

Fact Sheet - AB 1442

Subject: Pharmaceutical Waste

Author: Wieckowski (D)

Coauthor: Allen (D)

Current Status: Introduced 1/4/2012, Amended 2/6/2012

Next Hearing: 3/20/2012

Location: Assembly Committee on Environmental Safety and Toxic Materials

Existing Law: Existing Medical Waste Management Act, administered by the State Department of Public Health, regulates the management and handling of medical waste. Existing law requires that all medical waste be hauled by either a registered hazardous waste hauler or by a person with an approved limited-quantity exemption granted pursuant to specified provisions of law.

Problem: Under existing law, pharmaceutical drugs can be sent to healthcare facilities (HCFs) through standard common carriers, or standard shipping means. Unused drugs can sometimes be returned to the manufacturer for credit, via a common carrier. Expired and non-dispensable drugs must be shipped as "Medical Waste", requiring expensive hazardous waste shipping, instead of common carrier. According to the bill sponsor, this is unnecessarily expensive for pharmacies, hospitals, and other health care facilities, who are simply returning the exact same drug that was shipped to them by common carrier.

Proposal: This bill would authorize a medical waste generator, or parent organization that employs health care professionals who generate pharmaceuticals, to apply to the enforcement agency for a pharmaceutical waste hauling exemption if the generator, health care professional, or parent organization retains specified documentation and meets specified requirements. The bill would authorize pharmaceutical waste to be transported by the generator or health care professional who generated the pharmaceutical waste, a staff member of the generator or health care professional, or common carrier, pursuant to these provisions.

This Bill:

- Defines –
 - "Common Carrier"
 - "Pharmaceutical Waste"
- Proposes changes to the California Medical Waste Management Act
 - Health and Safety Code Sections 117600-118360
- Would reduce transportation costs for HCFs
- Help the environment by encouraging proper disposal
 - Cheaper costs to HCFs reduces the chance of illegal disposal

Potential Concerns:

- Who is the enforcement agency?
- Would lower transportation standards lead to potential health risks?
- Pharmaceutical industry opposed; may view this as laying the ground work for future EPR legislation.