

# SENATE BILL REPORT

## EHB 1808

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As Reported by Senate Committee On:  
Health Care, March 28, 2013

**Title:** An act relating to the proper disposal of legal amounts of marijuana inadvertently left at retail stores holding a pharmacy license.

**Brief Description:** Addressing the proper disposal of legal amounts of marijuana inadvertently left at retail stores holding a pharmacy license.

**Sponsors:** Representatives Nealey and Hurst.

**Brief History:** Passed House: 3/08/13, 97-0.

**Committee Activity:** Health Care: 3/27/13, 3/28/13 [DPA].

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### SENATE COMMITTEE ON HEALTH CARE

**Majority Report:** Do pass as amended.

Signed by Senators Becker, Chair; Dammeier, Vice Chair; Keiser, Ranking Member; Bailey, Cleveland, Ericksen, Frockt, Parlette and Schlicher.

**Staff:** Kathleen Buchli (786-7488)

**Background:** The Uniform Controlled Substances Act (Act) provides the regulatory framework regarding the manufacture, distribution, and dispensing of specified controlled substances. Under the Act, schedule I controlled substances have a high potential for abuse, have no currently accepted medical use in treatment in the United States, and lack accepted safety for use in treatment under medical supervision.

Marijuana is listed in the Act as a Schedule I controlled substance. Every pharmacy that dispenses a controlled substance must register with the Drug Enforcement Administration (DEA), which does not permit pharmacists to dispense Schedule I controlled substances.

The DEA provides a procedure for the disposal of controlled substances. Any person in possession of a controlled substance and desiring to dispose of such substance may request assistance from the Special Agent in Charge in the area in which the person is located for authority and instructions to dispose of such substance. The Agent must authorize disposal of the controlled substance by transfer to a person authorized to possess the substance, delivery to the DEA, destruction in the presence of a DEA agent, or other means that would

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assure the substance does not become available to unauthorized persons. These procedures do not affect or alter procedures governing the disposal of controlled substances in state law.

Initiative 502 (I-502) was a ballot measure approved by Washington voters in November of 2012. The passage of the initiative legalized the recreational use of marijuana and created a comprehensive regulatory scheme that includes provisions regarding the legalization of possession of up to one ounce of marijuana and related products.

**Summary of Bill (Recommended Amendments):** If a manager or employee of a retail store holding a pharmacy license finds one ounce or less of marijuana inadvertently left within the premises of the business, that person must promptly notify local law enforcement. After this notification, the store manager or employee must properly dispose of the marijuana.

**EFFECT OF CHANGES MADE BY HEALTH CARE COMMITTEE (Recommended Amendments):** Marijuana must be disposed of by taking it to a drug take-back program, disposing of it in accordance with DEA requirements, or disposing of it in accordance with Board of Pharmacy rules.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**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 Engrossed House Bill:** PRO: This is a serious matter for these retailers. Marijuana is legal at the state level, but pharmacy licenses are subject to federal law. Retail stores are finding lost packages of marijuana on their premises and pharmacists are not allowed to handle it. We need a legal process to dispose of the product without putting a pharmacy's federal license at risk. This is a reasonable attempt to put parameters around this product.

OTHER: The new marijuana law conflicts with federal law. We are okay with the bill because we understand pharmacies are in a dilemma regarding how to dispose of this substance. The bill is silent on how marijuana will be reported to law enforcement and we do not know what is expected be law enforcement's response.

**Persons Testifying:** PRO: Steve Gano, Wal Mart; Mark Johnson, WA Retail Assn.

OTHER: Don Pierce, Sheriffs and Police Chiefs Assn.