

Senate Bill 212 Regulation Update

Senate Bill 212 (SB 212) was enacted in 2018 to establish comprehensive, producer-funded take-back programs to provide safe and convenient disposal for home-generated drugs and sharps waste. The law requires covered manufacturers and distributors to finance and implement stewardship programs to be responsible for covered drugs and sharps at the end of their useful life.

SB 212 requires minimum convenience standards for take-back locations. For covered drugs, the minimum requirement is one authorized collection site with a take-back bin per 50,000 residents in a county. For home-generated sharps waste, a mail-back program must be established requiring containers and mail-back materials to be provided at point of sale at no cost to the customer. The law requires a stewardship organization to reimburse local agencies for disposal costs for home-generated sharps waste that they may collect, and requires a stewardship organization to maintain a website and toll-free number for providing useful information.

The implementation of SB 212 began with the California Department of Resources Recycling and Recovery (CalRecycle) informal rulemaking process, which started in January 2019. During the informal process, CalRecycle hosted multiple workshops where they presented different components of the future regulations and solicited feedback on these components from stakeholders. The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) submitted initial comments to further clarify standards, definitions and procedure. The formal rulemaking process began in January 2020 with CalRecycle releasing a first draft of the proposed regulations for a 45-day comment period. CalRecycle subsequently released a second draft of the proposed regulations on July 15, 2020, for a 15-day public comment period. The points initially raised by the Task Force have been expanded upon in the Proposed Regulations.

SB 212 requires CalRecycle to adopt the regulations with an effective date of no later than January 1, 2021. The stewardship plans are due to CalRecycle by July 1, 2021, and stewardship organization(s) are required to provide CalRecycle their first annual report by March 31, 2022.

For more information, please contact pharmasharps@calrecycle.ca.gov.