

AMENDED IN SENATE APRIL 1, 2014

SENATE BILL

No. 1014

Introduced by Senator Jackson
(Principal coauthor: Senator Leno)
(Coauthors: Senators Evans, Hancock, Liu, and Pavley)
(Coauthors: Assembly Members Ammiano and Williams)

February 13, 2014

An act to add Section 4068.1 to the Business and Professions Code, to amend Section 117700 of, and to add Section 117670.1 to, the Health and Safety Code, and to add Article 3.4 (commencing with Section 47120) to Chapter 1 of Part 7 of Division 30 of the Public Resources Code, relating to pharmaceutical waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1014, as amended, Jackson. Pharmaceutical waste: ~~home-generated~~ *home generated*.

(1) The Department of Resources Recycling and Recovery was required, pursuant to provisions repealed on January 1, 2013, to develop, in consultation with appropriate state, local, and federal agencies, model programs for the collection and proper disposal of drug waste.

This bill would enact the Home-Generated Pharmaceutical Waste Collection Disposal Act and would define terms for purposes of the act. The bill would require a producer of covered pharmaceuticals to submit to the Department of Resources Recycling and Recovery, by July 1, 2015, except as specified, a product stewardship plan and would authorize one or more producers to submit a plan or designate a stewardship organization to act as an agent on behalf of the producers to submit a plan. The bill would require the stewardship plan to contain specified elements with regard to the collection and disposal of

home-generated pharmaceutical waste, including provisions for the payment of all administrative and operational fees associated with the product stewardship program.

The bill would specify procedures for the approval of the plan by the department and would require a producer, group of producers, or stewardship organization operating a stewardship program to take specified actions with regard to the disposal of home-generated pharmaceutical waste and promoting product stewardship programs to consumers, pharmacists, retailers of covered pharmaceuticals, and health care practitioners.

The bill would require a producer, group of producers, or stewardship organization operating a product stewardship program to prepare and submit to the department an annual written report describing the program's activities during the previous calendar year by July 1, 2016, or at a later date as approved by the department, and on or before July 1 annually thereafter.

The bill would authorize the department to adopt regulations to implement the act and would require the department to adopt regulations to provide for the appropriate management of consolidated home-generated pharmaceutical waste, to establish a schedule of fees to be charged to cover the department's costs of administering and enforcing the act, and to adopt a schedule setting the amounts of administrative civil penalties that the department would be authorized to impose. The bill would require a producer, group of producers, or a stewardship organization submitting a plan to the department to pay the fees set by the department and would require the department to deposit the fees into the Home-Generated Pharmaceutical Waste Program Account, which the bill would create in the Integrated Waste Management Fund. The department would be authorized to expend the fees, upon appropriation by the Legislature, to administer and enforce the act.

The bill would authorize the department to issue an administrative order to, or impose a civil penalty upon, a producer who is in violation of the act or a regulation adopted pursuant to the act. The bill would require the department to deposit the penalties into the Home-Generated Pharmaceutical Waste Penalty Account, which the bill would create in the Integrated Waste Management Fund, and would authorize the department to expend the moneys in that account, upon appropriation by the Legislature, to enforce the act.

(2) The Medical Waste Management Act, administered by the State Department of Public Health, regulates the management and handling of medical waste, including pharmaceutical waste, as defined. Existing law defines the term medical waste and excludes certain types of waste from that definition.

This bill would define the term “home-generated pharmaceutical waste” for purposes of that act. The bill would exclude, from the definition of medical waste, home-generated pharmaceutical waste that is handled by a collection and disposal program operating in accordance with the act specified above. This exclusion would not become operative until the Secretary of State posts a notice regarding the effective date of the regulations that the department is required to adopt pursuant to that act.

(3) The Pharmacy Law provides for the licensure and regulation of pharmacists and pharmacy establishments by the California State Board of Pharmacy, and makes a knowing violation of that law a misdemeanor.

The bill would also authorize a pharmacy to accept the return of home-generated pharmaceutical waste from a consumer, consistent with specified federal laws. Because a knowing violation of this provision would be a crime, the bill would impose a state-mandated local program.

(4) 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.
State-mandated local program: yes.

