
HOUSE BILL 2360

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66th Legislature

2020 Regular Session

By Representatives Peterson, Fitzgibbon, Robinson, Orwall, Macri, Doglio, Cody, and Riccelli

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1 AN ACT Relating to the sharps waste stewardship program; adding
2 new sections to chapter 70.95 RCW; repealing RCW 70.95K.030; and
3 providing an effective date.

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

5 NEW SECTION. **Sec. 1.** INTENT. The legislature finds that sharps
6 are a necessary medical technology that are commonly used by
7 consumers outside of health care settings to treat medical conditions
8 including diabetes, multiple sclerosis, allergies, infertility,
9 arthritis, hepatitis, HIV, blood clotting disorders, migraines,
10 psoriasis, and cancer. Consumers dispose of large numbers of used
11 needles, syringes, auto-injectors, and lancets each year. Because
12 they pierce the skin, used sharps may be contaminated with blood-
13 borne pathogens, including hepatitis and HIV, but consumers are often
14 confused about how to properly dispose of this biohazardous waste or
15 do not have safe disposal options available to them.

16 The legislature finds that putting used sharps into the trash or
17 flushing them down the toilet is a health risk to others. Consumers
18 often do not have a proper sharps waste container and may substitute
19 thin plastic bottles that are not puncture resistant. Mail-back
20 services or drop-off programs for filled sharps waste containers are
21 not convenient or affordable for many residents. Currently sharps

1 drop-off locations are available in fewer than half of Washington
2 counties. Used sharps are routinely found in waste and recycling
3 containers, on sort lines in recycling facilities, and discarded in
4 public places including parks and playgrounds. Local governments,
5 local health departments, police and fire agencies, and parks
6 departments, are burdened with increasing costs of programs to
7 collect, cleanup, and dispose of used sharps.

8 The legislature finds that improperly disposed or discarded used
9 medical sharps, including needles, injection devices with attached
10 needles, and lancets, are a serious public health risk for
11 needlestick injuries and spread of infectious diseases to Washington
12 residents, waste and recycling industry workers, custodial and
13 maintenance workers, and public employees. Even if a needlestick
14 injury does not cause infection, it can have significant impacts on
15 victims who must be tested and wait for days or months to know if
16 they have contracted a communicable disease which may be life-
17 threatening.

18 The legislature finds that Washington does not have a uniform,
19 convenient, and safe sharps disposal program.

20 Therefore, the legislature intends to establish a uniform,
21 effective, statewide system for safe disposal of sharps waste from
22 consumers that is funded and operated by manufacturers of sharps and
23 injectable drugs in order to protect public health and safety and to
24 reduce the improper disposal of sharps in solid waste and recycling
25 systems.

26 NEW SECTION. **Sec. 2.** DEFINITIONS. (1) "Department" means
27 department of health.

28 (2) "Drop-off programs" means those program sites designated by
29 the solid waste planning jurisdiction where sharps users may dispose
30 of their sharps containers.

31 (3) "Drugs" means:

32 (a) Substances recognized as drugs in the official United States
33 pharmacopoeia, official homeopathic pharmacopoeia of the United
34 States, or official national formulary, or any supplement to any of
35 them;

36 (b) Substances intended for use in the diagnosis, cure,
37 mitigation, treatment, or prevention of disease in human beings or
38 animals;

1 (c) Substances other than food, minerals, or vitamins that are
2 intended to affect the structure or any function of the body of human
3 beings or animals; and

4 (d) Substances intended for use as a component of any article
5 specified in (a), (b), or (c) of this subsection.

6 (4) "Local health department" means the city, county, city-
7 county, or district public health department.

8 (5) "Mail programs" means those programs that provide sharps
9 users with a multiple barrier protection kit for the placement of a
10 sharps container and subsequent mailing of the wastes to an approved
11 disposal facility.

12 (6) "Manufacture of drugs" has the same meaning as "manufacture"
13 in RCW 18.64.011.

14 (7) "Pharmacy return programs" means those programs where sharps
15 containers are returned by the user to designated return sites
16 located at a pharmacy to be transported by a biomedical or solid
17 waste collection company approved by the utilities and transportation
18 commission.

19 (8) "Private label distributor" means a company that has a valid
20 labeler code under 21 C.F.R. Sec. 207.17 and markets a drug usually
21 intended to be injected outside a health care setting under its own
22 name, but does not perform any manufacturing.

23 (9) "Public agency" means any state, tribal government, city,
24 town, municipal corporation, or special purpose district, or any
25 subdivision, office, department, division, bureau, board, commission,
26 or agency thereof, including but not limited to health departments,
27 law enforcement agencies, fire departments, and public waste
28 agencies.

