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OAKLAND

CITY OF OAKLAND
BILL ANALYSIS



Date: 2009 JUN 17 PM 9: 56
June 25, 2009

Bill Number: Senate Bill 486

Bill Authors: Joe Simitian

DEPARTMENT INFORMATION

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Department: Public Works Agency

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RECOMMENDED POSITION: SUPPORT

Summary of the Bill

Senate Bill (SB) 486 would require, on or before July 1, 2010 and annually thereafter, a pharmaceutical manufacturer who sells or distributes a medication in California that is self-injected at home through the use of hypodermic needle, pen needle, intravenous needle or any similar device to submit to the California Integrated Waste Management Board (CIWMB) a plan that includes a description of how the manufacturer supports the safe collection and disposal of home-generated used sharps. The plan would be reviewed, approved and monitored by CIWMB.

The plan must include a description of how the manufacturer will: 1) provide safe collection and disposal of home-generated used sharps; 2) educate consumers about safe management and collection opportunities; 3) support efforts by retailers, pharmaceutical distributors and other stakeholders including local governments, health care organizations, public health officers, solid waste service providers and other groups with interest in protecting public health and safety; and 4) post a copy of the plan on their internet website.

Positive Factors for Oakland

SB 486, if enacted, would provide Oakland residents with additional options for safe and convenient disposal for used sharps. In January 2008, Senate Bill 1305, which was supported by City Council, amended the Medical Waste Management Act and prohibited home-generated sharps to be disposed in municipal solid waste and recycling containers.

Item: _____
Rules & Legislation Comte.
June 25, 2009

Currently, Oakland residents may dispose of their used sharps at the Alameda County Household Hazardous facility or at various medical facilities that accept them. These disposal options are not convenient, especially for the frail residents, and persons with disabilities who may not have access to transportation. SB 486 would expand the scope of safe disposal options by requiring the pharmaceutical companies to create and implement programs to provide residents with safe and convenient collection and disposal options.

SB 486 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. SB 486 would advance this goal by requiring the pharmaceutical manufacturers and distributors that sell self-injected medications to create through the plans submitted to the CIWMB the best and most cost-effective sharps disposal programs.

Negative Factors for Oakland

Supporting SB 486 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:

California Sharps Coalition
California State Association of Counties
California Against Waste
California Teamsters Public Affairs Council
Central Contra Costa Solid Waste Authority
Genentech
National Multiple Sclerosis Society, Northern California Chapter
National Multiple Sclerosis Society, California Action Network
Republic Services, Inc.
Santa Clara County Board of Supervisors

Sierra Club California
Waste Management, Inc.

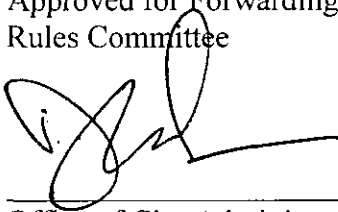
Known Opposition:
None listed

Respectfully Submitted,



Raul Godinez II, P.E.
Director, Public Works Agency

Approved for Forwarding to
Rules Committee



Office of City Administrator

BILL NUMBER: SB 486 AMENDED
BILL TEXT

AMENDED IN SENATE APRIL 2, 2009

INTRODUCED BY Senator Simitian

FEBRUARY 26, 2009

~~An act to amend Section 110205 of the Health and Safety Code,~~ An act to add Article 3.3 (commencing with Section 47115) to Chapter 1 of Part 7 of Division 30 of, the Public Resources Code, relating to medical waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 486, as amended, Simitian. Medical waste: sharps waste.

The California Integrated Waste Management Act of 1989 requires a city's or a county's household hazardous waste element to include a program containing specified components for the safe collection, treatment, and disposal of sharps waste generated by households. The act requires the Integrated Waste Management Board, in consultation with specified entities, to develop model programs for the collection and proper disposal of drug waste.

This bill would require, on or before July 1, 2010, and annually thereafter, a pharmaceutical manufacturer that sells or distributes medication that is self-injected at home through the use of hypodermic needles and other similar devices to submit to the board a plan for the safe collection and destruction of home-generated sharps waste containing specified elements. The bill would require the manufacturer and the board to post and maintain the plan on their respective Internet Web sites.