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

- 1 SECTION 1. Section 4068.1 is added to the Business and
- 2 Professions Code, to read:
- 3 4068.1. A pharmacy may accept the return of home-generated
- 4 pharmaceutical waste, as defined in Section 117670.1 of the Health
- 5 and Safety Code, from a consumer, consistent with the Federal
- 6 Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.) and
- 7 the *federal* Controlled Substances Act (21 U.S.C. Sec. 801 et seq.).
- 8 SEC. 2. Section 117670.1 is added to the Health and Safety
- 9 Code, to read:

1 117670.1. “Home-generated pharmaceutical waste” means a
2 prescription or over-the-counter human or veterinary
3 home-generated pharmaceutical, including, but not limited to, a
4 drug, as defined in Section 109925 or in Section 321(g)(1) of Title
5 21 of the United States Code, that is a waste, as defined in Section
6 25124, derived from a household, including, but not limited to, a
7 multifamily residence or household.

8 SEC. 3. Section 117700 of the Health and Safety Code is
9 amended to read:

10 117700. Medical waste does not include any of the following:

11 (a) Waste generated in food processing or biotechnology that
12 does not contain an infectious agent as defined in Section 117675.

13 (b) Waste generated in biotechnology that does not contain
14 human blood or blood products or animal blood or blood products
15 suspected of being contaminated with infectious agents known to
16 be communicable to humans.

17 (c) Urine, feces, saliva, sputum, nasal secretions, sweat, tears,
18 or vomitus, unless it contains fluid blood, as provided in
19 subdivision (d) of Section 117635.

20 (d) Waste which is not biohazardous, such as paper towels,
21 paper products, articles containing nonfluid blood, and other
22 medical solid waste products commonly found in the facilities of
23 medical waste generators.

24 (e) Hazardous waste, radioactive waste, or household waste,
25 including, but not limited to, home-generated sharps waste, as
26 defined in Section 117671.

27 (f) Waste generated from normal and legal veterinarian,
28 agricultural, and animal livestock management practices on a farm
29 or ranch.

30 (g) (1) Home-generated pharmaceutical waste, including, but
31 not limited to, consolidated home-generated pharmaceutical waste,
32 that is handled by a collection and disposal program operating in
33 accordance with Article 3.4 (commencing with Section 47120) of
34 Chapter 1 of Part 7 of Division 30 of the Public Resources Code.

35 (2) The Department of Resources Recycling and Recovery shall
36 notify the Secretary of State of the effective date of the regulations
37 adopted pursuant to subdivision (b) of Section 47129 of the Public
38 Resources Code. The Secretary of State shall post this notification
39 on its Internet Web site within 15 days after receiving that notice.

1 (3) Paragraph (1) shall not become operative until the Secretary
2 of State posts the notice described in paragraph (2) on its Internet
3 Web site.

4 SEC. 4. Article 3.4 (commencing with Section 47120) is added
5 to Chapter 1 of Part 7 of Division 30 of the Public Resources Code,
6 to read:

7
8 Article 3.4. Home-Generated Pharmaceutical Waste Collection
9 and Disposal

10
11 47120. The Legislature hereby finds and declares all of the
12 following:

13 (a) Prescription and nonprescription drugs successfully allow
14 us to live longer, healthier, and more productive lives.

15 (b) The public, particularly children and the elderly, are at
16 significant and unnecessary risk of poisoning due to improper or
17 careless disposal of drugs and the illegal resale of drugs.

18 (c) Our source water for drinking water is being contaminated
19 by unwanted, leftover, or expired drugs passing through our
20 wastewater and treatment centers.

21 (d) There is no mandatory statewide drug stewardship program
22 for unwanted drugs in California.

23 (e) It is the intent of the Legislature that all members of the
24 supply chain work together to implement an effective program to
25 maximize the collection and disposal of unused drugs in California.

26 47121. This article shall be known, and may be cited, as the
27 “Home-Generated Pharmaceutical Waste Collection and Disposal
28 Act.”

29 47122. For the purposes of this article, the following terms
30 have the following meanings:

31 (a) “Consumer” means an individual purchaser or owner of a
32 covered pharmaceutical. “Consumer” does not include a business,
33 corporation, limited partnership, or an entity involved in a
34 wholesale transaction between a distributor and retailer.

35 (b) “Controlled substance” means a substance listed in Chapter
36 12 (commencing with Section 11053) of Division 10 of the Health
37 and Safety Code, or in Section 812 of Title 21 of the United States
38 Code or subject to Section 813 of Title 21 of the United States
39 Code.