29 (10) "Repackager" means a person who owns or operates an
30 establishment that repacks and relabels a product or package
31 containing a sharp or a drug usually intended to be injected outside
32 a health care setting for further sale, or for distribution without
33 further transaction.

34 (11) "Residential sharps waste" means sharps waste that is
35 generated and prepared for disposal at a residence, apartment,
36 dwelling, or other noncommercial habitat.

37 (12) "Retail pharmacy" means a place licensed as a pharmacy under
38 chapter 18.64 RCW for the retail sale and dispensing of drugs.

39 (13) "Self-service sharps collection receptacle" means a secure,
40 rigid drop box or kiosk with a permanent outer container and a

1 removable inner container, or a similar technology, that a sharps
2 user may use without assistance for the deposit of sharps waste. The
3 chute or mechanism of a self-service sharps collection receptacle
4 must be able to accept common personal sizes of sharps waste
5 containers and must not allow retrieval of deposited sharps waste.

6 (14) "Sharps" means all hypodermic needles, syringes with needles
7 attached, auto-injectors, IV tubing with needles attached, scalpel
8 blades, lancets, or other similar instrument that is designed to
9 puncture the skin of individuals or animals for medical purposes.

10 (15) "Sharps collection site" means a location participating in
11 an approved sharps stewardship program where sharps waste is accepted
12 or where a self-service sharps collection receptacle is located,
13 including but not limited to pharmacy return programs, drop-off
14 programs, and sharps waste drop boxes operated by public agencies.

15 (16)(a) "Sharps producer" means:

16 (i) A person, corporation, or other entity engaged in the
17 manufacture of drugs sold for use in, distributed in, or used in
18 Washington state that are usually intended to be injected outside a
19 health care setting; and

20 (ii) An entity other than a drug manufacturer that manufactures
21 sharps that are sold for use in, distributed in, or used in
22 Washington state for use outside a health care setting.

23 (b) A sharps producer does not include:

24 (i) A retailer, repackager, or private label distributor that
25 sells a sharp or a drug that is usually intended to be injected
26 outside a health care setting under their label if they do not
27 manufacture the sharp and provided that the manufacturer is
28 identified to the department under section 3 of this act; and

29 (ii) A wholesaler or distributor who is not also the manufacturer
30 of the sharp.

31 (17) "Sharps stewardship program" means a program to collect and
32 dispose of sharps waste that is financed by sharps producers and
33 operated by a sharps producer, a group of sharps producers, or a
34 stewardship organization.

35 (18) "Sharps user" means any resident or consumer within the
36 state that uses one or more sharps for the administration of drugs or
37 blood testing outside a health care setting. "Sharps user" does not
38 include business generators of sharps waste, such as hospitals,
39 clinics, doctor's offices, veterinary clinics, or pharmacies.

1 (19) "Sharps waste" means all hypodermic needles, syringes with
2 needles attached, auto-injectors, IV tubing with needles attached,
3 scalpel blades, and lancets that have been removed from the original
4 sterile package.

5 (20) "Sharps waste container" means a leak-proof, rigid,
6 puncture-resistant red container that is taped closed or tightly
7 lidded to prevent the loss of the sharps waste.

8 (21) "Stewardship organization" means a nonprofit organization
9 designated by a sharps producer or group of sharps producers to act
10 as an agent on behalf of each producer to develop and implement a
11 sharps stewardship program required under this legislation.

12 (22) "Unprotected sharps" means residential sharps waste that are
13 not disposed of in a sharps waste container.

14 NEW SECTION. **Sec. 3.** REQUIREMENT TO PARTICIPATE. (1) Every
15 sharps producer shall participate in a sharps stewardship program
16 that has been approved by the department and complies with the
17 requirements of this chapter. A sharps producer may establish and
18 implement a sharps stewardship program independently, as part of a
19 group of sharps producers, or through membership in a stewardship
20 organization.

21 (2) A manufacturer that becomes a sharps producer after the
22 effective date of this section, must, no later than six months after
23 the date on which the manufacturer's products are sold for use in,
24 distributed in, or used in Washington state, participate in an
25 approved sharps stewardship program or establish and implement an
26 approved sharps stewardship program.

27 (3) No later than ninety days after the effective date of this
28 section, a retail pharmacy, repackager, or private label distributor
29 must provide written notification to the department identifying the
30 sharps producer from which the retail pharmacy, repackager, or
31 private label distributor obtains a sharps product that it sells
32 under its own label.

33 (4) A person or entity that receives a letter of inquiry from the
34 department regarding whether or not it is a sharps producer under
35 this chapter shall respond in writing no later than sixty days after
36 receipt of the letter. If the person or entity does not believe it is
37 a sharps producer for purposes of this chapter, it shall:

38 (a) State the basis for the belief;

1 (b) Provide a list of any sharps or injectable drugs it sells,
2 distributes, repackages, or otherwise offers for sale within the
3 state; and

4 (c) Identify the name and contact information of the manufacturer
5 of the sharps identified under (b) of this subsection.

