

SB 5577 - S AMD 205

By Senators Braun, Cleveland

ADOPTED 3/10/2015

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that health
4 care workers operate in a complex regulatory environment that can
5 affect their core mission of treating illness and saving lives.

6 (2) It is the legislature's intent that the department of
7 ecology, with input from the regulated community, develop a
8 consistent, statewide approach for regulating pharmaceutical waste
9 that most effectively helps health care establishments, and
10 pharmaceutical and medical waste handling businesses implement and
11 comply with the regulation of pharmaceutical wastes under chapter
12 70.105 RCW.

13 (3) It is the intent of the legislature that the department of
14 ecology implement consistent regulatory oversight of pharmaceutical
15 waste management facilities in the state in order to support a level
16 playing field.

17 NEW SECTION. **Sec. 2.** (1) By September 1, 2015, the department
18 shall convene a work group to identify the problems of properly
19 managing pharmaceutical wastes and recommend solutions to improve
20 management of these wastes at the site of generation through
21 treatment or disposal by commercial waste management facilities. The
22 work group may develop recommendations including, but not limited to,
23 new or revised policies to be issued by the department,
24 recommendations for ensuring consistent interpretation and
25 implementation of existing rules, recommendations for amendments to
26 chapter 70.105 RCW or rules adopted pursuant to chapter 70.105 RCW,
27 and recommendations on how the department will implement consistent
28 regulatory oversight of pharmaceutical waste management facilities
29 that receive waste from sources statewide. The work group must
30 provide recommendations to the appropriate fiscal and policy
31 committees of the legislature by December 31, 2015.

1 (2) The members of the work group must include representatives of
2 state agencies, including the department, the department of health,
3 and the department of labor and industries, the state's qualified
4 pharmaceutical waste handling facilities, a statewide association
5 representing medical doctors, hospitals and other health care
6 providers, and other parties with expertise in the field of
7 pharmaceutical waste management. To facilitate the work group, the
8 department must hire a consultant that is on the state list of
9 qualified contractors with expertise in the federal resource
10 conservation and recovery act.

11 (3) In order to promote an open dialogue on the challenges of
12 managing pharmaceutical wastes at the site of generation and by
13 commercial waste management companies, the department may not use
14 information shared by pharmaceutical waste generators or
15 pharmaceutical waste handling facilities during work group meetings
16 for enforcement purposes unless the department determines that an
17 activity being performed at a facility or conditions at a facility:
18 (a) Pose an imminent threat of placing a person in danger of death or
19 bodily harm; or (b) have a probability of causing environmental harm.

20 (4) The legislature encourages the department to exercise its
21 enforcement discretion with regard to pharmaceutical waste during the
22 pendency of the work group process described in subsection (1) of
23 this section.

24 (5) The definitions in this subsection apply throughout this
25 section unless the context clearly requires otherwise.

26 (a) "Department" means the department of ecology.

27 (b) "Pharmaceutical waste generators" includes hospitals,
28 clinics, and other health care facilities that administer
29 pharmaceuticals.

30 (c) "Qualified pharmaceutical waste handling facilities" includes
31 facilities that handle state-only pharmaceutical waste destined for
32 disposal at a facility eligible to accept such waste, process medical
33 waste to eliminate biohazards, operate a wastewater treatment plant
34 pursuant to a valid state waste discharge permit issued under chapter
35 90.48 RCW, and offer appropriate training to pharmaceutical waste
36 generators on sorting and disposal of pharmaceutical waste.

37 (d) "State-only pharmaceutical waste" includes any schedule I
38 through V controlled substances as defined in chapter 69.50 RCW,
39 legend drugs as defined in chapter 69.41 RCW, and over-the-counter
40 medications as defined in chapter 69.60 RCW that are designated as

1 dangerous waste under rules adopted under chapter 70.105 RCW and that
2 are not a hazardous waste under the federal resource conservation and
3 recovery act, 42 U.S.C. Sec. 6901 et seq."

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4 On page 1, line 1 of the title, after "waste;" strike the
5 remainder of the title and insert "and creating new sections."

EFFECT: Eliminates the authorization for pharmaceutical waste handling facilities to manage all wastes received from pharmaceutical waste generators as dangerous wastes subject only to state waste disposal requirements. Requires the work group convened by the department of ecology to evaluate pharmaceutical waste management practices to provide recommendations on how to implement regulations consistently statewide, and eliminates the requirement that the department of ecology designate an employee in its headquarters office to oversee statewide pharmaceutical waste regulation.

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