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**SENATE BILL 5577**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Braun and Cleveland

AN ACT Relating to pharmaceutical waste; and creating new sections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  (1) The legislature finds that health care workers operate in an increasingly complex regulatory environment that can affect their core mission of treating illness and saving lives. In the course of treatment, health care providers must immediately sort pharmaceutical and medical waste into specific waste streams according to the nature and type of the waste, including regulated biomedical waste, wastes regulated as state-only dangerous waste under chapter 70.105 RCW, and wastes regulated as hazardous under the federal resource conservation and recovery act, 42 U.S.C. Sec. 6901 et seq.

(2) The legislature finds that the regulation of pharmaceuticals by the department of ecology under chapter 70.105 RCW and the department's April 2008 interim enforcement policy for pharmaceutical waste in health care has led to persistent confusion by health care workers and inadvertent missorting of wastes into the wrong disposal containers, notwithstanding the efforts of the department and the waste handling companies who collect the waste to repeatedly train health care workers on proper disposal.

(3) The legislature finds that because inadvertently missorted pharmaceutical wastes are often mixed with infectious medical waste, waste handling facilities cannot effectively inspect the incoming wastes because of the health risk such an inspection would pose to handling facility personnel. It is the legislature's intent that the department of ecology develop an approach for regulating pharmaceutical waste that can be effectively implemented and complied with by health care establishments and medical waste handling businesses.

NEW SECTION. **Sec.**  (1) By September 1, 2015, the department shall initiate a negotiated rule-making process under RCW 34.05.310(2)(a) with the state's qualified pharmaceutical waste handling facilities, the Washington hospital association, and other interested parties to develop an alternative to the department's April 2008 interim enforcement policy for pharmaceutical waste.

(2) By September 1, 2016, the department must submit to the appropriate committees of the legislature a report on the status of the rule-making process. Until such time as the rules developed by the department under the negotiated rule-making process become effective, documentation prepared by pharmaceutical waste generators for waste received by qualified pharmaceutical waste handling facilities is presumed to be correct for the purposes of waste characterization under chapter 70.105 RCW. The conditional exclusion set forth in WAC 173-303-071(3)(nn) shall apply to any waste received by a qualified pharmaceutical waste handling facility from a pharmaceutical waste generator.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Department" means the department of ecology.

(b) "Pharmaceutical waste generators" includes hospitals, clinics, and other health care facilities that administer pharmaceuticals.

(c) "Qualified pharmaceutical waste handling facilities" includes facilities that handle state-only pharmaceutical waste destined for disposal at a facility eligible to accept such waste, process medical waste to eliminate biohazards, operate a wastewater treatment plant pursuant to a valid state waste discharge permit issued under chapter 90.48 RCW, and offer appropriate training to pharmaceutical waste generators on sorting and disposal of pharmaceutical waste.

(d) "State-only pharmaceutical waste" includes any controlled substances as defined in chapter 69.50 RCW, legend drugs as defined in chapter 69.41 RCW, and over-the-counter medications as defined in chapter 69.60 RCW that are designated as dangerous waste under rules adopted under chapter 70.105 RCW and that are not a hazardous waste under the federal resource conservation and recovery act, 42 U.S.C. Sec. 6901 et seq.

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