6 NEW SECTION. **Sec. 4.** PLAN SUBMISSION. (1) No later than sixty
7 days after the adoption of department rules establishing requirements
8 for sharps stewardship program plans as required by section 18 of
9 this act, each sharps producer must independently, with a group of
10 sharps producers, or through a stewardship organization submit a
11 sharps stewardship program plan to the department for approval. The
12 department shall approve a proposed program if the applicant submits
13 a completed application, the proposed program meets the requirements
14 of subsection (2) of this section, and the applicant pays the
15 appropriate fee established by the department under section 13 of
16 this act.

17 (2) To be approved by the department, a proposed sharps
18 stewardship program must:

19 (a) Identify and provide contact information for the official
20 point of contact of the sharps stewardship program and each
21 participating sharps producer;

22 (b) Identify and provide contact information for the
23 participating distributors of sharps waste containers and sharps
24 collection sites for the proposed program;

25 (c) Provide for a distribution and collection system that
26 complies with sections 5, 6, 7, and 8 of this act;

27 (d) Identify any transporters, processing facilities, and waste
28 disposal facilities that the program will use;

29 (e) Adopt policies and procedures to be followed by persons
30 handling sharps collected under the program to ensure safety and
31 compliance with federal, state, and local laws regarding the
32 management of sharps waste;

33 (f) Ensure the security of patient information on sharps
34 packaging during collection, transportation, and disposal;

35 (g) Provide a detailed plan to promote the program as required by
36 section 9 of this act;

37 (h) Demonstrate adequate funding for all administrative and
38 operational costs of the sharps stewardship program, with costs
39 apportioned among participating sharps producers;

1 (i) Set long-term and short-term goals with respect to collection
2 amounts and public awareness and provide a detailed plan for how
3 goals will be achieved during the next four-year period; and

4 (j) Describe the multiyear plan for improving the sharps
5 stewardship program's adherence with the state's waste management
6 goals of reducing waste through reuse, recycling, and recovery of
7 materials through improved program practices and technologies.

8 (3) (a) No later than one hundred twenty days after receipt of a
9 sharps stewardship program plan, the department shall either approve
10 or reject the plan in writing to the applicant. The department may
11 extend the deadline for approval or rejection of a plan for good
12 cause. If the department rejects the plan, it shall provide the
13 reason for rejection.

14 (b) During the review of a sharps stewardship program plan, the
15 department shall solicit and review comments on the plan from public
16 agencies, local health departments, and the department of ecology,
17 and accept comments from members of the public.

18 (c) The department shall make all plans and plan updates
19 submitted under this section available to the public.

20 (d) No later than ninety days after receipt of a notice of
21 rejection under (a) of this subsection, the applicant shall submit a
22 revised plan to the department. The department shall either approve
23 or reject the revised plan in writing to the applicant within ninety
24 days after receipt of the revised plan, including the reason for
25 rejection, if applicable.

26 (e) If the department rejects a revised plan, the department may:

27 (i) Require the applicants to submit a further revised plan;

28 (ii) Develop and impose changes to the revised plan to address
29 deficiencies;

30 (iii) Require the sharps producer or sharps producers that
31 proposed the rejected revised plan to participate in a previously
32 approved sharps stewardship program; or

33 (iv) Find the sharps producer or sharps producers out of
34 compliance with the requirements of this chapter and take enforcement
35 action as provided in section 12 of this act.

36 (4) (a) An approved sharps stewardship program shall initiate
37 program operations, including distribution of sharps waste
38 containers, collection of sharps waste, and program promotion, no
39 later than ninety days after approval of the program plan by the
40 department.

1 (b) An approved sharps stewardship program shall achieve the
2 minimum requirements for number and geographic distribution of sharps
3 collection sites as required by section 8 of this act no later than
4 one hundred eighty days after program operations are initiated.

5 (5) (a) Proposed changes to an approved sharps stewardship program
6 that substantially alter program operations must have prior written
7 approval of the department. A sharps stewardship program shall submit
8 to the department such a proposed change in writing at least thirty
9 days before the change is scheduled to occur. Changes requiring prior
10 approval of the department include changes to participating sharps
11 producers, collection methods, policies and procedures for handling
12 sharps, education and promotion methods, and selection of sharps
13 waste processing and waste disposal facilities.

14 (b) For changes to a sharps stewardship program that do not
15 substantially alter program operations, a sharps stewardship program
16 shall notify the department at least seven days before implementing
17 the change. Changes that do not substantially alter program
18 operations include changes to collection site locations and methods
19 for distributing prepaid, preaddressed mailers.

