
HOUSE BILL 1422

State of Washington

69th Legislature

2025 Regular Session

By Representatives Peterson, Davis, Thai, Ormsby, Hill, Macri, and Timmons; by request of Department of Health

Read first time 01/20/25. Referred to Committee on Health Care & Wellness.

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, 69.48.130, and 43.131.424; and adding a new section to
5 chapter 69.48 RCW.

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

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

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

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

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

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

1 applicable; and the transporters and disposal facility or facilities
2 used;

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

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

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

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

17 (h) The program's collection and public awareness goals for the
18 next year. Collection goals must be equal to, or exceed, the
19 reporting year collection goals, and be equal to, or exceed, the
20 lesser of:

21 (i) Collection goals of the other program operators for the
22 upcoming reporting year;

23 (ii) Actual collections of the other program operators for the
24 reporting year;

25 (i) The program's annual expenditures, itemized by program
26 category; and

27 (j) An estimated budget for the next year, itemized by program
28 category. If the estimated budget is less than 80 percent of the
29 reporting period's budget, the report must explain why the lower
30 budget will not result in less statewide access to the program or
31 less weight collected.

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

37 (3) The department shall make reports submitted under this
38 section available to the public through the internet. The department
39 must include a description of the status of these reports, including

1 whether they have been approved by the department under subsection
2 (4) of this section.

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

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

12 (b) Program operators must submit any requested revisions to the
13 department within 30 days. The department may initiate enforcement
14 action as authorized in RCW 69.48.110 if the revisions submitted by
15 the program operator do not comply with the applicable law or the
16 program operator's department-approved plan.

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

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

24 (2)(a) The department shall send a written notice to a covered
25 manufacturer that fails to participate in a drug take-back program as
26 required by this chapter. The notice must provide a warning regarding
27 the ~~((penalties))~~ department's authority to assess a civil fine for
28 violation of this chapter.

29 ~~((b) ((A covered manufacturer that receives a notice under this~~
30 ~~subsection (2) may be assessed a penalty if, sixty days after receipt~~
31 ~~of the notice, the covered manufacturer continues to sell a covered~~
32 ~~drug in or into the state without participating in a drug take-back~~
33 ~~program approved under this chapter.~~

34 ~~((3)(a) The department may send a program operator a written~~
35 ~~notice warning of the penalties for noncompliance with this chapter~~
36 ~~if it determines that the program operator's drug take-back program~~
37 ~~is in violation of this chapter or does not conform to the proposal~~
38 ~~approved by the department. The department may assess a penalty on~~
39 ~~the program operator and participating covered manufacturers if the~~

1 ~~program does not come into compliance by thirty days after receipt of~~
2 ~~the notice.~~

3 ~~(b) The department may immediately suspend operation of a drug~~
4 ~~take-back program and assess a penalty if it determines that the~~
5 ~~program is in violation of this chapter and the violation creates a~~
6 ~~condition that, in the judgment of the department, constitutes an~~
7 ~~immediate hazard to the public or the environment.~~

8 ~~(4)(a))~~ In accordance with RCW 43.70.095, the department may
9 assess a civil fine of up to \$2,000 if, 60 days after receipt of the
10 notice, the covered manufacturer continues to sell a covered drug in,
11 or into, the state without participating in a drug take-back program
12 approved under this chapter. Each day upon which a violation occurs,
13 or is permitted to continue, constitutes a separate violation.

14 (3)(a) The department shall send a written notice to a drug
15 wholesaler or a retail pharmacy that fails to provide a list of drug
16 manufacturers to the department as required by RCW 69.48.040. The
17 notice must provide a warning regarding the ~~((penalties))~~
18 department's authority to assess a civil fine for violation of this
19 chapter.

20 ~~(b) ((A drug wholesaler or retail pharmacy that receives a notice~~
21 ~~under this subsection may be assessed a penalty if, sixty))~~ In
22 accordance with RCW 43.70.095, the department may assess a civil fine
23 of up to \$2,000 if, 60 days after receipt of the notice, the drug
24 wholesaler or retail pharmacy fails to provide a list of drug
25 manufacturers.

26 ~~((5) In enforcing the requirements of this chapter, the~~
27 ~~department:~~

28 ~~(a) May require an informal administrative conference;~~

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

31 ~~(c) May, in))~~ Each day upon which a violation occurs, or is
32 permitted to continue, constitutes a separate violation.

33 (4)(a) Except as provided in subsection (5) of this section, the
34 department may send a program operator and participating covered
35 manufacturers a written notice warning of the department's authority,
36 including civil fine authority, if it determines that the program
37 operator's drug take-back program is in violation of this chapter,
38 rules adopted under this chapter, or violates the proposal approved
39 by the department.

