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HOUSE BILL 1845

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State of Washington

64th Legislature

2015 Regular Session

By Representatives DeBolt, Fitzgibbon, Orcutt, Short, Smith, and Jinkins

Read first time 01/30/15. Referred to Committee on Environment.

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 an increasingly complex regulatory environment  
6 that can affect their core mission of treating illness and saving  
7 lives. In the course of treatment, health care providers must  
8 immediately sort pharmaceutical and medical waste into specific waste  
9 streams according to the nature and type of the waste, including  
10 regulated biomedical waste, wastes regulated as state-only dangerous  
11 waste under chapter 70.105 RCW, and wastes regulated as hazardous  
12 under the federal resource conservation and recovery act, 42 U.S.C.  
13 Sec. 6901 et seq.

14 (2) The legislature finds that the regulation of pharmaceuticals  
15 by the department of ecology under chapter 70.105 RCW and the  
16 department's April 2008 interim enforcement policy for pharmaceutical  
17 waste in health care has led to persistent confusion by health care  
18 workers and inadvertent missorting of wastes into the wrong disposal  
19 containers, notwithstanding the efforts of the department and the  
20 waste handling companies who collect the waste to repeatedly train  
21 health care workers on proper disposal.

1 (3) The legislature finds that because inadvertently missorted  
2 pharmaceutical wastes are often mixed with infectious medical waste,  
3 waste handling facilities cannot effectively inspect the incoming  
4 wastes because of the health risk such an inspection would pose to  
5 handling facility personnel. It is the legislature's intent that the  
6 department of ecology develop an approach for regulating  
7 pharmaceutical waste that can be effectively implemented and complied  
8 with by health care establishments and medical waste handling  
9 businesses.

10 NEW SECTION. **Sec. 2.** (1) By September 1, 2015, the department  
11 shall initiate a negotiated rule-making process under RCW  
12 34.05.310(2)(a) with the state's qualified pharmaceutical waste  
13 handling facilities, the Washington hospital association, and other  
14 interested parties to develop an alternative to the department's  
15 April 2008 interim enforcement policy for pharmaceutical waste.

16 (2) By September 1, 2016, the department must submit to the  
17 appropriate committees of the legislature a report on the status of  
18 the rule-making process. Until such time as the rules developed by  
19 the department under the negotiated rule-making process become  
20 effective, documentation prepared by pharmaceutical waste generators  
21 for waste received by qualified pharmaceutical waste handling  
22 facilities is presumed to be correct for the purposes of waste  
23 characterization under chapter 70.105 RCW. The conditional exclusion  
24 set forth in WAC 173-303-071(3)(nn) shall apply to any waste received  
25 by a qualified pharmaceutical waste handling facility from a  
26 pharmaceutical waste generator.

27 (3) The definitions in this subsection apply throughout this  
28 section unless the context clearly requires otherwise.

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

30 (b) "Pharmaceutical waste generators" includes hospitals,  
31 clinics, and other health care facilities that administer  
32 pharmaceuticals.

33 (c) "Qualified pharmaceutical waste handling facilities" includes  
34 facilities that handle state-only pharmaceutical waste destined for  
35 disposal at a facility eligible to accept such waste, process medical  
36 waste to eliminate biohazards, operate a wastewater treatment plant  
37 pursuant to a valid state waste discharge permit issued under chapter  
38 90.48 RCW, and offer appropriate training to pharmaceutical waste  
39 generators on sorting and disposal of pharmaceutical waste.

1 (d) "State-only pharmaceutical waste" includes any controlled  
2 substances as defined in chapter 69.50 RCW, legend drugs as defined  
3 in chapter 69.41 RCW, and over-the-counter medications as defined in  
4 chapter 69.60 RCW that are designated as dangerous waste under rules  
5 adopted under chapter 70.105 RCW and that are not a hazardous waste  
6 under the federal resource conservation and recovery act, 42 U.S.C.  
7 Sec. 6901 et seq.

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