20 (c) The department shall create an expedited review process for
21 any modifications to an approved sharps stewardship program required
22 by changes to local, state, or federal laws or regulations.

23 (d) An approved sharps stewardship program shall notify the
24 department of any changes to the official point of contact for the
25 program no later than fifteen days after the change. An approved
26 sharps stewardship program must notify the department of any changes
27 in ownership or contact information for participating sharps
28 producers no later than ninety days after such change.

29 (6) No later than four years after a sharps stewardship program
30 initiates operation, and every four years thereafter, participating
31 sharps producers or their stewardship organization shall submit an
32 updated plan to the department describing any substantive changes to
33 program elements described in subsection (2) of this section. The
34 department shall approve or reject the updated plan using the process
35 required in subsection (3) of this section.

36 NEW SECTION. **Sec. 5.** DISTRIBUTION OF SHARPS WASTE CONTAINERS
37 AND MAIL PROGRAM. (1) A sharps stewardship program shall provide
38 sharps waste containers and prepaid mail-back materials to a sharps
39 user or their household member or caregiver, upon request and at no

1 cost. Sharps users can request the number of containers sufficient to
2 accommodate the volume of sharps or injectable drugs used by the
3 sharps user. Travel size sharps waste containers and safe needle
4 clipper devices must also be available upon request.

5 (2) A sharps stewardship program shall provide an ongoing and
6 sufficient supply of sharps waste containers and prepaid mail-back
7 materials upon request and at no cost to the following entities for
8 distribution to and use by sharps users:

9 (a) Pharmacies, doctor's offices, medical clinics, hospitals,
10 veterinary clinics, home health service providers, home hospice
11 programs, and other health and social service providers; and

12 (b) Police stations, fire stations, local health departments, and
13 other public agencies including solid waste programs. The number of
14 sharps waste containers supplied to these entities must be sufficient
15 to provide to residents who participate in public events where
16 containers will be distributed.

17 (3) A sharps stewardship program shall provide an ongoing supply
18 of sharps waste containers and prepaid mail-back materials upon
19 request and at no cost to public libraries, schools, universities,
20 retailers, shopping centers, restaurants, arenas, apartment
21 complexes, and other public facilities that provide sharps disposal
22 containers for their customers, residents, or the public in restrooms
23 or other areas. Upon request, producers must provide wall mount units
24 to securely hold sharps waste containers to these entities at no
25 cost.

26 (4) A sharps stewardship program shall provide a simple process
27 for individuals and entities to request sharps waste containers and
28 mail-back materials through the program's web site and a toll-free
29 phone number. Sharps waste containers and mail-back materials must be
30 sent to the requestor within three business days of a request.
31 Producers may not substitute a voucher, coupon, ordering
32 instructions, or other surrogates for the sharps waste container and
33 mail-back materials.

34 (5) The sharps waste containers provided by the sharps
35 stewardship program must:

36 (a) Be leak-proof, rigid, puncture-resistant red containers and
37 meet all applicable federal and state standards for mailing or
38 shipping sharps waste;

39 (b) Be clearly labeled "not recyclable, do not recycle" and "do
40 not dispose in trash";

1 (c) Include attached materials providing instructions for how the
2 sharps user can either drop off the container at a sharps collection
3 site or mail back the container;

4 (d) Include prepaid postage either affixed to the container or
5 provided in the mail-back materials; and

6 (e) Provide the phone number and web site of the sharps
7 stewardship program on the container's label or on materials included
8 with the container or its packaging.

9 NEW SECTION. **Sec. 6.** PHARMACIES AND OTHER COLLECTION SITES. (1)

10 A sharps stewardship program is required to notify all retail
11 pharmacies, clinics, hospitals, and veterinary clinics in the state
12 of the opportunity to participate as a sharps collection site.
13 Pharmacies selling sharps products are encouraged to participate.

14 (2) A sharps stewardship program must include as a sharps
15 collection site any retail pharmacy, clinic, hospital, or veterinary
16 clinic that offers to participate in the program without
17 compensation. A sharps stewardship program may include other entities
18 as a sharps collection site that are capable of safely managing
19 collected sharps waste in accordance with the policies and procedures
20 of the sharps stewardship program. Collection sites may participate
21 in the sharps stewardship program voluntarily or in exchange for
22 compensation, but nothing in this chapter requires a person or entity
23 to serve as a collection site.

24 (3) A sharps stewardship program shall pay for shipping and final
25 disposal of collected sharps waste and form an agreement with each
26 participating collection site to provide either:

27 (a) An adequate and ongoing supply of prepaid mailing labels and
28 all other packaging and materials required under federal and state
29 regulations for shipping and disposal of each collected sharps waste
30 container; or

31 (b) Services for pick up, transportation, and disposal of
32 consolidated sharps waste containers from the collection site
33 location, including providing transport containers as needed. The
34 sharps stewardship program shall provide a service schedule and
35 process that meets the needs of each collection site. The sharps
36 stewardship program shall ensure that sharps waste is removed as
37 often as necessary to avoid storage containers or self-service
38 collection receptacles reaching capacity, including a process for

1 additional prompt collection service upon notification from the
2 collection site.

