

ASSEMBLY THIRD READING

AB 1612 (Alanis)

As Amended May 18, 2026

Majority vote

SUMMARY

Requires the Department of Justice (DOJ), upon an appropriation by the Legislature, and in consultation with the Department of Toxic Substances Control (DTSC) and other relevant state and local agencies, to develop and publish guidance, on DOJ's internet website, for proper management and disposal of controlled substances in the possession of a local or state law enforcement agency.

Major Provisions**COMMENTS**

California Hazardous Waste Control Law (HWCL): The HWCL is the state's program that implements and enforces federal hazardous waste law in California and directs DTSC to oversee and implement the state's HWCL. Any person who stores, treats, or disposes of hazardous waste must obtain a permit from DTSC. The HWCL covers the entire management of hazardous waste, from the point the hazardous waste is generated, to management, transportation, and ultimately disposal into a state or federal authorized facility.

Managing pharmaceutical waste from take-back events: In 2018, the United States Environmental Protection Agency (US EPA) issued a memorandum which provides law enforcement agencies with information on how to more cost effectively manage household pharmaceuticals collected in take-back programs. Specifically, the memorandum describes the various options law enforcement agencies can use to transport and destroy household pharmaceuticals collected in take-back programs consistent with the applicable regulations under US EPA, the Drug Enforcement Administration (DEA), Department of Transportation (DOT), and United States Postal Service (USPS). In the memo, US EPA clarifies that law enforcement agencies should NOT use "burn barrels" or any other uncontrolled open burning method or technology to destroy household pharmaceuticals collected during take-back events or in take-back kiosks.

US EPA also clarifies that law enforcement agencies are not required to drive collected household pharmaceuticals to a combustion facility. The collected pharmaceuticals can be sent for destruction via common carrier (in accordance with DEA and DOT or USPS procedures) for destruction at:

- 1) Hazardous waste combustors;
- 2) Large and small municipal waste combustors;
- 3) Hospital, medical, and infectious waste incinerators;
- 4) Commercial and industrial solid waste incinerators; or,

5) Very small municipal waste combustors that are regulated as other solid waste incinerators.

In the memorandum, US EPA additionally recommends that the collected household pharmaceuticals from take-back events be sent to a permitted hazardous waste combustor as this is the most environmentally protective approach.

DEA regulations require that collected household pharmaceuticals be destroyed in a manner that meets DEA's non-retrievable standard. DEA has indicated that incineration meets its non-retrievable standard of destruction.

Although law enforcement is not required to meet the DEA regulations that apply to DEA registrants, the DEA regulations state, "Any controlled substances collected by law enforcement through a take-back event, mail-back program, or collection receptacle should be transferred to a destruction location in a manner that prevents the diversion of controlled substances." As a result, US EPA assumes that law enforcement will also choose to meet DEA's non-retrievable standard of destruction for the household pharmaceuticals it collects to prevent the diversion of the controlled substances.

Important note: The US EPA guidance above is for law enforcement when administering a household pharmaceutical take back event. The guidance does not provide information for law enforcement when managing seized controlled substances. Regardless of whether the substance is a pharmaceutical from a take back event, or a seized controlled substance, it must be destroyed in a facility authorized under state and federal law to accept and destroy the substance.

Limited exemption from the HWCL for controlled substances: DTSC's regulations (California Code of Regulations, 22 Section 66261.4) provide for a conditional exemption from the HWCL for controlled substances if the controlled substances meet specified conditions. Additionally, the regulations require the controlled substances to be managed in accordance with the requirements within the regulation, which include the incineration of the controlled substances under specified requirements and limitations.

Confusion with managing seized controlled substances: With the introduction of this bill, it appears that several law enforcement agencies are unsure of the procedures for destroying seized controlled substances. While these controlled substances are similar to pharmaceuticals from a take back event, they are not the same. There is federal guidance for law enforcement on how to manage and destroy pharmaceuticals from a take back event, however there does not appear to be such guidance for seized controlled substances. It could be helpful for law enforcement if DTSC or another state agency were to post and disseminate guidance on how to properly transport and destroy seized controlled substances.

This bill: AB 1612 aims to assist law enforcement agencies with managing and destroying seized controlled substances. Specifically, this bill requires the DOJ, upon an appropriation by the Legislature, and in consultation with DTSC and other relevant state and local agencies, to develop and publish guidance, on DOJ's internet website, for proper management and disposal of controlled substances in the possession of a local or state law enforcement agency.

According to the Author

"California law enforcement agencies are seizing increasing volumes of dangerous controlled substances like fentanyl, methamphetamine, and heroin, yet there is currently no uniform pathway for their disposal. Following the closure of California's last in-state incineration

facilities, agencies have been forced into a patchwork of inadequate alternatives including prolonged storage that exposes officers to lethal substances, costly and risky out-of-state transport, or disposal methods that are less secure and more harmful to the environment. AB 1612 addresses this gap by establishing a more coordinated, statewide approach to disposal through the Department of Justice, ensuring law enforcement is no longer left without guidance or support in handling these hazardous materials. This bill is about protecting officers, maintaining chain of custody, and providing a practical, responsible solution to a growing public safety challenge."

Arguments in Support

According to the California Police Chiefs Association:

"For decades, law enforcement agencies have relied on centralized incineration facilities to safely destroy seized narcotics and other hazardous contraband. However, the recent closure of California's remaining large-scale incineration facilities has created a significant gap in the state's ability to dispose of these materials. As a result, agencies are now left without a reliable in-state option for destruction, forcing departments to identify alternative methods that are often inefficient, costly, and potentially unsafe.

In the absence of local disposal capacity, many agencies are now required to transport seized drugs and contraband over long distances, in some cases traveling across the state or even out of state to access appropriate facilities. This process requires significant coordination, including the use of sworn personnel, secure transport protocols, and extended time away from core public safety duties. These burdens are particularly acute for smaller and mid-sized departments that lack the staffing and resources to absorb these additional responsibilities.

At the same time, the volume of seized narcotics—particularly fentanyl and other dangerous controlled substances—continues to increase. Without timely disposal options, agencies are experiencing growing backlogs of evidence that must be securely stored for extended periods. This creates additional risks, including potential diversion, contamination concerns, and increased liability associated with maintaining large quantities of hazardous materials in evidence facilities."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Appropriations Committee, enactment of this bill could lead to one-time General Fund cost pressure for DOJ, and, to a lesser extent, DTSC, to hire limited-term staff or contract with an outside entity or subject matter expert to develop and publish the required guidance. Implementation of the bill is subject to an appropriation by the Legislature.

VOTES

ASM ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: 7-0-0

YES: Connolly, Ellis, Bauer-Kahan, Castillo, Lee, McKinnor, Papan

ASM PUBLIC SAFETY: 9-0-0

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Aguiar-Curry, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

ABS, ABST OR NV: Hoover, Dixon, Ta, Tangipa

UPDATED

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