- 1 (c) “Cosmetic” means anything defined as a cosmetic in Section
2 109900 of the Health and Safety Code.
- 3 (d) (1) “Covered pharmaceutical” means a prescription drug
4 or an over-the-counter human or veterinary drug.
- 5 (2) “Covered pharmaceutical” does not include any of the
6 following:
- 7 (A) A drug that is regulated pursuant to either of the following:
- 8 (i) The federal Resource Conservation and Recovery Act of
9 1976, as amended (42 U.S.C. Sec. 6901 et seq.).
- 10 (ii) The Radiation Control Law (Chapter 8 (commencing with
11 Section 114960) of Part 9) of Division 104 of the Health and Safety
12 Code.
- 13 (B) A vitamin or supplement.
- 14 (C) ~~A~~ An herbal-based remedy or a homeopathic drug, product,
15 or remedy.
- 16 (D) Cosmetics, soap, with or without germicidal agents, laundry
17 detergent, bleach, household cleaning products, shampoos,
18 sunscreens, toothpaste, lip balm, antiperspirants, or other personal
19 care products that are regulated cosmetics under the Federal Food,
20 Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.).
- 21 (E) A drug for which a producer provides a take-back program
22 as part of a federal Food and Drug Administration managed risk
23 evaluation and mitigation strategy (21 U.S.C. Sec. 355-1).
- 24 (F) A drug that is a biological product, as defined in subsection
25 (h) of Section 600.3 of Title 21 of the Code of Federal Regulations,
26 as it read on January 1, 2015, if the producer provides a take-back
27 program.
- 28 (G) A pet pesticide product contained in a pet collar, powder,
29 shampoo, topical application, or other delivery system.
- 30 (e) “Drug” means anything defined as a drug in Section 109925
31 of the Health and Safety Code or in Section 321 (g)(1) of Title 21
32 of the United States Code.
- 33 (f) “Home-generated pharmaceutical waste” means a covered
34 pharmaceutical that is a waste, as defined in Section 25124 of the
35 Health and Safety Code, derived from a household, including, but
36 not limited to, a multifamily residence or household.
- 37 (g) “Mail-back program” means a system whereby a generator
38 of home-generated pharmaceutical waste may obtain a prepaid
39 and preaddressed mailing envelope in which to place

1 home-generated pharmaceutical waste for shipment to an entity
2 that will dispose of it safely and legally.

3 (h) “Over-the-counter drug” means a drug that may be lawfully
4 sold without a prescription.

5 (i) “Pharmaceutical wholesaler” means a person that sells or
6 distributes covered pharmaceuticals for resale to an entity other
7 than a consumer.

8 (j) “Plan” or “product stewardship plan” means a product
9 stewardship plan to implement a program to collect and dispose
10 of home-generated pharmaceutical waste.

11 (k) “Prescription drug” means a drug required by federal or state
12 law to be dispensed lawfully only on prescription.

13 (l) (1) “Producer” shall be determined with regard to a covered
14 pharmaceutical that is sold, offered for sale, or distributed in the
15 state as meaning one of the following:

16 (A) The person that manufactures a covered pharmaceutical
17 and that sells, offers for sale, or distributes that covered
18 pharmaceutical in the state under that person’s own name or brand.

19 (B) If there is no person who meets the condition specified in
20 subparagraph (A), the producer of the covered pharmaceutical is
21 the owner or licensee of a trademark or brand under which the
22 covered pharmaceutical is sold or distributed in California, whether
23 or not the trademark is registered.

24 (C) If there is no person who meets the conditions specified in
25 subparagraph (A) or (B), the producer of that covered
26 pharmaceutical is the person who brings the pharmaceutical into
27 the state for sale or distribution.

28 (2) “Producer” does not include either of the following:

29 (A) A retailer that puts its store label on a covered
30 pharmaceutical.

31 (B) A pharmacist who dispenses prescription drugs to, or
32 compounds a prescribed individual drug product for, a consumer.

33 (m) “Product stewardship program” or “program” means a
34 program financed and operated by one or more producers to collect,
35 transport, and dispose of home-generated pharmaceutical waste.

36 (n) “Stewardship organization” means an organization
37 designated by a group of producers to act as an agent on behalf of
38 each producer to operate a product stewardship program.