3 (4) Participating sharps collection sites:

4 (a) May choose to use a self-service sharps collection receptacle
5 inside the premises of their location that is provided and serviced
6 by the sharps stewardship program or to accept filled sharps waste
7 containers directly from sharps users for mail or pick-up services
8 provided by the sharps stewardship program;

9 (b) Shall accept sharps waste from sharps users during the hours
10 that the collection site is normally open for business with the
11 public;

12 (c) Have the right to refuse to accept unprotected sharps and are
13 encouraged to provide a sharps waste container to any individual
14 attempting to return unprotected sharps; and

15 (d) May not knowingly include any business-generated sharps
16 waste, such as sharps waste from pharmacy or clinic provided health
17 services.

18 NEW SECTION. **Sec. 7.** PUBLIC AGENCY COLLECTION. (1) A sharps
19 stewardship program shall include any public agency that offers to
20 participate in the program.

21 (2) A sharps stewardship program shall reimburse participating
22 public agencies for their costs of operating programs to collect
23 sharps waste from sharps users and from programs operated or approved
24 by the public agency to collect discarded needles.

25 (3) A public agency may accept sharps waste from:

26 (a) Sharps users;

27 (b) Sharps drop-off programs;

28 (c) Local entities collecting sharps waste from sharps users,
29 including those providing public sharps waste containers, such as
30 public libraries, restaurants, retailers, and apartment complexes;

31 (d) Public self-service sharps collection receptacles operated or
32 approved by the public agency;

33 (e) Programs providing cleanup of discarded needles in public
34 areas;

35 (f) Approved contractors of the public agency providing sharps
36 waste services to sharps users; and

37 (g) Facilities removing sharps waste that has contaminated
38 residential waste or recycling streams.

1 (4) A sharps stewardship program shall reimburse participating
2 public agencies for costs of:

3 (a) Purchase and distribution of any sharps waste containers and
4 other collection materials that are not received directly from the
5 sharps stewardship program;

6 (b) Purchase of collection supplies, including self-service
7 sharps collection receptacles, if utilized;

8 (c) Transport of collected sharps from remote collection sites or
9 events to consolidation points;

10 (d) All packaging, liners, secondary containment, and shipping
11 materials required under federal, state, or local regulations,
12 including large shipping containers for consolidation of sharps waste
13 containers, that are not received directly from the sharps
14 stewardship program; and

15 (e) Shipping and final disposal of sharps waste from
16 consolidation points if the sharps stewardship program does not
17 directly provide for shipping and disposal.

18 (5) For shipping and final disposal of sharps waste, a sharps
19 stewardship program shall:

20 (a) Either:

21 (i) Reimburse public agencies or their approved contractors for
22 their costs of transportation and disposal of sharps waste; or

23 (ii) Provide for the removal and disposal of collected sharps
24 waste from consolidation points such as waste transfer stations,
25 municipal buildings, and municipal collection events on a schedule
26 agreed upon with the public agency; and

27 (b) Respond to requests by public agencies in a timely manner and
28 identify the method to resolve the request by selecting either
29 reimbursement or removal from consolidation points.

30 (6) Public agencies or their approved contractors shall invoice
31 the sharps stewardship program for reimbursement of costs, providing
32 proof of payment and proof of disposal as appropriate, no more than
33 once per quarter. Payment must be issued within ninety days of the
34 invoice date.

35 NEW SECTION. **Sec. 8.** COLLECTION SYSTEM. (1) Each sharps
36 stewardship program shall provide collection services, as required in
37 sections 6 and 7 of this act, to support a convenient system of
38 sharps collection sites that provide equitable and reasonably

1 convenient access for residents across the state on an ongoing, year-
2 round basis.

3 (2) At a minimum a sharps stewardship program shall ensure that:

4 (a) Each city or town has at least one sharps collection site,
5 plus at least one additional sharps collection site for every twenty
6 thousand residents;

7 (b) Sharps collection sites in each city are geographically
8 distributed to provide reasonably convenient and equitable access to
9 all residents of the city; and

10 (c) Ninety percent of residents living in unincorporated areas
11 are within a fifteen-mile radius of a sharps collection site.

12 (3) If sharps collection sites cannot be arranged to meet the
13 minimum requirements in subsection (2) of this section in any town,
14 city, or unincorporated area, then the sharps stewardship program
15 shall provide supplemental distribution of sharps waste containers
16 and prepaid mail-back materials to residents of those areas.

