

Date of Hearing: April 14, 2026

ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY AND TOXIC MATERIALS

Damon Connolly, Chair

AB 1612 (Alanis) – As Introduced January 21, 2026

SUBJECT: Incineration of controlled substances: California Environmental Quality Act: law enforcement exemption

SUMMARY: Authorizes the Department of Justice (DOJ) to contract with a third party to dispose of all controlled substances received from a local police department, sheriff's office, or state law enforcement agency. Specifically, **this bill:**

- 1) Authorizes the DOJ to, upon an appropriation by the Legislature, contract with a third party to dispose of all controlled substances received from a local police department, sheriff's office, or state law enforcement agency.
- 2) Authorizes a local police department, sheriff's office, or state law enforcement agency in possession of a controlled substance to, if the controlled substance has been held beyond the applicable retention period for an ongoing investigation or related proceedings and they are otherwise authorized by law to destroy the controlled substance, transport the controlled substance to the DOJ for disposal.
- 3) Requires the DOJ to promulgate regulations necessary to implement the provisions of this bill.

EXISTING LAW:

- 1) Establishes the federal Resource Conservation and Recovery Act (RCRA) to authorize the United States Environmental Protection Agency (US EPA) to manage hazardous and non-hazardous wastes throughout the wastes' life cycle. (42 United States Code (U.S.C.) § 6901 et seq.)
- 2) Creates the Hazardous Waste Control Law (HWCL) and provides the Department of Toxic Substances Control (DTSC) with responsibility for overseeing the management of hazardous waste in California. (Health and Safety Code (HSC) § 25100, et seq.)
- 3) Defines hazardous wastes as those identified in regulation by DTSC; wastes categorized as hazardous under RCRA; and, extremely hazardous waste and acutely hazardous waste. (HSC § 25117)
- 4) Defines a hazardous waste as a federal RCRA hazardous waste if it meets any of the following criteria:
 - a) It exhibits any of the characteristics of ignitability, corrosivity, reactivity, or toxicity;
 - b) It is listed as a hazardous waste under federal regulation; and,
 - c) It is listed as a hazardous waste under state regulation. (22 California Code of Regulations § 66261.100)
- 5) Prohibits the disposal of any hazardous waste when the disposal is at a facility that does not have a permit from DTSC. (HSC § 25189.5)

- 6) Prohibits the owner or operator of a storage facility, treatment facility, transfer facility, resource recovery facility, or disposal site from accepting, treating, storing, or disposing of hazardous waste at the facility, area, or site, unless the owner or operator holds a hazardous waste facility permit or other grant of authorization from DTSC. (HSC § 25201)
- 7) Provides that a person who is found to have operated a site for the purpose of manufacturing an illegal controlled substance or a precursor of an illegal controlled substance is the generator of a hazardous substance at, or released from, the site that is subject to removal action. Additionally, provides that during the removal action, DTSC, the county health department, the local environmental health officer, or their designee may sign the hazardous waste manifest as the generator of hazardous waste. (HSC § 79370)
- 8) Creates the "California Uniform Controlled Substances Act." (Act) (HSC § 11000)
- 9) Defines "controlled substance" as a drug, substance, or immediate precursor which is listed in any schedule listed in law. (HSC § 11007)
- 10) Designates controlled substances listed in Schedule I that are possessed, transferred, sold, or offered for sale in violation of the Act as contraband and requires them to be seized and summarily forfeited to the state. (HSC § 11475)
- 11) Requires all seizures of controlled substances, instruments, or paraphernalia used for unlawfully using or administering a controlled substance which are in possession of any city, county, or state official as found property, or as the result of a case in which no trial was had or which has been disposed of by way of dismissal or otherwise than by way of conviction, to be destroyed by order of the court, unless the court finds that the controlled substances, instruments, or paraphernalia were lawfully possessed by the defendant. (HSC § 11473.5)
- 12) Authorizes, under a court order for the destruction of controlled substances, instruments, or paraphernalia, the court order to be carried out by a police or sheriff's department, the Department of Justice, the Department of the California Highway Patrol, the Department of Cannabis Control, or the Department of Alcoholic Beverage Control. Requires the court order to specify the agency responsible for the destruction. (HSC § 11474)
- 13) Requires a law enforcement agency responsible for the disposal of any hazardous chemical to comply with the provisions of the HWCL (Chapter 6.5 commencing with Section 25100 of Division 20 of the HSC), as well as all applicable state and federal statutes and regulations. (HSC § 11479.5)

FISCAL EFFECT: Unknown.

COMMENTS:

Need for the bill: 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."

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.

Household hazardous waste (HHW): HHW is a waste generated by a resident and household. A person generates this waste while performing tasks in and around their home. When a person disposes of these products, they become "household hazardous waste". These wastes may cause harm to human health and the environment if handled or disposed of incorrectly. The safest place for a resident to take their HHW is to a household hazardous waste facility (HHWF). Common HHW includes, but is not limited to, antifreeze, glue and adhesives, pesticides, used oil, batteries, electronic wastes, and household cleaners. In California, HHW is prohibited from being disposed of in the trash, down the drain, or by abandonment, and must be disposed of through a HHW Program. Most HHWFs are run by local government agencies such as cities or counties.

Managing pharmaceutical waste from take-back events: In 2018, the 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, Drug Enforcement Administration (DEA), Department of Transportation (DOT), and U.S. 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.

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, the bill authorizes the DOJ to contract with a third party to dispose of [destroy] controlled substances from local law enforcement agencies.

Arguments in support: None on file.

Arguments in opposition: None on file.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

Analysis Prepared by: Josh Tooker / E.S. & T.M. / (916) 319-3965