39 47124. (a) On or before July 1, 2015, or on a later date that
40 may be specified by the department, a producer shall submit to the

1 department a product stewardship plan that complies with the
2 requirements of subdivision (b). One or more producers may submit
3 a plan or designate a stewardship organization to act as an agent
4 on behalf of the producers to submit a plan. A producer that
5 designates a stewardship organization shall enter into an agreement
6 with that stewardship organization to operate, on the producer's
7 behalf, a product stewardship program and the stewardship
8 organization shall submit a plan pursuant to this section on or
9 before July 1, 2015, or on a later date that may be specified by the
10 department.

11 (b) A product stewardship plan shall contain all of the following
12 elements:

13 (1) A certification that the product stewardship program will
14 accept all home-generated pharmaceutical waste that results from
15 a covered pharmaceutical sold by the producer, or by the producers
16 that enter into agreement with the stewardship organization, from
17 all households, including multifamily households, unless excused
18 from this requirement by the department as part of the approval
19 of the plan.

20 (2) Contact information for the producer submitting the plan or
21 for each of the producers participating in the product stewardship
22 program submitting the plan.

23 (3) A description of the methods by which home-generated
24 pharmaceutical waste will be collected and an explanation of how
25 the collection system will conveniently and adequately serve the
26 residents of the state.

27 (4) A description of how the product stewardship plan will
28 provide collection services for home-generated pharmaceutical
29 waste in all areas of that state that are convenient to the public and
30 adequate to meet the needs of the population in the area being
31 served.

32 (5) The location of each collection site and locations where
33 envelopes for a mail-back program are available, if applicable.

34 (6) A list containing the name, location, permit status, and record
35 of any penalties, violations, or regulatory orders received in the
36 previous five years by each person that will be involved in
37 transporting home-generated pharmaceutical waste and each
38 medical waste disposal facility proposed to participate in the
39 product stewardship program.

1 (7) A description of how the home-generated pharmaceutical
2 waste will be safely and securely tracked and handled from
3 collection through final disposal and the policies and procedures
4 to be followed to ensure security.

5 (8) A description of how the public education and outreach
6 activities required by subdivision (c) of Section 47126 will be
7 implemented and how the effectiveness of those activities will be
8 evaluated.

9 (9) A description of how the scope and extent of the product
10 stewardship program are reasonably related to the amount of
11 covered pharmaceuticals that are sold in the state by the producer
12 or group of producers.

13 (10) A starting date when the collection of home-generated
14 pharmaceutical waste will begin.

15 (11) A description of how support will be provided to any law
16 enforcement agencies within the state that have, or later agree to
17 have, a collection program for controlled substances, including all
18 of the following:

19 (A) The provision of a collection kiosk with appropriate
20 accessories and signage.

21 (B) An ability to accept controlled substances and other
22 home-generated covered pharmaceutical waste.

23 (C) Technical support, including an appropriate person to
24 provide onsite assistance with the sorting and separation of
25 controlled substances at no cost to a participating law enforcement
26 agency.

27 (12) A description of how collection sites for home-generated
28 pharmaceutical waste may be placed at appropriate retail stores in
29 the state, including a description of the involvement of the retail
30 stores.

31 (13) If more than one producer will be involved in a proposed
32 product stewardship program, the product stewardship plan for
33 that program shall include a fair and reasonable manner for
34 allocating the costs of the program among the participants in that
35 program, so that the portion of costs paid by each producer is
36 reasonably related to the amount of covered pharmaceutical sold
37 by the producer in the state.

38 (14) (A) Provisions for the payment of all administrative and
39 operational fees associated with the product stewardship program,
40 including the cost of collecting, transporting, and disposing of

1 home-generated pharmaceutical waste and the recycling or
2 disposal, or both, of packaging collected with the home-generated
3 pharmaceutical waste.

4 (B) The plan shall not allow a person or producer to charge a
5 specific point-of-sale fee to consumers to recoup the costs of their
6 product stewardship program, or charge a specific
7 point-of-collection fee at the time the home-generated
8 pharmaceutical waste is collected or delivered for disposal.

9 47125. (a) A producer, group of producers, or stewardship
10 organization shall not collect home-generated pharmaceutical
11 waste until it has received written approval of its product
12 stewardship plan from the department.

13 (b) Within 180 days after receipt and review of a product
14 stewardship plan, the department shall conduct a noticed public
15 hearing and determine whether the plan complies with the
16 requirements of this article and any regulations adopted pursuant
17 to this article. As part of its approval, the department may set
18 reasonable performance goals for the program proposed to be
19 implemented by the plan.

20 (c) The department shall notify the applicant in writing of the
21 approval of the plan.

