
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 1612 (Alanis) - Disposition of controlled substances

Version: May 18, 2026

Urgency: No

Hearing Date: August 3, 2026

Policy Vote: PUB. S. 6 - 0

Mandate: No

Consultant: Bob Franzoia

Bill Summary: AB 1612 would require the Department of Justice (DOJ), upon an appropriation, in consultation with the Department of Toxic Substances Control and other relevant state agencies, to develop guidance for the proper management and disposal of controlled substances in the possession of a local police department, sheriff's office or state law enforcement agency.

Fiscal Impact: Estimated \$325,000 in FY 2027-28 and \$450,000 in 2028-29, subject to appropriation, likely decreasing to minor in future years to DOJ to develop and publish guidance. (General Fund)

Likely similar costs to the DTSC and other entities with the California Environmental Protection Agency (CalEPA) to assist in developing guidance and for technical expertise. (various special funds).

Unknown costs, none to significant one time and ongoing to adopt regulations as needed. (various special funds, General Fund)

Background: The California Hazardous Waste Control Law (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.

In 2018, the US Environmental Protection Agency issued a memorandum which provides law enforcement agencies with information on how to more cost effectively manage household pharmaceuticals collected in take-back programs. 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.

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.

This US EPA guidance 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.

Staff Comments: While there are clear processes for destroying controlled substances in a take-back event, the procedures for law enforcement when destroying seized controlled substances are less clear. While these controlled substances are similar to pharmaceuticals from a take-back event, they are not the same. Prior to 2022, these materials were destroyed at the state's two municipal solid waste incinerators.

In 2022, AB 1857 (Christina Garcia) Chapter 342/2022 removed the 10 percent diversion credit for waste sent to incinerators under the California Integrated Waste Management Act, reclassifying incineration as disposal and accelerating closures amid zero-waste mandates. By 2024, both facilities shut down, leaving agencies with no reliable in-state option.