
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1422

State of Washington

69th Legislature

2025 Regular Session

By House Appropriations (originally sponsored by Representatives Peterson, Davis, Thai, Ormsby, Hill, Macri, and Timmons; by request of Department of Health)

READ FIRST TIME 02/28/25.

1 AN ACT Relating to modifying the drug take-back program by
2 modifying fee and enforcement regulations and addressing program
3 operator performance parity; amending RCW 69.48.100, 69.48.110,
4 69.48.120, and 43.131.424; and creating a new section.

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

6 **Sec. 1.** RCW 69.48.100 and 2018 c 196 s 10 are each amended to
7 read as follows:

8 (1) By July 1st after the first full year of implementation, and
9 each July 1st thereafter, a program operator must submit to the
10 department a report describing implementation of the drug take-back
11 program during the previous calendar year. The report must include:

12 (a) A list of covered manufacturers participating in the drug
13 take-back program;

14 (b) The amount, by weight, of covered drugs collected, including
15 the amount by weight from each collection method used;

16 (c) The following details regarding the program's collection
17 system: A list of collection sites with addresses; the number of
18 mailers provided; locations where mailers were provided, if
19 applicable; dates and locations of collection events held, if
20 applicable; and the transporters and disposal facility or facilities
21 used;

1 (d) Whether any safety or security problems occurred during
2 collection, transportation, or disposal of covered drugs, and if so,
3 completed and anticipated changes to policies, procedures, or
4 tracking mechanisms to address the problem and improve safety and
5 security;

6 (e) A description of the public education, outreach, and
7 evaluation activities implemented;

8 (f) A description of how collected packaging was recycled to the
9 extent feasible;

10 (g) A summary of the program's goals for collection amounts and
11 public awareness, the degree of success in meeting those goals, and
12 if ~~((any))~~ the program's goals have not been met, ~~((what effort will~~
13 ~~be made to achieve those goals the following year))~~ an explanation on
14 why the goals were not met; ((and))

15 (h) The program's collection and public awareness goals for the
16 next year;

17 (i) The program's annual expenditures, itemized by program
18 category; and

19 (j) An estimated budget for the next year, itemized by program
20 category.

21 (2) Within thirty days after each annual period of operation of
22 an approved drug take-back program, the program operator shall submit
23 an annual collection amount report to the department that provides
24 the total amount, by weight, of covered drugs collected from each
25 collection site during the prior year.

26 (3) The department shall make reports submitted under this
27 section available to the public through the internet.

28 (4) The department shall evaluate reports submitted under this
29 section for compliance with this chapter, rules adopted under this
30 chapter, and the program operator's department-approved plan.

31 (a) The department shall either approve reports or request
32 revisions to bring them into compliance with applicable law or the
33 program operator's department-approved plan. Revisions may include,
34 but are not limited to, requests to add an explanation for any
35 discrepancies between collected weight reported in collection reports
36 and weight collected at kiosks reported in annual reports.

37 (b) Program operators must submit any requested revisions to the
38 department within 30 days.

1 **Sec. 2.** RCW 69.48.110 and 2018 c 196 s 11 are each amended to
2 read as follows:

3 (1) The department may audit or inspect the activities and
4 records of a drug take-back program to determine compliance with this
5 chapter, rules adopted under this chapter, or investigate a
6 complaint. Drug take-back programs must fully cooperate with the
7 department during an audit, inspection, or investigation.

8 (2) (a) The department shall send a written notice to a covered
9 manufacturer that fails to participate in a drug take-back program as
10 required by this chapter. The notice must provide a warning regarding
11 the penalties for violation of this chapter.

12 (b) A covered manufacturer that receives a notice under this
13 subsection (2) may be assessed a penalty if, sixty days after receipt
14 of the notice, the covered manufacturer continues to sell a covered
15 drug in or into the state without participating in a drug take-back
16 program approved under this chapter.

17 (3) (a) The department may send a program operator a written
18 notice warning of the penalties for noncompliance with this chapter
19 if it determines that the program operator's drug take-back program
20 is in violation of this chapter or does not conform to the proposal
21 approved by the department. The department may assess a penalty on
22 the program operator and participating covered manufacturers if the
23 program does not come into compliance by thirty days after receipt of
24 the notice.

25 (b) The department may immediately suspend operation of a drug
26 take-back program and assess a penalty if it determines that the
27 program is in violation of this chapter and the violation creates a
28 condition that, in the judgment of the department, constitutes an
29 immediate hazard to the public or the environment.

30 (4) (a) The department shall send a written notice to a drug
31 wholesaler or a retail pharmacy that fails to provide a list of drug
32 manufacturers to the department as required by RCW 69.48.040. The
33 notice must provide a warning regarding the penalties for violation
34 of this chapter.

35 (b) A drug wholesaler or retail pharmacy that receives a notice
36 under this subsection may be assessed a penalty if, sixty days after
37 receipt of the notice, the drug wholesaler or retail pharmacy fails
38 to provide a list of drug manufacturers.

39 (5) In enforcing the requirements of this chapter, the
40 department:

1 (a) May require an informal administrative conference;

2 (b) May require a person or entity to engage in or refrain from
3 engaging in certain activities pertaining to this chapter;

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

12 (d) May not prohibit a covered manufacturer from selling a drug
13 in or into the state of Washington.

