

# SENATE BILL REPORT

## SB 5279

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As of February 5, 2009

**Title:** An act relating to providing safe collection and disposal of unwanted drugs from residential sources through a producer provided and funded product stewardship program.

**Brief Description:** Providing for the safe collection and disposal of unwanted drugs from residential sources through a producer provided and funded product stewardship program.

**Sponsors:** Senators Kline, Ranker, Rockefeller, Pridemore, Oemig, Regala, Franklin, Murray, Kauffman, Fairley, Kohl-Welles, Haugen, McAuliffe, Pflug, Shin and McDermott.

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 2/04/09.

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Staff:** Edith Rice (786-7444)

**Background:** Most prescription drugs and over-the-counter medications used in households are disposed of with household trash or down the drain into a sewer or into a septic system. This provides an opportunity for accidental drug exposure and drug abuse, and places drugs where they may enter the water and soil.

The Board of Pharmacy within the Washington State Department of Health, the U.S. Drug Enforcement Administration, and the Washington Department of Ecology (DOE) regulate pharmaceutical waste in Washington. Efforts have been made in recent years by local government and non-profit groups to address the issue of proper drug disposal.

**Summary of Bill:** The bill as referred to committee not considered.

**Summary of Bill (Proposed Substitute):** A product stewardship program for unwanted prescription and non-prescription drugs (including brand name and generic drugs) from residential sources is created. All producers of drugs sold in Washington are to participate in a product stewardship program by January 2012. Initial plans must be submitted by January 1, 2011. The product stewardship program must accept all unwanted products from residential sources, regardless of who produces it. The stewardship organization must pay all administrative and operational costs associated with the program including costs of collection, transportation, and disposal of unwanted drugs from residential sources and the

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disposal or recycling of related packaging. The product stewardship plan must list participating producers, the location of collection sites, and other details such as how unwanted drugs will be safely and securely tracked and handled, and a description of public education efforts. Product stewardship plans must report annually to DOE, describing their activities during the previous reporting period.

All unwanted drugs collected by a product stewardship program must be disposed of at a permitted and authorized hazardous waste facility. DOE can suspend or cancel approval of the product stewardship program if DOE determines that it is necessary to protect the public from imminent danger. DOE can assess penalties for failure to implement an approved plan, issue warnings, and waive penalties. Any penalties levied are to be deposited into the Pharmaceutical Product Stewardship Program Account established in the State Treasurer's Office. DOE is permitted to establish fees to be charged to product stewardship programs for administrative expenses and cannot exceed DOE's costs of administration.

**Appropriation:** None.

**Fiscal Note:** Requested on February 3, 2009.

[OFM requested ten-year cost projection pursuant to I-960.]

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Prescription drugs are playing a greater role in our health care. However, they are often misused or disposed of improperly. Controlled substances must be disposed of through the DEA. The state of Maine uses mailers. We need to take steps to limit accidental exposure, possible abuse, and we need sustainable funding. This has already been done with computers and TVs. Prescriptions are thought to be less dangerous than heroin, and too often teenagers have better access in their own homes to prescription drugs. Disposal needs to be safe. Water quality and fish are affected. Keeping unused or outdated prescription medication unsecured at home puts family members at huge risk. Water treatment plants cannot adequately treat the mixtures of chemicals created when drugs enter the wastewater stream. Group Health has conducted a pilot program that has been successful, and will provide ongoing funding. Federal guidelines recommend using a medicine return program if one is available. We need to prevent harm from occurring in the first place, do it by proper disposal.

CON: The industry already has a program to educate the public about proper disposal in a landfill. The program in Canada (B.C.) has no evidence that shows that accidental exposures or pollution levels have been affected. Although members had a variety of opinions regarding this program, the cost of doing business will only go up if this program is adopted. We really don't know the source of the trace elements found in water samples. We will gladly work on a solution that is cost effective.

**Persons Testifying:** PRO: Senator Kline, prime sponsor; Suellen Mele, Washington Citizens for Resource Conservation; Commander Pat Slack, Snohomish County Drug Task Force; Craig Engelking, Sierra Club; Caleb Banta-Green, Ph.D.; Heather Trim, People for

Puget Sound; Shirley Reitz, Group Health Cooperative; Margaret Shield, Local Hazardous Waste Management Programs; Elizabeth Davis, League of Women Voters; Brandon Houskeeper, Washington Policy Center.

CON: Jeff Gombosky, Pharmaceutical Research and Manufacturers of America; Mark Johnson, Washington Retail Association.