant
- Required, as a condition of employment, to follow the registrant's procedures and guidelines pertaining to the handling of controlled substances
- Subject to receive a performance rating or performance evaluation on a regular/routine basis from the registrant
- Subject to disciplinary action by the registrant
- Required to render services at the registrant's registered location.

[See federal regulation.](#)

(<https://www.federalregister.gov/documents/2014/09/09/2014-20926/disposal-of-controlled-substances#p-506>)



Frequently Asked Questions for Pharmacies

Do I have to modify my registration with DEA each time I start or stop collection activities? (Pharmacy Only)

The Disposal Act requires a registrant apply to modify their DEA registration before collecting. The DEA considers an authorized collector to be collecting until that registration is modified, revoked, surrendered, suspended or terminated. If an authorized collector stops collecting, they must modify the registration. Online notification is easy and quick, and the DEA will promptly process the request. [See federal regulation.](https://www.ecfr.gov/current/title-21/chapter-II/part-1301) (<https://www.ecfr.gov/current/title-21/chapter-II/part-1301>)

Can a law enforcement agency operate a collection receptacle at a retail pharmacy without the pharmacy having to register as an authorized collector?

No. The retail pharmacy must adhere to all DEA regulations, including registration as an authorized collector.

Can a law enforcement agency collect and destroy drugs from a collection receptacle operated by an authorized collector?

No. According to the DEA, this practice is not permitted. The authorized collector must adhere to destruction procedures in this document.

Can a collector operate a collection receptacle where it is located inside the registered location, but the ultimate user is allowed to dispose of pharmaceuticals from the outside (i.e. bank deposit)?

No. The DEA says it is not permitted. Authorized collectors should adhere to location requirements.



Employee Education

A collector or reverse distributor shall not employ, as an agent or employee who has access to or influence over controlled substances acquired by collection, any person who has been convicted of a felony relating to controlled substances or who had an application for DEA registration denied, had a DEA registration revoked or suspended or surrendered a DEA registration for cause. [See federal regulations 1301.71](#) and [1301.75](#).

1301.71
<https://www.federalregister.gov/documents/2014/09/09/2014-20926/disposal-of-controlled-substances#p-amd-14>

1301.75
<https://www.federalregister.gov/documents/2014/09/09/2014-20926/disposal-of-controlled-substances#p-540>



Who can join in drug take back day?

DEA announces the designated national drug take back dates, and anyone may participate. Law enforcement must be at and in control of the take back site. A law enforcement agency must register to participate. Please be sure registration is completed (see sample signup sheet page 21) which ensures the collection site has been approved by the DEA. A carefully coordinated pick up (date, time, place) of all collected materials must be coordinated well in advance of the take back day. Citizens can help in advertising or participating as permitted by the participating law enforcement agency.

What happens to all of the items collected during take back day?

Everything collected during take back day will be destroyed by DEA. Collected controlled substances cannot be donated or used for any other purpose other than to be destroyed because they are not safe. All of the collected substances are required to be turned over to DEA for safe destruction in an environmentally safe commercial incinerator per DEA policy.

Where can collection receptacles be placed? (Pharmacy Only)

Authorized collection receptacles must be placed inside the authorized collector's registered location near an area where controlled substances are stored and where an employee is present. [See federal regulation.](#) (<https://www.federalregister.gov/documents/2014/09/09/2014-20926/disposal-of-controlled-substances>)

Should citizens remove the pill bottle labels or remove the substances from the pill bottles that contain them?

Citizens are welcome to remove container contents and labels. They are welcome to dispose of all of the items which will be commercially incinerated. The key is to make them feel comfortable in participating.

Where can I find information regarding the Arkansas drug take back?

All resources can be found at artakeback.org or by downloading the artakeback link from the free "Narcansas" app.



Promoting Arkansas Drug Take Back Day

Helpful Information

Template for your law enforcement agency

Procedure

Surrendering of controlled substances

The local law enforcement agency will provide an easily accessible and secure drop box in the lobby of the police or sheriff's department or areas under their physical control. Public access and deposits to the drop box will be available any time, day or night, by placing controlled substances in the labeled drop slot.

Collection of controlled substances in drop box

1. The locked access door to the drop box must be limited to a law enforcement designee. A backup key will be located in the main evidence locker for evidence personnel to assist in emptying the medication drop box.
2. The controlled substances drop box shall be emptied as needed.
3. All controlled substances will be collected and transferred to evidence room (a secure location within the police department) until documentation can be completed.