14 **Sec. 3.** RCW 69.48.120 and 2021 c 155 s 5 are each amended to
15 read as follows:

16 (1) (a) The department shall ~~((: Determine its costs for the~~
17 ~~administration, oversight, and enforcement of the requirements of~~
18 ~~this chapter, including, but not limited to, a fee for proposal~~
19 ~~review, and the survey required under RCW 69.48.200; pursuant to RCW~~
20 ~~43.70.250,))~~ set fees including, but not limited to, an annual
21 operating fee, a fee for proposal review, and the survey required
22 under RCW 69.48.200, at a level sufficient to ~~((recover))~~ cover the
23 costs associated with administration, oversight, and enforcement; and
24 adopt rules establishing requirements for program operator proposals.

25 (b) The department shall not impose any fees in excess of its
26 actual administrative, oversight, and enforcement costs. The fees
27 collected from each program operator in calendar year 2020 and any
28 subsequent year may not exceed ten percent of the ~~((program's annual~~
29 ~~expenditures))~~ highest annual expenditures from any single program
30 operator as reported to the department in the annual report required
31 by RCW 69.48.100 and determined by the department.

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

1 ~~(d))~~) The annual fee set by the department shall be evenly split
2 amongst each approved program operator.

3 ~~((e))~~) (d) The department shall collect annual operating fees
4 from each program operator by October 1, 2019, and annually
5 thereafter.

6 ~~((f) Between July 25, 2021, and January 1, 2024, the department
7 shall collect a nonrefundable one-time fee of \$157,000 for review of
8 proposals from each potential program operator applicant as provided
9 in RCW 69.48.050.))~~

10 (2) The department shall impose a one-time fee of \$70,000 split
11 evenly amongst each approved program operator to fund the expedited
12 review to be completed by the joint legislative audit and review
13 committee as provided for in section 4 of this act. The department
14 shall collect the one-time fee by August 1, 2025.

15 (3) All fees collected under this section must be deposited in
16 the secure drug take-back program account established in RCW
17 69.48.130.

18 NEW SECTION. Sec. 4. (1) The joint legislative audit and review
19 committee shall conduct an expedited review of the department of
20 health's fee-setting authority for the drug take-back program
21 established under chapter 69.48 RCW. By December 31, 2025, the joint
22 legislative audit and review committee shall report to the
23 appropriate committees of the legislature on the results of the
24 expedited review, including whether the department's fee-setting
25 authority covers its actual administrative, oversight, and
26 enforcement costs and whether expenditures incurred by the department
27 and participating program operators are transparent and appropriate
28 given the intent of the program.

29 (2) The funding for this expedited review shall be limited to the
30 one-time fee provided for in section 3(2) of this act. The department
31 of health shall enter into an interagency agreement with the joint
32 legislative audit and review committee to conduct the review using
33 the funds generated from the one-time fee.

34 **Sec. 5.** RCW 43.131.424 and 2021 c 155 s 7 are each amended to
35 read as follows:

36 The following acts or parts of acts, as now existing or hereafter
37 amended, are each repealed, effective January 1, 2030:

38 (1) RCW 69.48.010 and 2021 c 155 s 1 & 2018 c 196 s 1;

- 1 (2) RCW 69.48.020 and 2018 c 196 s 2;
- 2 (3) RCW 69.48.030 and 2018 c 196 s 3;
- 3 (4) RCW 69.48.040 and 2018 c 196 s 4;
- 4 (5) RCW 69.48.050 and 2021 c 155 s 3 & 2018 c 196 s 5;
- 5 (6) RCW 69.48.060 and (~~(2021 c 65 s 64 &)~~) 2021 c 65 s 642 &
- 6 2018 c 196 s 6;
- 7 (7) RCW 69.48.070 and 2021 c 155 s 4 & 2018 c 196 s 7;
- 8 (8) RCW 69.48.080 and 2018 c 196 s 8;
- 9 (9) RCW 69.48.090 and 2018 c 196 s 9;
- 10 (10) RCW 69.48.100 and 2025 c ... s 1 (section 1 of this act) &
- 11 2018 c 196 s 10;
- 12 (11) RCW 69.48.110 and 2025 c ... s 2 (section 2 of this act) &
- 13 2018 c 196 s 11;
- 14 (12) RCW 69.48.120 and 2025 c ... s 3 (section 3 of this act),
- 15 2021 c 155 s 5_L & 2018 c 196 s 12;
- 16 (13) RCW 69.48.130 and 2018 c 196 s 13;
- 17 (14) RCW 69.48.140 and 2018 c 196 s 14;
- 18 (15) RCW 69.48.150 and 2018 c 196 s 15;
- 19 (16) RCW 69.48.160 and 2018 c 196 s 16;
- 20 (17) RCW 69.48.170 and 2018 c 196 s 17;
- 21 (18) RCW 69.48.180 and 2018 c 196 s 18;
- 22 (19) RCW 69.48.190 and 2018 c 196 s 19; and
- 23 (20) RCW 69.48.200 and 2018 c 196 s 20.

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