

SENATE BILL REPORT

SB 5279

As Reported by Senate Committee On:
Health & Long-Term Care, January 28, 2010

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, 1/14/10, 1/28/10 [DPS-WM, DNP, w/oRec].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5279 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug, Ranking Minority Member; Fairley and Murray.

Minority Report: Do not pass.

Signed by Senators Becker and Marr.

Minority Report: That it be referred without recommendation.

Signed by Senator Parlette.

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

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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 (Recommended Substitute): A product stewardship program is created beginning in January 2013. The program requires producers of legend, non-legend, brand name, and generic drugs to participate in this program to dispose of unwanted products from residential sources regardless of who produces the unwanted product. The product stewardship program must be approved by the Board of Pharmacy (board) with updates every four years. Beginning in 2014 an annual report must be submitted to the board describing participants, the amount of product collected, a description of the collection system, and the disposal facility utilized.

Provisions are made for penalties to be assessed by the board against a producer who is not in compliance with the product stewardship program. A report is due to the Legislature on December 31, 2015. The Department of Health can establish fees to be assessed to producers or operators of the product stewardship program.

EFFECT OF CHANGES MADE BY HEALTH & LONG-TERM CARE COMMITTEE (Recommended Substitute As Passed Committee): Some requirements for detailed information in the plan relating to transporters and hazardous waste facilities are removed. The report no longer requires certain information related to packaging, penalties, methodology, and compliance. Authority for the board to require other information is removed.

Appropriation: None.

Fiscal Note: Requested on January 14, 2010.
[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 on Proposed Substitute As Heard in Committee:

PRO: We need to get prescription drugs out of circulation where they are easily accessed by those who abuse them. This is a public health issue. There is no legal way to dispose of prescription drugs. More people die in Washington from overdoses of prescription drugs than from motor vehicle accidents. Pharmaceuticals are toxic waste and it should be the responsibility of the industry to clean it up. The street value of these drugs is enormous. Washington should be aggressive about addressing this problem.

CON: We support consumer education for proper disposal of drugs. 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. There is no evidence that these programs work. This bill is premature. This mandate is overly broad. We should have a voluntary program and build on it.

Persons Testifying: PRO: Senator Kline, prime sponsor; Representative Dawn Morrell; Commander Pat Slack, Snohomish County Drug Task Force; Scott De Puy, Ryan's Solution, SAMA Foundation; Shirley Reitz, Group Health Cooperative; Eric Nolan, Clark County Sheriff's Office; Bill Benedict, Clallam County Sheriff's Office; Dave Peters, Kitsap County Solid Waste; Jim Cooper, Washington Association of Substance Abuse and Violence Prevention; Lisa Butler, Washington State Hospice and Palliative Care Organization; Margaret Shield, Local Hazardous Waste Management Programs.

CON: Jeff Gombosky, Pharmaceutical Research and Manufacturers of America; Grant Nelson, Association of Washington Business; Andrew Fish, Consumer Healthcare Products Association.