22 (d) If the department rejects a plan, it shall notify the applicant
23 in writing of its reasons for rejecting the plan. The department may
24 reject a plan without conducting a public hearing, other than the
25 hearing required by subdivision (b).

26 (e) An applicant whose plan has been rejected by the department
27 shall submit a revised plan to the department within 60 days after
28 receiving notice of the rejection. The department may require the
29 submission of a further revised plan or may develop, approve, and
30 impose its own product stewardship plan or an approved plan
31 submitted by other producers pursuant to this article. The
32 department shall present the imposed plan at a public hearing. The
33 department is not required, and nothing in this article shall be
34 interpreted as requiring the department, to create or impose a
35 product stewardship plan.

36 (f) If the department rejects a revised product stewardship plan
37 or any other subsequently revised plan, a producer that is subject
38 to the plan shall be considered to be out of compliance with this
39 article and subject to the enforcement provisions contained in this
40 article. If the department imposes its own plan, the producer shall

1 not be considered out of compliance with this article if the producer
2 complies with that plan.

3 (g) At least every three years, a producer, group of producers,
4 or stewardship organization operating a product stewardship
5 program shall update the product stewardship plan and submit the
6 updated plan to the department for review and approval.

7 (h) Any proposed changes to a product stewardship plan shall
8 be submitted in writing to the department and approved by the
9 department in writing prior to implementation of any change.

10 (i) On and after July 1, 2015, a producer who commences to
11 sell a covered pharmaceutical in the state shall submit a product
12 stewardship plan to the department or provide evidence of having
13 joined an existing approved product stewardship program no later
14 than 180 days after the date the producer commences to sell that
15 covered pharmaceutical, following the producer's initial sale of
16 the offer for sale of a covered pharmaceutical.

17 47126. A producer, group of producers, or stewardship
18 organization operating a stewardship program shall comply with
19 all local, state, and federal laws and regulations applicable to its
20 operations, including laws and regulations governing the disposal
21 of medical waste and controlled substances, and shall additionally
22 take all of the following actions when operating the program:

23 (a) (1) Dispose of all home-generated pharmaceutical waste,
24 in accordance with paragraph (1) of subdivision (a) of Section
25 118215 of the Health and Safety Code.

26 (2) A producer or stewardship organization operating a
27 stewardship program may petition the department for approval to
28 use a final disposal technology, if lawful, that provides superior
29 environmental and human health protection than provided by
30 current medical waste disposal technology for covered
31 pharmaceuticals, if and when the technology is proven and
32 available. The department may approve that technology, if it
33 provides equivalent protection in each, and superior protection in
34 one or more, of the following areas:

35 (A) Monitoring of any emissions or waste.

36 (B) Worker health and safety.

37 (C) Air, water, or land emissions contributing to persistent,
38 bioaccumulative, or toxic pollution.

39 (D) Overall impact on the environment and human health.

1 (b) Encourage the separation of home-generated pharmaceutical
2 waste from its original containers, when appropriate, prior to
3 collection or disposal.

4 (c) Promote the product stewardship program to consumers,
5 pharmacists, retailers of covered pharmaceuticals, and health care
6 practitioners as to the proper and safe method to dispose of
7 home-generated pharmaceutical waste, in accordance with the
8 following:

9 (1) Develop and update as necessary, educational and other
10 outreach materials aimed at retailers of covered pharmaceuticals.
11 These materials may include, but are not limited to, one or more
12 of the following:

13 (A) Signage that is prominently displayed and easily visible to
14 the consumer.

15 (B) Written materials and templates of materials for reproduction
16 by retailers to be provided to the consumer at the time of purchase
17 or delivery, or both.

18 (C) Advertising or other promotional materials related to the
19 product stewardship program.

20 (2) Prepare education and outreach materials that publicize the
21 location and operation of collection locations in the state and
22 disseminate the materials to health care facilities, pharmacies, and
23 other interested parties.

24 (3) Establish an Internet Web site publicizing collection
25 locations and program operations and a toll-free telephone number
26 that residential generators can call to find nearby collection
27 locations and understand how the program works.

28 47127. On or before July 1, 2016, or at a later date as approved
29 in writing by the department, and on or before July 1 annually
30 thereafter, a producer, group of producers, or stewardship
31 organization operating a product stewardship program shall prepare
32 and submit to the department an annual written report describing
33 the program's activities during the previous calendar year. The
34 report shall include all of the following information:

35 (a) A list of producers participating in the product stewardship
36 program.