~~Existing law, the Medical Waste Management Act, administered by the State Department of Public Health, regulates the management and handling of medical waste, which includes, but is not limited to, sharps waste. Existing law prescribes how sharps waste must be containerized or stored.~~

~~This bill would make a technical, nonsubstantive change to provisions relating to sharps waste.~~

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

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SEC. 2. Article 3.3 (commencing with Section 47115) is added to Chapter 1 of Part 7 of Division 30 of the Public Resources Code , to read:

Article 3.3. Home-Generated Sharps Waste Collection

47115. A pharmaceutical manufacturer that sells or distributes a medication in California that is self-injected at home through the use of a hypodermic needle, pen needle, intravenous needle, or any other similar device, shall, on or before July 1, 2010, and annually thereafter, submit to the board a plan that describes how the manufacturer supports the safe collection and destruction of the home-generated sharps waste, as defined in Section 117671 of the Health and Safety Code.

47115.5. The plan required pursuant to Section 47115 shall include, at a minimum, a description of the actions taken by the manufacturer to do all of the following:

- (a) Provide for the safe collection and destruction of the home-generated sharps waste generated by its customers.
- (b) Educate consumers about safe management and collection opportunities.
- (c) Support efforts by retailers, pharmaceutical distributors, manufacturers of injection devices and other partners including local

governments, health care organizations, public health officers, solid waste service providers and other groups with interest in protecting public health and safety through the safe collection and destruction of home-generated sharps waste.

47116. (a) The manufacturer shall post and maintain a copy of the plan required pursuant to Section 47115 on its Internet Web site.

(b) The board shall post and maintain copies of the plans submitted by the manufacturers pursuant to Section 47115 on its Internet Web site.

~~SECTION 1. Section 110205 of the Health and Safety Code is amended to read:~~

~~110205. To containerize sharps waste, a person shall do all of the following:~~

- ~~(a) Place all sharps waste into a sharps container.~~
- ~~(b) Tape closed or tightly lid full sharps containers ready for disposal to preclude the loss of contents.~~
- ~~(c) Store sharps containers ready for disposal for not more than 30 days without the written approval of the enforcement agency.~~
- ~~(d) Label sharps containers with the words "sharps waste" or with the international biohazard symbol and the word "BIOHAZARD."~~

BILL ANALYSIS

SB 486

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Date of Hearing: June 16, 2009

ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY AND TOXIC MATERIALS
Wesley Chesbro, Chair
SB 486 (Simitian) - As Amended: April 2, 2009

SENATE VOTE : 32-4

SUBJECT : Medical waste: sharps.

SUMMARY : Requires a pharmaceutical manufacturer that sells or distributes a medication that is self-injected at home through the use of a hypodermic needle, pen needle, intravenous needle, or any other similar device to submit to the Integrated Waste Management Board (IWMB) a plan that describes how the manufacturer supports the safe collection and destruction of the home-generated sharps waste.

- 1) Requires that the report be submitted annually after July 1, 2010.
- 2) Requires the plan to include, at a minimum, a description of the actions taken by the manufacturer to do all of the following:
 - a) Provide for the safe collection and destruction of the home-generated sharps waste generated by its customers;
 - b) Educate consumers about safe management and collection opportunities; and
 - c) Support efforts by retailers, pharmaceutical distributors, manufacturers of injection devices and other partners including local governments, health care organizations, public health officers, solid waste service providers and other groups with interest in protecting public health and safety through the safe collection and destruction of home-generated sharps waste.
- 3) Requires the manufacturer to post and maintain a copy of the plan on its Internet Web site.
- 4) Requires the IWMB to post and maintain copies of the plans submitted by the manufacturers on its Internet Web site.

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EXISTING LAW:

- 1) Establishes the Medical Waste Management Act (MWMA) (California Health and Safety Code, Sections 117600 et. seq.) which governs the management of medical waste in all jurisdictions of the state.
- 2) Establishes the Integrated Waste Management Act (IWMA) (Public Resources Code 40000 et seq.) which does the following:
 - i) Authorizes local jurisdictions to include in the Household Hazardous Waste Elements, a program for the safe management of sharps waste.
 - ii) Requires the IWMB to develop model plans for the management of waste drugs generated from households.