1 (b) If the program operator's drug take-back program does not
2 come into compliance within 30 days after receipt of the written
3 notice warning, the department may do one, or a combination of the
4 following actions:

5 (i) In accordance with RCW 43.70.095, assess a civil fine on the
6 program operator and participating covered manufacturers of up to
7 ((two thousand dollars)) \$2,000 per violation. Each day upon which a
8 violation occurs, or is permitted to continue, constitutes a separate
9 violation. (~~In determining the appropriate amount of the fine, the~~
10 department shall consider the extent of harm caused by the violation,
11 the nature and persistence of the violation, the frequency of past
12 violations, any action taken to mitigate the violation, and the
13 financial burden to the entity in violation; and

14 (d) May not prohibit a covered manufacturer from selling a drug
15 in or into the state of Washington); or

16 (ii) Suspend, restrict, or impose reasonable conditions on the
17 approval of a program operator's drug take-back program.

18 (5) If the department determines that a program operator's drug
19 take-back program is in violation of this chapter, the rules adopted
20 under this chapter, or violates the proposal approved by the
21 department, and the violation creates a condition that, in the
22 judgment of the department, constitutes an immediate hazard to the
23 public or the environment, the department may:

24 (a) Immediately suspend operation of a drug take-back program;
25 and

26 (b) In accordance with RCW 43.70.095, assess a civil fine of up
27 to \$2,000. Each day upon which a violation occurs, or is permitted to
28 continue, constitutes a separate violation.

29 (6) Except as otherwise provided, RCW 43.70.115 governs notice of
30 actions taken by the department under this section and provides the
31 right to an adjudicative proceeding. Adjudicative proceedings and
32 hearings are governed by the administrative procedure act, chapter
33 34.05 RCW. The application for an adjudicative proceeding must be in
34 writing, state the basis for contesting the adverse action, include a
35 copy of the department's notice, be served on and received by the
36 department within 28 days of the person's receipt of the adverse
37 notice, and be served in a manner that shows proof of receipt.

38 (7) In determining the appropriate amount of the civil fine to
39 assess under subsections (2), (3), (4), and (5) of this section, the
40 department shall consider the extent of harm caused by the violation,

1 the nature and persistence of the violation, the frequency of past
2 violations, any action taken to mitigate the violation, and the
3 financial burden to the entity in violation.

4 (8) 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; and

9 (c) Not prohibit a covered manufacturer from selling a drug in or
10 into the state of Washington.

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

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

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

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 annual operating fee set by the department shall be
36 evenly split amongst each approved program operator.

37 ~~((e))~~ (c) The department shall collect annual operating fees
38 from each program operator by October 1, 2019, and annually
39 thereafter.

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

5 (2) All fees collected under this section must be deposited in
6 the secure drug take-back program account established in RCW
7 69.48.130.

8 **Sec. 4.** RCW 69.48.130 and 2018 c 196 s 13 are each amended to
9 read as follows:

10 The secure drug take-back program account is created in the state
11 treasury. All receipts received by the department under this chapter
12 must be deposited in the account. Moneys in the account may be spent
13 only after appropriation. Expenditures from the account may be used
14 by the department only for administering and enforcing this chapter,
15 except that civil fines and payments made under section 5 of this act
16 that are deposited into this account may also be used by the
17 department to support department programs that:

- 18 (1) Further the legislative findings in RCW 69.48.010;
19 (2) Prevent opioid and other drug misuse;
20 (3) Identify and treat drug misuse and stimulant use disorder;
21 (4) Ensure and improve the health and wellness of people who use
22 opioids and other drugs;
23 (5) Use data and information to detect opioid misuse or abuse,
24 monitor illness, injury, and death, and evaluate interventions; and
25 (6) Support individuals in recovery.

26 NEW SECTION. **Sec. 5.** A new section is added to chapter 69.48
27 RCW to read as follows:

28 (1) Program operators' drug take-back programs must meet all the
29 requirements of this chapter, rules adopted under this chapter, and
30 any department-approved plan, independent of any other drug take-back
31 programs. Program operators must each successfully implement their
32 drug take-back program each year.

33 (2) For each program operator, the weight of covered drugs, in
34 pounds, collected by a drug take-back program should be roughly
35 equivalent to the weight of covered drugs, in pounds, collected by
36 the other program operators as reported in the respective program
37 operators' most recent annual report required by RCW 69.48.100.

