
ENGROSSED SENATE BILL 5577

State of Washington

64th Legislature

2015 Regular Session

By Senators Braun and Cleveland

Read first time 01/26/15. Referred to Committee on Health Care.

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

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

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that health care
5 workers operate in a complex regulatory environment that can affect
6 their core mission of treating illness and saving lives.

7 (2) It is the legislature's intent that the department of
8 ecology, with input from the regulated community, develop a
9 consistent, statewide approach for regulating pharmaceutical waste
10 that most effectively helps health care establishments, and
11 pharmaceutical and medical waste handling businesses implement and
12 comply with the regulation of pharmaceutical wastes under chapter
13 70.105 RCW.

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

18 NEW SECTION. **Sec. 2.** (1) By September 1, 2015, the department
19 shall convene a work group to identify the problems of properly
20 managing pharmaceutical wastes and recommend solutions to improve

1 management of these wastes at the site of generation through
2 treatment or disposal by commercial waste management facilities. The
3 work group may develop recommendations including, but not limited to,
4 new or revised policies to be issued by the department,
5 recommendations for ensuring consistent interpretation and
6 implementation of existing rules, recommendations for amendments to
7 chapter 70.105 RCW or rules adopted pursuant to chapter 70.105 RCW,
8 and recommendations on how the department will implement consistent
9 regulatory oversight of pharmaceutical waste management facilities
10 that receive waste from sources statewide. The work group must
11 provide recommendations to the appropriate fiscal and policy
12 committees of the legislature by December 31, 2015.

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

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

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

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

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

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

4 (c) "Qualified pharmaceutical waste handling facilities" includes
5 facilities that handle state-only pharmaceutical waste destined for
6 disposal at a facility eligible to accept such waste, process medical
7 waste to eliminate biohazards, operate a wastewater treatment plant
8 pursuant to a valid state waste discharge permit issued under chapter
9 90.48 RCW, and offer appropriate training to pharmaceutical waste
10 generators on sorting and disposal of pharmaceutical waste.

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

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