17 (4) For residents of islands without sharps collection sites,
18 tribal lands, and geographically isolated populations, a sharps
19 stewardship program must ensure adequate availability and
20 distribution of sharps waste containers and prepaid mail-back
21 materials.

22 (5) The department shall review and approve the supplemental
23 services required in subsections (3) and (4) of this section as part
24 of stewardship plan review and changes to an approved plan.

25 NEW SECTION. **Sec. 9.** PROGRAM PROMOTION. (1) A sharps
26 stewardship program shall finance and provide a statewide promotion
27 system to educate and conduct outreach to patients, health care
28 providers, pharmacists, home care providers, and the general public
29 about how to use the services of the sharps stewardship program and
30 about proper handling and disposal of sharps waste. At a minimum,
31 each program shall:

32 (a) Conduct activities to maximize the awareness of and
33 participation in the sharps stewardship program, including
34 promotional activities that, when considered together, expose at
35 least seventy-five percent of the population to at least three
36 advertising messages during a one-month period at least three times
37 per year;

1 (b) Conduct outreach and education to the diverse ethnic
2 populations of Washington state through translated and culturally
3 appropriate materials and targeted outreach in appropriate languages;

4 (c) Promote program services to pharmacies, health care
5 providers, home care providers and other entities listed in section 5
6 of this act and provide simple instructions for requesting an
7 adequate and ongoing supply of sharps waste containers, mail-back
8 materials, and other materials as required in section 5 of this act.

9 (d) Provide a toll-free phone number and web site publicizing
10 program services that simply and clearly explains how sharps waste
11 containers and mail-back materials may be requested by residents and
12 by other entities as required under section 5 of this act, how the
13 sharps mail program may be used, and where sharps waste may be
14 dropped off at the program's participating sharps collection sites
15 and at sharps drop-off programs operated by other entities in the
16 state such that residents can easily identify, understand, and access
17 sharps collection service provided throughout the state;

18 (f) Discourage residents from disposing of sharps in the solid
19 waste, recycling, or sewer systems; and

20 (g) Distribute educational materials at no cost to pharmacies,
21 doctor's offices, health care facilities, veterinary clinics, local
22 health departments, public agencies, and other interested parties for
23 dissemination to sharps users.

24 (2) If more than one stewardship program is approved, the
25 programs shall coordinate their promotion efforts so that residents
26 are aware of all sharps waste disposal options.

27 (3) Each approved sharps stewardship program shall coordinate
28 education with approved drug take-back programs under chapter 69.48
29 RCW to ensure residents understand how to safely dispose of emptied
30 syringes, auto-injectors, and other drug delivery devices with an
31 attached sharp as sharps waste and how to safely dispose of unused
32 syringes, auto-injectors, and other drug delivery devices containing
33 drugs through the drug take-back program.

34 (4) Pharmacies, health care providers, and entities that sell
35 sharps products in the state are encouraged to promote the sharps
36 stewardship program.

37 (5) Pharmacies that sell sharps products shall distribute
38 materials provided by the sharps stewardship program to customers
39 upon request.

1 (6) (a) Each sharps stewardship program shall conduct a survey of
2 residents and a survey of pharmacists and health care professionals
3 to assess awareness of and effectiveness of the public education
4 about the sharps stewardship program and proper disposal of sharps
5 waste. Surveys shall be conducted after the first full year of
6 operation of an approved sharps stewardship program and again every
7 two years thereafter. Surveys must be suitable for and include
8 ethnically diverse populations. Survey questions must be submitted to
9 the department for review and approval. All survey results must be
10 made public on the program's web site.

11 (b) The department may, upon review of results of public
12 awareness surveys, direct a sharps stewardship program to modify the
13 program's promotion and outreach activities to better achieve
14 widespread awareness among Washington state residents, pharmacists,
15 and health care professionals about where and how to return sharps
16 waste to the program.

17 NEW SECTION. **Sec. 10.** PROGRAM FUNDING. (1) A sharps producer or
18 group of sharps producers shall pay all administrative and
19 operational costs associated with establishing and operating the
20 sharps stewardship program in which they participate. Administrative
21 and operational costs include but are not limited to: Sharps waste
22 containers, self-service sharps collection receptacles, prepaid
23 mailers and mail-back materials, collection, transportation,
24 shipping, processing, packaging and shipping supplies and containers,
25 disposal, education and promotion costs, as well as administrative
26 costs of operating the sharps stewardship program and administrative
27 fees charged by the department.

28 (2) A sharps producer, sharps stewardship program, sharps
29 collection site, or other person may not charge:

30 (a) A specific point-of-sale fee to consumers to recoup the costs
31 of a sharps stewardship program; or

32 (b) A specific point-of-collection fee at the time sharps are
33 collected from sharps users.