1 (3) For each individual program operator, the weight of covered
2 drugs, in pounds, collected by the drug take-back program should be
3 equal to or greater than the weight of covered drugs collected by
4 that program operator as reported in the program operator's most
5 recent annual report required by RCW 69.48.100.

6 (4) Upon evaluation of a program operator's annual program report
7 required by RCW 69.48.100, the department, in accordance with RCW
8 43.70.095, may calculate and assess civil fines against the program
9 operator based on the following:

10 (a) If the weight, in pounds, of covered drugs collected by a
11 drug take-back program is less than 80 percent of the highest weight,
12 in pounds, of covered drugs collected by another program operator, as
13 reported on the annual program report for the same year, then the
14 department will determine the civil fine to be assessed by:

15 (i) Calculating the difference in pounds between the program
16 operator and the highest amount collected by a program operator, as
17 reported on the program operator's annual report; and

18 (ii) Then multiply the difference in collection weight, in
19 pounds, by the average collection cost per pound of all program
20 operators combined. The average collection cost per pound of all
21 program operators combined must be determined by reference to the
22 program operators' annual reports.

23 (b) If the weight, in pounds, of covered drugs collected by a
24 drug take-back program as reported on the annual program report is
25 less than 90 percent of the collection weight goal established by the
26 program operator in the previous year's annual program report, then
27 the department must determine the civil fine to be assessed by:

28 (i) Calculating the difference in pounds between the program
29 operator's collection weight for the reporting period and the goal
30 collection weight for the reporting period listed in the previous
31 year's annual program report; and

32 (ii) Multiplying the difference in collection weight, in pounds,
33 by the average collection cost per pound of all program operators
34 combined. The average collection cost per pound of all program
35 operators combined must be determined by reference to the program
36 operators' annual reports.

37 (5) For the purposes of this section, "roughly equivalent" means
38 that the weight, in pounds, of covered drugs collected by a drug
39 take-back program, as reported in the program's annual program
40 report, is at least 80 percent or more of the heaviest weight, in

1 pounds, of covered drugs collected by any program operator as
2 reported in that program's annual program report.

3 (6) Any civil fines paid by a program operator under subsection
4 (4) of this section must be considered part of the drug take-back
5 program's overall costs, and be included as an independent
6 expenditure category in the annual report required by RCW
7 69.48.100(1).

8 **Sec. 6.** RCW 43.131.424 and 2021 c 155 s 7 are each amended to
9 read as follows:

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

- 12 (1) RCW 69.48.010 and 2021 c 155 s 1 & 2018 c 196 s 1;
- 13 (2) RCW 69.48.020 and 2018 c 196 s 2;
- 14 (3) RCW 69.48.030 and 2018 c 196 s 3;
- 15 (4) RCW 69.48.040 and 2018 c 196 s 4;
- 16 (5) RCW 69.48.050 and 2021 c 155 s 3 & 2018 c 196 s 5;
- 17 (6) RCW 69.48.060 and (~~(2021 c 65 s 64 &)~~) 2021 c 65 s 642 &
18 2018 c 196 s 6;
- 19 (7) RCW 69.48.070 and 2021 c 155 s 4 & 2018 c 196 s 7;
- 20 (8) RCW 69.48.080 and 2018 c 196 s 8;
- 21 (9) RCW 69.48.090 and 2018 c 196 s 9;
- 22 (10) RCW 69.48.100 and 2025 c ... s 1 (section 1 of this act) &
23 2018 c 196 s 10;
- 24 (11) RCW 69.48.110 and 2025 c ... s 2 (section 2 of this act) &
25 2018 c 196 s 11;
- 26 (12) RCW 69.48.120 and 2025 c ... s 3 (section 3 of this act),
27 2021 c 155 s 5, & 2018 c 196 s 12;
- 28 (13) RCW 69.48.130 and 2025 c ... s 4 (section 4 of this act) &
29 2018 c 196 s 13;
- 30 (14) RCW 69.48.140 and 2018 c 196 s 14;
- 31 (15) RCW 69.48.150 and 2018 c 196 s 15;
- 32 (16) RCW 69.48.160 and 2018 c 196 s 16;
- 33 (17) RCW 69.48.170 and 2018 c 196 s 17;
- 34 (18) RCW 69.48.180 and 2018 c 196 s 18;
- 35 (19) RCW 69.48.190 and 2018 c 196 s 19; (~~and~~)
- 36 (20) RCW 69.48.200 and 2018 c 196 s 20; and
- 37 (21) RCW 69.48.--- and 2025 c ... s 5 (section 5 of this act).

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