FISCAL EFFECT : Not known

COMMENTS :

_____ According to the author, with the prohibition of the disposal of sharps in the waste stream and no convenient, cost effective method of management identified, it is time to take steps to find a solution to the problem. The first step is to identify what the companies that manufacturer the medicines that are dispensed through a 'sharp' are doing to help their customers address the disposal ban issue.

Nationally, there are more than 3 billion sharps generated annually. Approximately 3% of the U.S. population self-injects; this means approximately 8% of homes in the U.S. include people who self-inject some type of medication. The need to keep the growing number of sharps out of the municipal waste stream has gained serious attention. Although illegal, most of these used needles still end up in household trash and pose a significant risk of injury and/or infection to children, custodial workers and solid waste employees.

According to the US Environmental Protection Agency, the improper management of discarded needles and other sharps can pose a health risk to the public and waste workers. For example, discarded needles may expose waste workers to potential needle stick injuries and potential infection when containers

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break open inside garbage trucks or needles are mistakenly sent

to recycling facilities. Janitors and housekeepers also risk injury if loose sharps poke through plastic garbage bags. Used needles can transmit serious diseases, such as HIV and hepatitis.

REGISTERED SUPPORT / OPPOSITION :

Support

Alameda Alliance of Health
Alameda County Board of Supervisors
Alameda County Waste Management Authority
Amylin Pharmaceuticals
Arthritis Foundation
Berkeley United Pharmacy
Californians Against Waste
California Hepatitis C Task Force
California Labor Federation - AFL-CIO
California NeuroAlliance
California Nurses Association
California Narcotics Officers' Association
California Primary Care Association
California Product Stewardship Council
California Retailers Association
California Sharps Coalition
California State Association of Counties
California Teamsters
Central Contra Costa Solid Waste Authority
Genentech
HEPPAC
National MS Society
National MS Society - Northern California Chapter
Republic Services Inc.
Santa Clara County Board of Supervisors
San Francisco Recycling and Disposal
Sierra Club
UCLA- School of Nursing
UNITE HERE!
Waste Management

Opposition

Sanofi-aventis US

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OAKLAND
2009 JUN 17 PM 9:56

Approved as to Form and Legality

OAKLAND CITY COUNCIL


City Attorney

RESOLUTION No. _____ C.M.S.

**RESOLUTION IN SUPPORT OF SENATE BILL (SB) 486 (SIMITIAN) –
“MEDICAL WASTE: SHARPS WASTE” THAT WOULD REQUIRE
PHARMACEUTICAL MANUFACTURERS WHOSE PRODUCTS ARE
INJECTED AT HOME THROUGH THE USE OF HYPODERMIC NEEDLES
OR SIMILAR DEVICES TO PROVIDE A PLAN TO THE CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD DESCRIBING THE SAFE
DISPOSAL OPTIONS FOR THE HOME-GENERATED USED NEEDLES**

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 workers, and the general public from needle stick injuries 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 collection of recyclable materials; and

WHEREAS, currently Oakland residents have to transport their used sharps to the Alameda County Household Hazardous Waste (HHW) facility and medical facilities and since both disposal options require transporting the used sharps to the disposal site; and

WHEREAS, disposing of home generated used-sharps at the HHW facility and other medical facilities creates a challenge for the elderly and frail residents and those with no transportation; and

WHEREAS, SB 486 would expand the scope for safe disposal of used sharps by requiring a pharmaceutical manufacturer whose self-injected medication is administered for home use to provide the California Integrated Waste Management Board (CIWMB) with a plan that includes a description of programs that residents can use to safely and conveniently dispose of used sharps; and

WHEREAS, the CIWMB will provide oversight by reviewing, approving and monitoring the plans; and

WHEREAS, in 2007 the City Council adopted Resolution #80390 C.M.S. to support extended producer responsibility legislation that would hold manufacturers responsible for the management of post-consumer waste products; and

WHEREAS, enacting SB 486 will ensure the cooperation of the pharmaceutical industry in the development of a safe needle disposal program in California and further the Council goals; therefore be it

RESOLVED: that the City of Oakland declares its support for SB 486 (Simitian); and be it

FURTHER RESOLVED: That the City Council hereby directs the City Administrator to advocate for enacting SB 486 with the California State Legislature.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

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