

AMENDED IN SENATE JANUARY 20, 2010

AMENDED IN SENATE APRIL 15, 2009

SENATE BILL

No. 26

Introduced by Senator Simitian

December 1, 2008

~~An act to add Sections 4001.2, 4068.1, and 4146 to the Business and Professions Code, to amend Sections 117700, 118000, 118040, and 118147 of, and to add Sections 117669, 117748, 117904.5, 118031, and 118041 to, the Health and Safety Code, and to amend Section 47200 of the Public Resources Code, relating to pharmaceutical waste. An act to amend Section 48652 of the Public Resources Code, relating to recycling.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 26, as amended, Simitian. ~~Home-generated pharmaceutical waste. Recycling: used lubricating oil: rerefining incentive.~~

The California Oil Recycling Enhancement Act, administered by the Department of Resources Recycling and Recovery, establishes the used oil recycling program, consisting of, among other things, a recycling incentive system. The act requires the department, on and after January 1, 2013, to pay a rerefining incentive to certain recycling facilities that produce rerefined base lubricants meeting specified requirements and requires the department to set the amount of the rerefining incentive, on and after January 1, 2014, at \$0.02 per gallon.

The act generally imposes charges on oil manufacturers and manufacturers of finished lubricants and requires the department to deposit the charges in the California Used Oil Recycling Fund, which is continuously appropriated to the department to pay, among other things, those rerefining incentives.

This bill would make technical nonsubstantive changes to that provision.

~~The existing Pharmacy Law establishes the California State Board of Pharmacy, prescribes the licensing, regulatory, and disciplinary functions of the board, and authorizes the board to adopt rules and regulations necessary to administer laws governing the operation of pharmacies and the dispensing of drugs and devices to the public.~~

~~This bill would require the board to coordinate with other state agencies, local governments, drug manufacturers, and pharmacies to develop sustainable, efficient policies and programs to manage pharmaceutical wastes and the disposal of devices. The bill would authorize a pharmacy to accept the return of home-generated pharmaceutical waste and home-generated sharps waste, as defined.~~

~~Existing law, the California Integrated Waste Management Act of 1989, requires the California Integrated Waste Management Board to adopt regulations that set forth minimum standards for solid waste management and require assurance of financial ability to pay for specified injury and property damage claims resulting from the operation of a disposal facility. The act requires the board to expend moneys from the Solid Waste Management Account in the Integrated Waste Management Fund, upon appropriation by the Legislature, for the making of grants to cities, counties, or other local agencies with responsibility for solid waste management, and for local programs to help prevent the disposal of hazardous wastes at disposal sites, as provided.~~

~~This bill would require that local programs to help prevent the disposal of home-generated sharps waste and home-generated pharmaceutical waste at disposal sites also be included among the types of local programs that may be funded by such a grant.~~

~~Existing law, the Medical Waste Management Act, requires the State Department of Public Health to regulate the management and handling of medical waste, as defined. Under existing law, certain items, such as household waste, are specifically excluded from the definition of medical waste.~~

~~This bill would also exclude home-generated pharmaceutical waste, as defined, from the definition of medical waste.~~

~~Existing law regulates the methods of consolidating, storing, and transporting medical waste and home-generated sharps waste. Violation of these provisions is a crime.~~

~~This bill would regulate consolidation points for home-generated pharmaceutical waste, as defined, as well as transportation and disposal of that waste. By expanding the definition of a crime, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes-no~~. State-mandated local program: ~~yes-no~~.

The people of the State of California do enact as follows:

1 SECTION 1. Section 48652 of the Public Resources Code is
2 amended to read:

3 48652. (a) Except as provided in subdivision (d), the ~~board~~
4 *department* shall set the recycling incentive at not less than ten
5 cents (\$0.10) per quart. The ~~board~~ *department* may set the amount
6 at an amount higher than ten cents (\$0.10) if the ~~board~~ *department*
7 determines that a higher amount is necessary to promote the
8 collection and recycling of used lubricating oil and sufficient funds
9 are available in the fund.

10 (b) On and after January 1, 2014, the ~~board~~ *department* shall
11 set the rerefining incentive at not less than two cents (\$0.02) per
12 gallon. On and after January 1, 2015, the ~~board~~ *department* may
13 set the rerefining incentive at a higher amount if the ~~board~~
14 *department* determines that a higher amount is necessary to
15 promote ~~rerefining of used lubricating~~ *rerefined* oil and sufficient
16 funds are available in the fund.

17 (c) The ~~board~~ *department* shall not change the amount of an
18 incentive paid pursuant to this section until at least one year has
19 passed since the amount was last set. The amount of an incentive
20 paid by the ~~board~~ *department* shall remain at the previous amount
21 for one month after setting the incentive at a different amount. The
22 ~~board~~ *department* shall not raise the amount of an incentive paid
23 unless it finds that the raise will not adversely affect funding
24 required pursuant to Sections 48631, 48653, and 48660.5.

25 (d) The ~~board~~ *department* shall set the recycling incentive for
26 used *lubricating* oil generated by a certified used oil collection

1 center and an industrial generator at not less than four cents (\$0.04)
2 per quart. The ~~board~~ *department* may set the amount higher than
3 four cents (\$0.04); if the ~~board~~ *department* determines that a higher
4 amount is necessary to promote the collection and recycling of
5 used *lubricating* oil from these generators and sufficient funds are
6 available.

7 *(e) For purposes of this section, “department” means the*
8 *Department of Resources Recycling and Recovery.*

9
10
11
12
13
14

**All matter omitted in this version of the bill
appears in the bill as amended in the
Senate, April 15, 2009. (JR11)**