

# Supreme Court Kills Pharma Stewardship Challenge

---

June 2015

On May 26th, the Supreme Court of the United States declined to hear a challenge to *Pharmaceutical Research and Manufacturers of America (PhRMA) v. County of Alameda*. The case sought to overturn a Ninth Circuit Court of Appeals decision (768 F.3d 1037 (9th Cir. 2014)) upholding an ordinance requiring drug manufacturers to implement unwanted-drug take-back schemes. In a rare show of unity, the research and generic sides of the pharmaceutical industry had jointly filed suit against the county, arguing that the ordinance imposed an unconstitutional burden on interstate commerce. The “denial of certiorari” by the Supreme Court means that pending programs in Alameda County, San Francisco and San Mateo, California, and King County, Washington, will now proceed. These programs likely will create templates for similar programs in other cities and counties.

## Authors

---

David B. Weinberg  
Senior Counsel  
202.719.7102  
dweinberg@wiley.law

## Practice Areas

---

Environment & Product Regulation