34 NEW SECTION. **Sec. 11.** REPORTING. (1) After each ninety-day
35 period of operation, an approved sharps stewardship program shall
36 submit a quarterly report to the department that provides:

37 (a) The total amount by weight of sharps waste collected during
38 the previous ninety-day period; and

1 (b) The total number of sharps waste containers distributed
2 during the previous ninety-day period.

3 (2) By July 1st after the first full year of operation, and each
4 July 1st thereafter, each approved sharps stewardship program shall
5 submit an annual report to the department describing operation of the
6 sharps stewardship program during the previous calendar year that
7 includes:

8 (a) A list of all participating sharps producers;

9 (b) The amount by weight of sharps waste disposed by the program,
10 by each collection method, by each source, and by each sharps
11 collection site;

12 (c) A list of sharps waste collection sites promoted and serviced
13 by the program;

14 (d) The total number of calls to the program's toll-free phone
15 number and the number of requests for sharps waste containers, by
16 request method and by type of requestor listed in section 5 of this
17 act;

18 (e) The number of sharps waste containers provided to residents
19 by zip code and to other entities by type and by zip code;

20 (f) The number of sharps waste containers returned to the program
21 by zip code;

22 (g) A list of transporters used for all collected sharps waste;

23 (h) A list of each disposal method, treatment or disposal
24 facility, and location of final disposal of sharps;

25 (i) A description of education and outreach activities, including
26 an analysis of the percent of the general public and specific target
27 audiences exposed to promotional messages and the frequency of those
28 exposures;

29 (j) Program expenditures, provided by program categories that
30 include at a minimum: Administrative costs, costs of purchasing
31 sharps waste containers and mail-back materials, mail and shipping
32 costs, costs of collection supplies, costs of transportation and
33 disposal by method, total reimbursements to public agencies, and
34 costs of promotion;

35 (k) Progress towards program goals for public awareness,
36 collection amounts, and reduction in sharps improperly disposed in
37 solid waste or recycling streams; and

38 (l) Progress toward the stewardship program's plan for reducing
39 waste generation through reuse, recycling, and recovery of materials
40 through improved program practices or technologies.

1 (3) The department shall make all reports available to the public
2 on its web site.

3 (4) Proprietary information submitted to the department under
4 this chapter is exempt from public disclosure under RCW 42.56.270.
5 The department may use and disclose such information in summary or
6 aggregated form that does not directly or indirectly identify
7 financial, production, or sales data of an individual sharps
8 producer.

9 NEW SECTION. **Sec. 12.** ENFORCEMENT AND PENALTIES. (1) For any
10 information required to be submitted by a sharps producer, group of
11 sharps producers, stewardship organization, or sharps stewardship
12 program, the department may request that additional information be
13 provided by a specific date in order to obtain adequate information
14 to determine compliance with this chapter.

15 (2) The department may audit or inspect the activities and
16 records of a sharps stewardship program to determine compliance with
17 this chapter or investigate a complaint.

18 (3) (a) The department shall send a written notice to a sharps
19 producer that fails to participate in a sharps stewardship program as
20 required by this chapter. The notice must provide a warning regarding
21 the penalties for violation of this chapter.

22 (b) A sharps producer that receives a notice under (a) of this
23 subsection may be assessed a penalty if, sixty days after receipt of
24 the notice, the sharps producer continues to sell a covered sharps in
25 or into the state without participating in a sharps stewardship
26 program approved under this chapter.

27 (4) (a) The department may send a sharps producer, a group of
28 sharps producers, or stewardship organization a written notice
29 warning of the penalties for noncompliance with this chapter if it
30 determines that their sharps stewardship program is in violation of
31 this chapter or does not conform to the plan approved by the
32 department. The department may assess a penalty on participating
33 sharps producers or the stewardship organization if the program does
34 not come into compliance by thirty days after receipt of the notice.

35 (b) The department may immediately suspend operation of a sharps
36 stewardship program and assess a penalty if it determines that the
37 program is in violation of this chapter and the violation creates a
38 condition that, in the judgment of the department, constitutes an
39 immediate hazard to the public or the environment.

1 (5) The department shall post on its web site a list of sharps
2 producers that are compliant with this chapter and a list of sharps
3 producers that are noncompliant with this chapter.

4 (6) In enforcing the requirements of this chapter, the department
5 may:

6 (a) Require an informal administrative conference;

7 (b) Require a person or entity to engage in or refrain from
8 engaging in certain activities pertaining to this chapter;

9 (c) In accordance with RCW 43.70.095, assess a civil fine of up
10 to two thousand dollars. Each day upon which a violation occurs or is
11 permitted to continue constitutes a separate violation. In
12 determining the appropriate amount of the fine, the department shall
13 consider the extent of harm caused by the violation, the nature and
14 persistence of the violation, the frequency of past violations, any
15 action taken to mitigate the violation, and the financial burden to
16 the entity in violation; and

17 (d) Not prohibit a sharps producer from selling sharps in or into
18 the state of Washington.

