

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2008 MAY -8 PM 6:57

CITY OF OAKLAND

BILL ANALYSIS



Date: 4/30/08

Bill Number: Assembly Bill 501

Bill Authors: Sandre Swanson and Loni Hancock

DEPARTMENT INFORMATION

Contact: Ferial Mosley
Department: Public Works Agency

Telephone: (510) 238-7433 **FAX #:** (510) 238-7286

E-mail: fmosley@oaklandnet.com

RECOMMENDED POSITION: SUPPORT

Summary of the Bill

Assembly Bill (AB) 501 would amend Section 118288 of the Health and Safety Code by requiring pharmaceutical manufacturers whose products are dispensed via a pre-filled syringe, pen needle or other injection device (sharps) to provide, for each new user of the manufacturers' product, a safe sharps disposal kit. The sharps disposal kit should come in the form of a postage pre-paid mail-back container approved by the United States Postal Service and the State of California Department of Health.

Positive Factors for Oakland

AB 501, if enacted, would provide Oakland residents with an additional safe and convenient disposal option for used sharps. Currently, Oakland residents can only dispose of their used sharps at the Alameda County Household Hazardous (HHW) facility. This disposal option is not convenient and may be difficult to use for elderly or frail residents, and persons with disabilities, who may not have access to transportation.

Additionally, AB 501 is consistent with the City Council intention to support producer responsibility initiatives and statewide legislation that holds manufacturers responsible for providing proper and safe disposal for their products.

Finally, the City is committed to 75% solid waste diversion by 2010 and Zero Waste by 2020. Providing Oakland residents with safe disposal options can help ensure that home-generated used sharps are not disposed in the garbage.

Item: _____
Rules & Legislation Comte.
May 15, 2008

Negative Factors for Oakland

Supporting AB 501 has no negative factors for Oakland.

PLEASE RATE THE EFFECT OF THIS MEASURE ON THE CITY OF OAKLAND:

- Critical** (top priority for City lobbyist, city position required ASAP)
- Very Important** (priority for City lobbyist, city position necessary)
- Somewhat Important** (City position desirable if time and resources are available)
- Minimal or None** (do not review with City Council, position not required)

Known support:

- Alameda County Board of Supervisors
- Alameda County Sharps Coalition (Sponsor)
- Alameda Health Consortium
- Alameda Alliance for Health
- AIDS Project of the East Bay
- Alameda-Contra Costa Medical Association
- California Hepatitis C Task Force
- California Labor Federation, AFL-CIO
- California League of Conservative Voters
- California Refuse Removal Council
- California Nurses Association
- California Prevention and Education Project
- California Retailers Association
- California State Association of Counties
- Californians Against Waste
- California State Association of Counties (CSAC)
- Friends of the Homeless
- HIV Education and Prevention Project of Alameda County
- Hotel Employees Restaurant Employees (HERE) Union, Local 2850
- Los Angeles County Solid Waste Management Committee
- Planning and Conservation League
- Regional Council of Rural Counties

San Francisco Bay Area Association of Diabetes Educators (SFBAADE)
Service Employees International Union, Local 616
Sharps Compliance, Inc.
Sierra Club California
International Brotherhood of Teamsters
Waste Management, Incorporated
United Pharmacy

Known Opposition:

Amgen
Pharmaceutical Research and Manufacturers of America
Teva Pharmaceutical
UltiMed Inc.

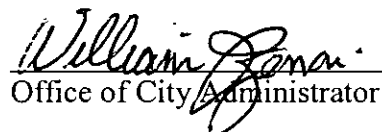
Attach bill text and state/federal legislative committee analysis, if available.

Respectfully Submitted,



Raul Godinez II
Director, Public Works Agency

Approved for Forwarding to
Rules Committee


Office of City Administrator

Item: _____
Rules & Legislation Comte.
May 15, 2008

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2008 MAY -8 PM 6:57

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.


City Attorney

RESOLUTION IN SUPPORT OF ASSEMBLY BILL (AB) 501 (SWANSON AND HANCOCK) – “PHARMACEUTICAL DEVICES” WHICH WOULD REQUIRE PHARMACEUTICAL MANUFACTURERS TO PROVIDE SAFE DISPOSAL OPTIONS FOR HOME-GENERATED PEN NEEDLES, PRE-FILLED SYRINGES, AND OTHER INJECTION DEVICES (SHARPS) BY PROVIDING A PREPAID MAIL-BACK CONTAINER TO CONSUMER.

WHEREAS, improper management of used sharps poses a health risk to the public and solid waste workers through needle stick and injuries; and

WHEREAS, regulations governing the disposal of sharps protect solid waste and other utility workers and the general public from needle sticks and illness; and

WHEREAS, Senate Bill (SB) 372 of 1995 amended the Medical Waste Management Act to define “home-generated sharps” and to allow hospitals and other healthcare facilities to accept them from their patients; and

WHEREAS, SB 1362 of 2004 established the Safe Needle Disposal Act and allowed existing city and county household hazardous waste programs to accept sharps waste generated from homes; and

WHEREAS, SB 1305 of January 2008 amended the Medical Waste Management Act and made it unlawful for home-generated sharps to be disposed into either the municipal solid waste stream or any container used for recyclable materials; and

WHEREAS, the current available disposal option for Oakland residents to dispose of spent sharps is drop off at the Alameda County Household Hazardous Waste facility; and

WHEREAS, AB 501 would require a pharmaceutical manufacturer whose product is administered for home use through a pre-filled syringe or pen needle to provide each person who uses the product with container for the safe disposal of the used sharps; and

WHEREAS, the City of Oakland is charged with protecting the public health and welfare of its residents and workers and assumes the authority and responsibility to comply with the California Health and Safety Code Chapter 6.95 and the Oakland Municipal Code Chapter 8.12; and

WHEREAS, in 2006 the Council passed Resolution #79775 C.M.S., adopting a Waste Reduction and Recycling Strategic Plan to achieve a 75% solid waste diversion goal by 2010; and

WHEREAS, in 2006 through Resolution #79774 C.M.S., the City Council assumed a leadership role in advocating waste reduction principles for materials management by adopting a Zero Waste goal for year 2020; and

WHEREAS, the City Council adopted Resolution #80390 C.M.S in 2007, to support state and local legislation that would hold manufacturers responsible for the management of post consumer waste products; and enacting AB 501 will ensure the cooperation of the pharmaceutical industry in the development of a safe needle disposal system in California; therefore be it

RESOLVED: that the City of Oakland declares its support for AB 501 (Swanson and Hancock); and
be it

FURTHER RESOLVED: that the City Council hereby directs the City Administrator to advocate for
enacting AB 501 with the California State Legislature.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and
 PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
 LaTonda Simmons
 City Clerk and Clerk of the Council
 of the City of Oakland, California