
SUBSTITUTE HOUSE BILL 1496

State of Washington 62nd Legislature 2011 Regular Session

By House Environment (originally sponsored by Representatives
Fitzgibbon, Upthegrove, Cody, and Takko)

READ FIRST TIME 02/17/11.

1 AN ACT Relating to the disposal of residential sharps waste; adding
2 new sections to chapter 70.95K RCW; creating a new section; prescribing
3 penalties; and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** (1) A pharmaceutical manufacturer that sells
6 or distributes medication in this state that is usually intended to be
7 self-injected at home through the use of hypodermic needles, syringes
8 with needles attached, intravenous tubing with needles attached,
9 lancets, or any other similar devices shall submit a plan to the
10 department of health that describes specific actions the manufacturer
11 will take on and after July 1, 2013, to provide a free and convenient
12 service for the safe collection and proper disposal of residential
13 sharps waste to all consumers who use the manufacturer's self-injected
14 medications.

15 (2) The plan required under subsection (1) of this section must be
16 submitted to the department of health by January 1, 2013, and updated
17 and submitted annually thereafter by January 1st.

18 (3) Every pharmaceutical manufacturer required to submit a plan
19 under this section shall pay a filing fee to the department of health

1 at the time the plan is submitted. The department of health shall
2 determine the amount of the filing fee based on the estimated cost to
3 the department in reviewing the manufacturer's plan and monitoring
4 compliance with the plan.

5 (4) The department of health is responsible for collecting the
6 filing fees authorized under subsection (3) of this section. The
7 department of health shall deposit all filing fees collected under this
8 section into the residential sharps waste disposal program account
9 created in section 4 of this act.

10 NEW SECTION. **Sec. 2.** (1) The plan required under section 1 of
11 this act must be submitted in an electronic format prescribed by the
12 department of health. The plan must identify by name all of the
13 pharmaceutical manufacturer's medications that are usually intended to
14 be self-injected. The plan must also include, at a minimum, a
15 description of the actions the manufacturer will take to do the
16 following:

17 (a) Provide patient starter kits or other educational materials on
18 safe needle disposal to new patients;

19 (b) Provide, at no cost to the consumer, sharps waste containers
20 approved by the United States postal service for use in a mail program;
21 and

22 (c) Provide consumer information about the safe management and
23 proper disposal of needles through literature, web sites, DVDs, or
24 toll-free numbers.

25 (2) If a plan submitted by a manufacturer does not provide for a
26 free mail program, the plan must include and describe a free and
27 convenient network of retail businesses, such as pharmacies, that the
28 manufacturer will establish to safely collect and dispose of
29 residential sharps waste. The manufacturer shall also describe in its
30 plan how it intends to support efforts by retailers, local governments,
31 health care organizations, public health officers, and solid waste
32 service providers to ensure the public is aware of the free and
33 convenient collection network established by the manufacturer.

34 (3) A pharmaceutical manufacturer that is required to submit a plan
35 under section 1 of this act may invoice any franchised solid waste
36 transporter for up to fifty percent of the total cost of the collection
37 and disposal plan submitted by the manufacturer.

1 (4) The department of health shall post and maintain all copies of
2 all plans submitted by pharmaceutical manufacturers on its web site.

3 (5) Pharmaceutical manufacturers shall post and maintain a copy of
4 the plan required under section 1 of this act on their web sites.

5 NEW SECTION. **Sec. 3.** (1) Except as provided in subsections (3)
6 and (4) of this section, a pharmaceutical manufacturer that fails to
7 submit or implement a plan as required under section 1 of this act, or
8 post a copy of the plan on the pharmaceutical manufacturer's web site
9 as required under section 2 of this act, is subject to a civil penalty
10 of: (a) Five thousand dollars per day for every day the plan is late;
11 (b) five thousand dollars per day for every day the manufacturer fails
12 to fully implement its plan; and (c) five thousand dollars per day for
13 every day the plan is not posted on the pharmaceutical manufacturer's
14 web site.

15 (2) The department of health is responsible for collecting the
16 penalties authorized under subsection (1) of this section. The
17 department of health shall deposit all penalties collected under this
18 section into the residential sharps waste disposal program account
19 created in section 4 of this act.

20 (3) Neither this section nor sections 1 or 2 of this act apply to
21 a pharmaceutical manufacturer that provides a written notification to
22 the department of health by January 1, 2013, and each year thereafter,
23 stating that the manufacturer: (a) Has previously submitted a plan to
24 an agency of state government that documents that the manufacturer has
25 arranged to provide, at no cost to the consumer, either: (i) A sharps
26 waste container that has been approved by the United States postal
27 service for use in a mail program; or (ii) a puncture resistant sharps
28 waste container that is sealed and clearly marked not recyclable; and
29 (b) is continuing to provide a free and convenient mail program or
30 puncture resistant sharps waste container to residents of this state.

31 (4) Neither this section nor sections 1 or 2 of this act apply to
32 a pharmaceutical manufacturer that sells or distributes in this state
33 medication that is intended to be self-injected at home in a delivery
34 system using a retracting hypodermic needle or an automatic needle
35 protection system that is part of the device.

1 NEW SECTION. **Sec. 4.** The residential sharps waste disposal
2 program account is created in the custody of the state treasurer. All
3 receipts from sections 1 and 3 of this act must be deposited into the
4 account. Expenditures from the account may be used only for expenses
5 to cover the cost of administering sections 1 through 3, 5, and 6 of
6 this act. Only the secretary of the department of health or the
7 secretary's designee may authorize expenditures from the account. The
8 account is subject to allotment procedures under chapter 43.88 RCW, but
9 an appropriation is not required for expenditures.

10 NEW SECTION. **Sec. 5.** (1) The department of health shall convene
11 a work group of stakeholders, identified in subsection (2) of this
12 section, to discuss and identify options for collection and diversion
13 of residential sharps waste from the waste stream. The work group
14 shall identify options for educating the public about the proper
15 disposal of residential sharps waste.

16 (2) The work group must consist of members representing the
17 pharmaceutical industry, including brand name and generic
18 pharmaceutical manufacturers, and members representing the solid waste
19 industry. At a minimum, the work group must consist of:

20 (a) One member representing an association of pharmaceutical
21 manufacturers;

22 (b) One member representing a pharmaceutical manufacturer that
23 produces a brand name medication intended for self-injection;

24 (c) One member representing a pharmaceutical manufacturer that
25 produces a generic medication intended for self-injection;

26 (d) One member representing a solid waste association; and

27 (e) Two members representing transporters of solid waste.

28 (3) The department of health shall prepare a report to the
29 legislature, consistent with RCW 43.01.036, that summarizes any options
30 identified by the work group including provisions for proposed
31 legislative changes.

32 (4) The report required by this section must be delivered by
33 December 31, 2011.

34 (5) This section expires June 30, 2012.

35 NEW SECTION. **Sec. 6.** The department of health may adopt rules as

1 necessary for the purpose of implementing, administering, and enforcing
2 sections 1 through 4 of this act.

3 NEW SECTION. **Sec. 7.** Sections 1 through 4 and 6 of this act are
4 each added to chapter 70.95K RCW.

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