Collection of non-evidentiary controlled substances by officers

1. When collected at a law enforcement agency, officers may turn controlled substances over to their designated drug drop box.
2. When collection takes place away from the law enforcement agency to include, but not limited to, Hospice deaths, the following shall take place:
 - All controlled substances collected shall be placed in a self-sealing evidence bag (SSEB).
 - A property receipt will be given to the person releasing control of the medication.
 - The sealed bag and receipt shall be transferred to the on-duty supervisor, who will place them into the temporary evidence locker.
3. The requirements listed above are not necessary when collecting controlled substances at a sanctioned drug take back event.

Documenting controlled substances

1. Agencies will be responsible for packaging, sealing and initial weighing of the collected controlled substances. Agencies should limit the cardboard boxes (no bags) to 50-pound packages. DEA will provide boxes if needed.
2. An SIU monthly report will be prepared documenting the amounts surrendered each month. (Steps may vary.)

Instructions for Installing the Kiosk

Kiosk Unpacking & Mounting

User Instructions



Kiosk Unpacking

The Kiosk may come with a 3-pack Mail Back Kit on the pallet. If this is the case, remove the shrink wrap, and store your extra Mail Back Kits in a safe place.

1. Remove the exterior black poly strapping with a pair of scissors or utility knife. Once free, remove the four corner protectors and the box housing the kiosk.
2. Remove the kiosk's inner black strapping, corner protectors and plastic liner. (Take care not to scratch the kiosk when freeing it.)
3. You will find keys affixed to the hopper handle. Use the keys to open the main access door. (I) (4 anchor bolts and Installation Instructions will be found on the inner right wall of the kiosk)



(I)

Tools Needed:

- 3/4" Wrench
- Hammer
- Hammer Drill
- 1/2" Concrete Appropriate Drill Bit

Included hardware:

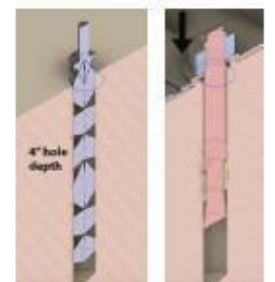
- Stainless Steel Wedge Anchors (4)
- Stainless Steel Washer and Nut (4)

Kiosk Mounting

1. Place your kiosk on a level, concrete or stone surface where you ultimately want it located. (Be sure your kiosk is in an area where there is enough clearance on the right side to open the access door a full 180 degrees.)
2. Trace the outer diameter of the four 5/8" holes in the bottom of the kiosk onto the floor. (Once marked, set the kiosk aside.) (II)
3. With the 1/2 inch drill bit, drill four holes — each 4 inches deep—at the center of each mark made in the previous step. (III)
4. Once the holes are drilled, clear any debris and align the Kiosk with the holes.
5. Ensure a washer is on each anchor bolt, making sure each Nut is threaded near the top of each bolt.
6. Insert the 4 stainless steel wedge anchors into the floor holes. (IV)
7. Tap the stainless steel wedge anchors further into their holes with a hammer, then tighten each nut with a 3/4 inch wrench to fully secure the kiosk to the floor.
8. Organize your kiosk-related documents and reference the "Assembling a Take-Back Kit" instructions for the next steps.



(II)



(III)



(IV)

Care Instructions

- If your kiosk has a stainless steel finish, clean it monthly with an oil-based stainless-steel cleaner.
- If your kiosk has a powder coat finish, clean it monthly with warm, mild soap detergent and rinse it well with water.
- Use powered graphite or lock lubricant to smooth lock operation.

Sample Sign-up Sheet for Drug Take Back Day



**National Take Back
Initiative #21
Saturday, October 23, 2021**



Even though you may have participated in previous Take Back events and/or have a permanent drop box, it is VERY important that you register for each Take Back!!! Your information is used to update various databases as well as to provide you with important updates and materials.

Registration Form

Participant Information

Agency Name: _____
Agency Mailing Address: _____
City, State ZIP: _____
Phone Number: _____

Agency Head: _____
Office/Cell Phone: _____
Email: _____

Event Point of Contact: _____
Office/Cell Phone: _____
Email: _____

Collection Site – Name: _____
Physical Address - Street: _____
City, State ZIP: _____

Do you have a Permanent Drop Box? YES _____ NO _____

For DEA planning purposes, please estimate weight of drop box drugs collected since the previous Take Back: _____ POUNDS

Please fax completed forms to 571-362-5152. If more than one collection site will be hosted by your agency, please submit one form for EACH COLLECTION SITE you are hosting.

If you have any questions, please don't hesitate to contact DEA Diversion at 571-362-4565.

Contact Us

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