
Environment Committee

HB 1496

Brief Description: Concerning the disposal of residential sharps waste.

Sponsors: Representatives Fitzgibbon, Upthegrove, Cody and Takko.

Brief Summary of Bill

- Requires certain pharmaceutical manufacturers to submit a plan to the Department of Health to provide a free and convenient service for the safe collection and disposal of residential sharps waste.
- Creates civil penalties for pharmaceutical manufacturers who fail to submit, implement, or publish a plan as required, unless they qualify for an exemption.

Hearing Date: 2/10/11

Staff: Courtney Barnes (786-7194).

Background:

State law defines "biomedical waste" and gives local health departments primary responsibility for regulating infectious waste treatment and disposal. Residential sharps waste, a type of biomedical waste, is waste that is generated and prepared for disposal at a residence, apartment, dwelling, or other noncommercial habitat. Sharps waste includes items such as hypodermic needles and lancets that have been removed from the original sterile packaging.

In addition to any local regulations, the following three separate state agencies regulate particular aspects of biomedical waste handling, transportation, and disposal:

- The Department of Labor and Industries (L&I) administers provisions of the Washington Industrial Safety and Health Act preventing occupational exposure to the hepatitis B virus and the human immunodeficiency virus transmitted through medical wastes. The L&I also implement's the federal Bloodborne Pathogen Standards.

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- The Washington Utilities and Transportation Commission specifies how biomedical wastes are to be handled in order to protect the health, safety, and welfare of the public, the environment, and the workers who handle the biomedical waste.
- The Department of Ecology (DOE) requires all owners and operators of solid waste incineration facilities to employ an operator certified by the DOE. In addition, the DOE requires medical waste incineration to be conducted so that none of the combustible material is visible after incineration.

A person may not intentionally place unprotected sharps or a sharps waste container into recycling containers provided by a city, county, or solid waste collection company, unless that site is specifically designated by a local health department as a drop-off site for sharps waste containers. Sharps waste may not go into containers in which refuse, trash, or solid waste has been placed for collection if a source separated collection service is provided for residential sharps waste. A public or private provider of solid waste collection service may provide a program to collect source separated residential sharps waste containers in conjunction with regular collection services.

Summary of Bill:

A pharmaceutical manufacturer (manufacturer) that sells or distributes medication in Washington that is usually intended to be self-injected at home must submit a plan to the DOH.

Plan Requirements.

The plan must describe specific actions the manufacturer will take on and after January 1, 2013 to provide a free and convenient service for the safe collection and disposal of residential sharps waste to all consumers who use the manufacturer's self-injected medications.

The plan must be submitted electronically to the DOH by July 1, 2012, and updated annually. The DOH is required to post all plans received from manufacturers on its web site. Manufacturers must also post a copy of their plan on their web site.

The plan must be accompanied by a filing fee. The DOH is required to determine the amount of the filing fee based on the estimated cost to the DOH in reviewing the manufacturer's plan and monitoring compliance.

The plan must identify all of the manufacturer's medications that are usually intended to be self-injected. At a minimum, the plan must also include a description of the actions the manufacturer will take to provide:

- patient starter kits or other educational materials on safe needle disposal to new patients;
- free sharps waste containers approved by the U.S. Postal Service for use in a mail program; and
- consumer information about the safe management and proper disposal of needles.

If a plan submitted by a manufacturer does not provide for a free mail program, the plan must include and describe a free and convenient network of retail businesses, such as pharmacies, that the manufacturer will establish to safely collect and dispose of residential sharps waste. The

manufacturer must also describe how it intends to ensure that the public is aware of the collection network.

Penalties.

Manufacturers who fail to submit, implement, or publish a plan as required are subject to civil penalties of \$5,000 per day per violation.

Exemption.

A manufacturer is not required to submit a plan to the DOH if the manufacturer provides an annual written notice to the DOH that the manufacturer: (a) has previously submitted a plan to an agency of state government that documents that the manufacturer has arranged to provide a free sharps waste container to consumers for use in a mail program; and (b) is continuing to provide a free and convenient mail program to Washington residents.

Other.

Filing fees and civil penalties collected by the DOH must be deposited into the State Toxics Control Account. Expenses to cover the costs of administering the requirements of the bill must be paid from the State Toxics Control Account.

The DOH may adopt rules, as necessary, for the purpose of implementing, administering, and enforcing the requirements created by the bill.

Appropriation: None.

Fiscal Note: Requested on 1/24/11.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.