

SENATE BILL REPORT

SB 5279

As Reported by Senate Committee On:
Health & Long-Term Care, January 28, 2010
Ways & Means, February 9, 2010

Title: An act relating to providing safe collection and disposal of unwanted drugs from residential sources through a producer provided and funded product stewardship program.

Brief Description: Providing for the safe collection and disposal of unwanted drugs from residential sources through a producer provided and funded product stewardship program.

Sponsors: Senators Kline, Ranker, Rockefeller, Pridemore, Oemig, Regala, Franklin, Murray, Kauffman, Fairley, Kohl-Welles, Haugen, McAuliffe, Pflug, Shin and McDermott.

Brief History:

Committee Activity: Health & Long-Term Care: 2/04/09, 1/14/10, 1/28/10 [DPS-WM, DNP, w/oRec].

Ways & Means: 2/08/10, 2/09/10 [DP2S, DNP, w/oRec].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5279 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug, Ranking Minority Member; Fairley and Murray.

Minority Report: Do not pass.

Signed by Senators Becker and Marr.

Minority Report: That it be referred without recommendation.

Signed by Senator Parlette.

Staff: Edith Rice (786-7444)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5279 be substituted therefor, and the second substitute bill do pass.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Fairley, Keiser, Kline, Kohl-Welles, McDermott, Murray, Oemig, Pflug, Pridemore and Rockefeller.

Minority Report: Do not pass.

Signed by Senators Honeyford and Schoesler.

Minority Report: That it be referred without recommendation.

Signed by Senators Zarelli, Ranking Minority Member; Brandland, Carrell, Hewitt and Parlette.

Staff: Jenny Greenlee (786-7711)

Background: Most prescription drugs and over-the-counter medications used in households are disposed of with household trash or down the drain into a sewer or into a septic system. This provides an opportunity for accidental drug exposure and drug abuse, and places drugs where they may enter the water and soil.

The Board of Pharmacy within the Washington State Department of Health, the U.S. Drug Enforcement Administration, and the Washington Department of Ecology (DOE) regulate pharmaceutical waste in Washington. Efforts have been made in recent years by local government and non-profit groups to address the issue of proper drug disposal.

Summary of Bill (Recommended Second Substitute): A product stewardship program is created beginning in January 2013. The program requires producers of legend, non-legend, brand name, and generic drugs to participate in this program to dispose of unwanted products from residential sources regardless of who produces the unwanted product. The product stewardship program must be approved by the Board of Pharmacy (board) with updates every four years. Beginning in 2014 an annual report must be submitted to the board describing participants, the amount of product collected, a description of the collection system, and the disposal facility utilized.

Provisions are made for penalties to be assessed by the board against a producer who is not in compliance with the product stewardship program. A report is due to the Legislature on December 31, 2015. The Department of Health can establish fees to be assessed to producers or operators of the product stewardship program.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Second Substitute): The authority to loan from the state toxics control account is removed.

EFFECT OF CHANGES MADE BY HEALTH & LONG-TERM CARE COMMITTEE (Recommended First Substitute): Some requirements for detailed information in the plan relating to transporters and hazardous waste facilities are removed. The report no longer requires certain information related to packaging, penalties, methodology, and compliance. Authority for the board to require other information is removed.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Proposed Substitute As Heard in Committee (Health & Long-Term Care): PRO: We need to get prescription drugs out of circulation where they are easily accessed by those who abuse them. This is a public health issue. There is no legal way to dispose of prescription drugs. More people die in Washington from overdoses of prescription drugs than from motor vehicle accidents. Pharmaceuticals are toxic waste and it should be the responsibility of the industry to clean it up. The street value of these drugs is enormous. Washington should be aggressive about addressing this problem.

CON: We support consumer education for proper disposal of drugs. The industry already has a program to educate the public about proper disposal in a landfill. The program in Canada (B.C.) has no evidence that shows that accidental exposures or pollution levels have been affected. There is no evidence that these programs work. This bill is premature. This mandate is overly broad. We should have a voluntary program and build on it.

Persons Testifying (Health & Long-Term Care): PRO: Senator Kline, prime sponsor; Representative Dawn Morrell; Commander Pat Slack, Snohomish County Drug Task Force; Scott De Puy, Ryan's Solution, SAMA Foundation; Shirley Reitz, Group Health Cooperative; Eric Nolan, Clark County Sheriff's Office; Bill Benedict, Clallam County Sheriff's Office; Dave Peters, Kitsap County Solid Waste; Jim Cooper, Washington Association of Substance Abuse and Violence Prevention; Lisa Butler, Washington State Hospice and Palliative Care Organization; Margaret Shield, Local Hazardous Waste Management Programs.

CON: Jeff Gombosky, Pharmaceutical Research and Manufacturers of America; Grant Nelson, Association of Washington Business; Andrew Fish, Consumer Healthcare Products Association.

Staff Summary of Public Testimony on Recommended First Substitute (Ways & Means): PRO: Group Health has been operating a very successful pilot project to collect unwanted medication. The costs have been minimal to run the program. Despite no advertising of the Group Health program, usage has only increased, not decreased. Under current law, law enforcement is the only entity that can collect controlled substances. Many counties are interested in replicating this program. This bill will help prevent accidental poisoning, prescription drug abuse, and environmental contamination. Accidental overdoses represent a huge burden to the medical system. There is no single answer to these complicated issues but this is a critical first step. These programs would be designed and financed by drug producers, which offers them flexibility. The bill is budget neutral because a fee allows recouping of agency oversight costs. The potential cost of a statewide drop off program is \$644,000 a year, which works out to half a penny per unit of drugs sold. These programs protect public safety and the environment. We should cover the whole state with these programs and this bill provides sustainable funding for that effort.

CON: This bill will increase prices for drugs including generic drugs, increasing costs to patients and the State of Washington. It's been difficult to determine what kind of program we are buying. Costs have shifted in fiscal notes from \$350,000 a biennium to \$600,000. A program similar to one offered in Maine could cost Washington as much as \$9 million. Industry analysts state that this program could cost as much as \$18 million. These types of programs are not proven to help accidental poisoning, drug abuse or environmental contamination. The fiscal note doesn't represent the costs for the producers to develop this program. This bill is overly broad because it covers legend and non-legend drugs. Non-legend drugs are over the counter and can include products like toothpaste and lip balm. This bill requires these to be disposed of in the same way as prescription drugs.

Persons Testifying (Ways & Means): PRO: Commander Pat Slack, Snohomish County Regional Drug Task Force; Shirley Reitz, Group Health Cooperative; Karen Bowman, Washington State Nurses Association; Margaret Shield, Local Hazardous Waste Management Program in King County.

CON: Jeff Gombosky, Pharmaceutical Research and Manufacturers of America; Linda Hull, Washington Biotechnology and Biomedical Association; Peter Schrappen, Mylan; Scott Sigmon, Consumer Health Products Association.