19 NEW SECTION. **Sec. 13.** PROGRAM FEE. (1) (a) By July 1, 2021, the
20 department shall:

21 (i) Determine its costs for the administration, oversight, and
22 enforcement of the requirements of this chapter, pursuant to RCW
23 43.70.250; and

24 (ii) Set fees at a level sufficient to recover the costs
25 associated with administration, oversight, and enforcement.

26 (b) The department shall not impose any fees in excess of its
27 actual administrative, oversight, and enforcement costs.

28 (c) Adjustments to the department's fees may be made annually and
29 shall not exceed actual administration, oversight, and enforcement
30 costs. Adjustments for inflation may not exceed the percentage change
31 in the consumer price index for all urban consumers in the United
32 States as calculated by the United States department of labor as
33 averaged by city for the twelve-month period ending with June of the
34 previous year.

35 (d) The department shall collect fees from each sharps producer,
36 group of sharps producers, or stewardship organization that
37 implements or intends to implement a sharps stewardship program by
38 October 1, 2021, and annually thereafter.

1 (2) All fees collected under this section must be deposited in
2 the sharps stewardship account established in section 14 of this act.

3 NEW SECTION. **Sec. 14.** ACCOUNT. The sharps stewardship account
4 is created in the state treasury. All receipts received by the
5 department under this chapter must be deposited in the account.
6 Moneys in the account may be spent only after appropriation.
7 Expenditures from the account may be used by the department only for
8 administering and enforcing this chapter.

9 NEW SECTION. **Sec. 15.** APPLICATION OF THIS CHAPTER. Nothing in
10 this chapter prohibits any other entity from distributing sharps
11 waste containers to patients or providing a no-cost or fee-based
12 sharps waste disposal program for sharps users in Washington state,
13 including sharps collection services provided by a solid waste
14 collection service regulated by the Washington utilities and
15 transportation commission.

16 NEW SECTION. **Sec. 16.** TRASH BAN. (1) A person may not
17 intentionally place unprotected sharps or a sharps waste container
18 into a solid waste or recycling container provided by a city, county,
19 or solid waste collection company, or into any other solid waste or
20 recycling collection site, unless there is a designated separate
21 location, separate container, or separate compartment in the
22 container for sharps waste that complies with city, county, or local
23 health department collection standards or guidelines.

24 (2) Waste and recycling collectors may refuse to pick up a waste
25 or recycling container that contains sharps waste upon simple visual
26 inspection. A waste or recycling collector may not search waste or
27 recycling containers for sharps waste.

28 (3) No waste or recycling collector may be found in violation of
29 this section for sharps waste that is placed in a disposal container
30 by the generator of the sharps waste.

31 (4) No solid waste facility or recycling facility may be found in
32 violation of this section if the facility has posted a sign in a
33 conspicuous location stating sharps waste is not accepted.

34 (5) Local health departments shall enforce this section,
35 primarily through an educational approach regarding proper disposal
36 of residential sharps. On the first and second violation, the health
37 department shall provide a warning to the person that includes

1 information on proper disposal of residential sharps. A subsequent
2 violation shall be a class 3 infraction under chapter 7.80 RCW.

3 NEW SECTION. **Sec. 17.** ANTITRUST IMMUNITY. The activities
4 authorized by this chapter require collaboration among sharps
5 producers. These activities will enable safe collection and disposal
6 of sharps waste in Washington state and are therefore in the best
7 interest of the public. The benefits of collaboration, together with
8 active state supervision, outweigh potential adverse impacts.
9 Therefore, the legislature intends to exempt from state antitrust
10 laws, and provide immunity through the state action doctrine from
11 federal antitrust laws, activities that are undertaken, reviewed, and
12 approved by the department pursuant to this chapter that might
13 otherwise be constrained by such laws. The legislature does not
14 intend and does not authorize any person or entity to engage in
15 activities not provided for by this chapter, and the legislature
16 neither exempts nor provides immunity for such activities.

17 NEW SECTION. **Sec. 18.** RULE MAKING. The department shall adopt
18 any rules necessary to implement and enforce this chapter no later
19 than one year after the effective date of this section.

20 NEW SECTION. **Sec. 19.** NEW CHAPTER. Sections 1 through 18 of
21 this act constitute a new subchapter in chapter 70.95 RCW.

22 NEW SECTION. **Sec. 20.** RCW 70.95K.030 (Residential sharps—
23 Disposal—Violation) and 1994 c 165 s 3 are each repealed.

24 NEW SECTION. **Sec. 21.** Sections 16 and 20 of this act take
25 effect four years after the effective date of this section.

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