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**ENGROSSED 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 a complex regulatory environment that can affect their core mission of treating illness and saving lives.

(2) It is the legislature's intent that the department of ecology, with input from the regulated community, develop a consistent, statewide approach for regulating pharmaceutical waste that most effectively helps health care establishments, and pharmaceutical and medical waste handling businesses implement and comply with the regulation of pharmaceutical wastes under chapter 70.105 RCW.

(3) It is the intent of the legislature that the department of ecology implement consistent regulatory oversight of pharmaceutical waste management facilities in the state in order to support a level playing field.

NEW SECTION. **Sec.**  (1) By September 1, 2015, the department shall convene a work group to identify the problems of properly managing pharmaceutical wastes and recommend solutions to improve management of these wastes at the site of generation through treatment or disposal by commercial waste management facilities. The work group may develop recommendations including, but not limited to, new or revised policies to be issued by the department, recommendations for ensuring consistent interpretation and implementation of existing rules, recommendations for amendments to chapter 70.105 RCW or rules adopted pursuant to chapter 70.105 RCW, and recommendations on how the department will implement consistent regulatory oversight of pharmaceutical waste management facilities that receive waste from sources statewide. The work group must provide recommendations to the appropriate fiscal and policy committees of the legislature by December 31, 2015.

(2) The members of the work group must include representatives of state agencies, including the department, the department of health, and the department of labor and industries, the state's qualified pharmaceutical waste handling facilities, a statewide association representing medical doctors, hospitals and other health care providers, and other parties with expertise in the field of pharmaceutical waste management. To facilitate the work group, the department must hire a consultant that is on the state list of qualified contractors with expertise in the federal resource conservation and recovery act.

(3) In order to promote an open dialogue on the challenges of managing pharmaceutical wastes at the site of generation and by commercial waste management companies, the department may not use information shared by pharmaceutical waste generators or pharmaceutical waste handling facilities during work group meetings for enforcement purposes unless the department determines that an activity being performed at a facility or conditions at a facility: (a) Pose an imminent threat of placing a person in danger of death or bodily harm; or (b) have a probability of causing environmental harm.

(4) The legislature encourages the department to exercise its enforcement discretion with regard to pharmaceutical waste during the pendency of the work group process described in subsection (1) of this section.

(5) 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 schedule I through V 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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