

Date of Hearing: May 10, 2017

ASSEMBLY COMMITTEE ON APPROPRIATIONS  
Lorena Gonzalez Fletcher, Chair  
AB 444 (Ting) – As Amended April 18, 2017

Policy Committee: Environmental Safety and Toxic Materials      Vote: 6 - 0

Urgency: No      State Mandated Local Program: No      Reimbursable: No

**SUMMARY:**

This bill authorizes the California Environmental Protection Agency (Cal EPA) to develop a statewide program for the collection, transportation, and disposal of home-generated medical waste, including sharps waste and pharmaceutical waste. Specifically, this bill:

- 1) Requires the program to comply with all federal and state laws related to the collection, transportation, and disposal of medical waste, and prohibits implementation without an appropriation through the Budget Act.
- 2) Defines "stakeholder" as a person who will be participating in the program that will be implemented by a proposed home-generated medical waste collection, transportation and disposal program, including, but not limited to, consumers, retailers, distributors, and health care providers and facilities.
- 3) Defines "home-generated sharps" as hypodermic needles, syringes with needles attached, pen needles, intravenous needles, lancets, or any other similar device intended to self-inject medication at home.
- 4) Defines "home-generated pharmaceutical waste" as a prescription or over-the-counter human or veterinary home-generated pharmaceutical, as defined in the Federal Food, Drug, and Cosmetic Act, that is a waste, as defined in state law (Health and Safety Code (HSC) § 25124), derived from a household, including, but not limited to, a multifamily residence or household.

**FISCAL EFFECT:**

- 1) Onetime Cal EPA costs of \$400,000 over a two-year period to develop a statewide program, including completing a stakeholder and regulatory process (special funds).
- 2) Unknown, likely significant ongoing costs (special funds) to implement the program.

All requirements of the bill are subject to an appropriation in the Budget Act.

**COMMENTS:**

- 1) **Purpose.** According to author, current law does not provide for a comprehensive statewide take-back program for home-generated medical waste, and California homes contain increasing numbers of medical waste, both pharmaceutical and sharps, which are not always

being disposed of properly. This bill provides authority to the California Environmental Protection Agency (CalEPA) to develop a take-back program for home-generated pharmaceutical and sharps waste, subject to a budget appropriation.

- 2) **Background.** An estimated one million Californians inject medications outside traditional health care facilities, which generate approximately 936 million sharps each year, and the numbers of patients using injectable medications will continue to grow because it is an effective delivery method for various medications. The most common home use of sharps is to manage diabetes. Other reasons to inject at home include hepatitis, multiple sclerosis, infertility, migraines, allergies, hemophilia, and medications for pets. According to statistics from CalRecycle, 43% of all self-injectors throw needles in the trash.

Home-generated sharps waste is required to be put into an approved sharps container before being transported out to an approved drop-off location or via mail-back program. CalRecycle maintains the Facility Information Toolbox (FacIT) Website, which currently lists more than 600 facilities where residents can take their home-generated sharps such as hospitals, pharmacies, or household hazardous waste (HHW) facilities.

While disposal of sharps is illegal, there is no statutory program in place to require the management of sharps by manufacturers, pharmaceutical companies, pharmacies, or others. Current law allows for a streamlined oversight structure for those that do wish to provide a voluntary disposal for sharps to their customers or the general public, but there is no mandate for them to do so. Some pharmacies and health care providers have developed programs as a way to assist their customers and have reported some success.

- 3) **Local Government Programs.** Currently, out of California's 58 counties, three counties (Tulare, San Luis Obispo, and Santa Cruz) and two cities (Galt and Santa Cruz) have ordinances that has some level of requirements on retail establishments that sell sharps to accept the used sharps for proper disposal. Other jurisdictions are considering a similar ordinances. According to CalRecycle, approximately 50 counties provide free disposal. At least eight counties and some cities provide free sharps containers and one county provides free mail-back containers to its residents as long as supplies last.
- 4) **Joint Legislative Audit Committee (JLAC) Audit.** In 2016, Assemblymembers Ting and Gray submitted an audit request that was approved asking the State Auditor to provide independently developed and verified information related to the Department of Public Health (DPH), CalRecycle, and a selection of counties' waste disposal standards for home-generated sharps and pharmaceutical waste. The release of this audit is expected in May of 2017.

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