

Introduced by Senators Jackson and StoneFebruary 18, 2016

An act to add Section 1714.24 to the Civil Code, and to add Sections 117670.5, 117748, and 118312 to the Health and Safety Code, relating to pharmaceutical waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1229, as introduced, Jackson. Pharmacies: secure drug take-back bins.

Under existing law, the Medical Waste Management Act, the State Department of Public Health regulates the management and handling of medical waste, including pharmaceutical waste, as defined. The act generally prohibits a person from transporting, storing, treating, disposing, or causing the treatment of medical waste in a manner not authorized by the act. a violation of that provision is a crime.

This bill would require a pharmacy that owns or operates a secure drug take-back bin, as defined, in a publicly accessible location to take reasonable steps to ensure the proper disposal of the pharmaceutical waste contained in the bins. The bill would provide that the owner or operator is not liable for civil damages arising from the use of the secure drug take-back bin if the owner or operator takes reasonable steps, as specified, to ensure the health and safety of consumers and employees and the proper disposal in the waste stream of the pharmaceutical waste contained in the bins. By expanding the application of a crime, the 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.
State-mandated local program: yes.

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

1 SECTION 1. (a) It is the intent of the Legislature to encourage
2 the good faith participation of pharmacies in hosting secure drug
3 take-back bins on their premises for the convenience and public
4 health and safety of prescription drug consumers and the proper
5 disposal in the waste stream of the pharmaceutical waste contained
6 in the bins.

7 (b) It is the intent of the Legislature to prescribe the standards
8 of reasonable care necessary for pharmacies that host secure drug
9 take-back bins on their premises.

10 SEC. 2. Section 1714.24 is added to the Civil Code, to read:

11 1714.24. Any pharmacy that owns or operates a secure drug
12 take-back bin in a publicly accessible location shall not be liable
13 for civil damages arising from the use of the secure drug take-back
14 bin if the owner or operator takes reasonable steps pursuant to
15 Section 118312 of the Health and Safety Code to ensure the health
16 and safety of consumers and employees and the proper disposal
17 in the waste stream of the pharmaceutical waste contained in the
18 bins.

19 SEC. 3. Section 117670.5 is added to the Health and Safety
20 Code, to read:

21 117670.5. “Home-generated pharmaceutical waste” means a
22 pharmaceutical that is a waste generated by a household or
23 households.

24 SEC. 4. Section 117748 is added to the Health and Safety Code,
25 to read:

26 117748. “Secure drug take-back bin” means a receptacle that
27 can receive home-generated pharmaceutical waste, that employs
28 a locking mechanism that requires the hazardous waste hauler and
29 the bin owner or operator to use two, nonidentical keys
30 simultaneously to access the contents of the bin, and that is secured
31 to a wall or the ground.

32 SEC. 5. Section 118312 is added to the Health and Safety Code,
33 to read:

1 118312. Any pharmacy that owns or operates a secure drug
2 take-back bin in a publicly accessible location shall take reasonable
3 steps to ensure the proper disposal in the waste stream of the
4 pharmaceutical waste contained in the bins.

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