37 (b) The amount, by weight, of home-generated pharmaceutical
38 waste collected at each drop-off site and in the entire state and, if
39 applicable, the total amount by weight collected by a mail-back
40 program.

1 (c) A description of the collection system, including the location
2 of each collection site and if applicable, locations where envelopes
3 for a mail-back program are provided.

4 (d) The name and location of disposal facilities at which
5 home-generated pharmaceutical waste were disposed of and the
6 weight of home-generated pharmaceutical waste collected from
7 residential generators disposed of at each facility.

8 (e) Whether policies and procedures for collecting, transporting,
9 and disposing of home-generated pharmaceutical waste, as
10 established in the plan, were followed during the previous calendar
11 year and a description of any noncompliance.

12 (f) Whether any safety or security problems occurred during
13 collection, transportation, or disposal of home-generated
14 pharmaceutical waste during the previous calendar year and, if so,
15 what changes have been or will be made to policies, procedures,
16 or tracking mechanisms to alleviate the problem and to improve
17 safety and security.

18 (g) A description of public education and outreach activities
19 implemented during the reporting period, including the
20 methodology used to evaluate the outreach and program activities.

21 (h) How the product stewardship program complied with all
22 other elements in the product stewardship plan approved by the
23 department, including its degree of success in meeting any
24 performance goals set by the department as part of the approval
25 of the plan.

26 (i) Any other information that the department may reasonably
27 require.

28 47128. The department shall provide on its Internet Web site
29 a list of all producers participating in product stewardship programs
30 approved by the department and a list of all producers the
31 department has identified as noncompliant with this article or the
32 regulations adopted pursuant to this article.

33 47129. (a) The department may adopt regulations to implement
34 this article.

35 (b) The department shall adopt regulations to do all of the
36 following:

37 (1) Provide for the appropriate management of consolidated
38 home-generated pharmaceutical waste to ensure public and
39 environmental safety, including, but not limited to, handling,
40 storage, containment, tracking, transportation, and disposal.

1 (2) Establish a schedule of fees to be charged to the producers
2 to cover the department's costs of administering and enforcing
3 this article. In setting the fee schedule, the department shall only
4 recover its actual costs of administration and enforcement under
5 this article and shall not charge any amounts under this article in
6 excess of its actual administrative and enforcement costs.

7 (3) Adopt a schedule setting the amounts of administrative civil
8 penalties that the department may impose pursuant to Section
9 47130, based on the nature, extent, and severity of the violation
10 and any other relevant factors.

11 (c) A producer, group of producers, or a stewardship
12 organization submitting a plan to the department shall pay the fees
13 set by the department pursuant to subdivision (b).

14 (d) The department shall deposit all fees collected pursuant to
15 this section into the Home-Generated Pharmaceutical Waste
16 Program Account, which is hereby created in the Integrated Waste
17 Management Fund. Upon appropriation by the Legislature, moneys
18 deposited into the account may be expended by the department to
19 administer and enforce this article.

20 47130. (a) The department may issue an administrative order
21 to, or impose an administrative civil penalty upon, a producer who
22 is in violation of this article or a regulation adopted pursuant to
23 this article, to require compliance with this article or the regulation.

24 (b) The department shall deposit all penalties collected pursuant
25 to this article into the Home-Generated Pharmaceutical Waste
26 Penalty Account, which is hereby created in the Integrated Waste
27 Management Fund. Upon appropriation by the Legislature, moneys
28 deposited into the account may be expended by the department to
29 enforce this article.

30 47134. This article does not require a retailer to host a
31 collection site and nothing in this article shall be interpreted as
32 requiring this participation.

33 47135. A producer or stewardship organization that creates
34 and operates a plan that is approved by the department is not in
35 violation of the Cartwright Act (Chapter 2 (commencing with
36 Section 16700) of Part 2 of Division 7 of the Business and
37 Professions Code), the Unfair Practices Act (Chapter 4
38 (commencing with Section 17000) of Part 2 of Division 7 of the
39 Business and Professions Code), or the Unfair Competition Law
40 (Chapter 5 (commencing with Section 17200) of Part 2 of Division

1 7 of the Business and Professions Code), with regard to actions
2 that are taken in accordance with the plan or this article.

3 SEC. 5. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section 17556 of
9 the Government Code, or changes the definition of a crime within
10 the meaning of Section 6 of Article XIII B of the California
11 Constitution.

O