
SUBSTITUTE HOUSE BILL 1845

State of Washington

64th Legislature

2015 Regular Session

By House Environment (originally sponsored by Representatives DeBolt, Fitzgibbon, Orcutt, Short, Smith, and Jenkins)

READ FIRST TIME 02/20/15.

1 AN ACT Relating to pharmaceutical waste; and creating new
2 sections.

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

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

7 (2) It is the legislature's intent that the department of
8 ecology, with input from the regulated community, develop a
9 consistent, statewide approach for regulating pharmaceutical waste
10 that most effectively helps health care establishments, and
11 pharmaceutical and medical waste handling businesses implement and
12 comply with the regulation of pharmaceutical wastes under chapter
13 70.105 RCW.

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

18 NEW SECTION. **Sec. 2.** (1) By September 1, 2015, the department
19 shall convene a work group to identify the problems of properly
20 managing pharmaceutical wastes and recommend solutions to improve

1 management of these wastes at the site of generation through
2 treatment or disposal by commercial waste management facilities. The
3 work group may develop recommendations including, but not limited to,
4 new or revised policies to be issued by the department,
5 recommendations for ensuring consistent interpretation and
6 implementation of existing rules, and recommendations for amendments
7 to chapter 70.105 RCW or rules adopted pursuant to chapter 70.105
8 RCW. The work group must provide recommendations to the appropriate
9 fiscal and policy committees of the legislature by December 31, 2015.

10 (2) The members of the work group must include representatives of
11 state agencies, including the department, the department of health,
12 and the department of labor and industries, the state's qualified
13 pharmaceutical waste handling facilities, a statewide association
14 representing medical doctors, hospitals and other health care
15 providers, and other parties with expertise in the field of
16 pharmaceutical waste management. To facilitate the work group, the
17 department must hire a consultant that is on the state list of
18 qualified contractors with expertise in the federal resource
19 conservation and recovery act.

20 (3) In order to promote an open dialogue on the challenges of
21 managing pharmaceutical wastes at the site of generation and by
22 commercial waste management companies, the department may not use
23 information shared by pharmaceutical waste generators or
24 pharmaceutical waste handling facilities during work group meetings
25 for enforcement purposes unless the department determines that an
26 activity being performed at a facility or conditions at a facility:
27 (a) Pose an imminent threat of placing a person in danger of death or
28 bodily harm; or (b) have a probability of causing environmental harm.

29 (4)(a) Because pharmaceutical waste handling facilities accept
30 waste from sources statewide, the regulation of qualified
31 pharmaceutical waste handling facilities by the department must be
32 overseen in a consistent manner statewide by a designee of the
33 headquarters office of the department.

34 (b) The legislature encourages the department to exercise its
35 enforcement discretion with regard to pharmaceutical waste during the
36 pendency of the work group process described in subsection (1) of
37 this section. The conditional exclusion set forth in WAC
38 173-303-071(3)(nn), as of the effective date of this section, shall
39 apply to any waste received by a qualified pharmaceutical waste
40 handling facility from a pharmaceutical waste generator.

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

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

4 (b) "Pharmaceutical waste generators" includes hospitals,
5 clinics, and other health care facilities that administer
6 pharmaceuticals.

7 (c) "Qualified pharmaceutical waste handling facilities" includes
8 facilities that handle state-only pharmaceutical waste destined for
9 disposal at a facility eligible to accept such waste, process medical
10 waste to eliminate biohazards, operate a wastewater treatment plant
11 pursuant to a valid state waste discharge permit issued under chapter
12 90.48 RCW, and offer appropriate training to pharmaceutical waste
13 generators on sorting and disposal of pharmaceutical waste.

14 (d) "State-only pharmaceutical waste" includes any controlled
15 substances as defined in chapter 69.50 RCW, legend drugs as defined
16 in chapter 69.41 RCW, and over-the-counter medications as defined in
17 chapter 69.60 RCW that are designated as dangerous waste under rules
18 adopted under chapter 70.105 RCW and that are not a hazardous waste
19 under the federal resource conservation and recovery act, 42 U.S.C.
20 Sec. 6901 et seq.

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