

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2277 Session of
2010

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PARKER, SABATINA, SIPTROTH, K. SMITH, SONNEY, STABACK AND
THOMAS, APRIL 19, 2010

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
APRIL 19, 2010

AN ACT

1 Establishing a repository program for unused prescription drugs
2 and drug material; and imposing powers and duties on the
3 Department of Environmental Protection.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Prescription
8 Drug Repository Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Consumer." An individual who purchases or owns a
14 pharmaceutical drug or a medical sharp.

15 "Consumer mailing envelope." An envelope that meets the
16 requirements of the United States Postal Service.

17 "Department." The Department of Environmental Protection of

1 the Commonwealth.

2 "Fund." The Prescription Drug Repository Program Fund.

3 "Health care facility." A facility as defined in section 103
4 of the act of July 19, 1979 (P.L.130, No.48), known as the
5 Health Care Facilities Act.

6 "Health care facility and health care provider mailing
7 envelope." An envelope that meets the requirements of the
8 United States Postal Service.

9 "Health care provider." A provider as defined in section 103
10 of the act of March 20, 2002 (P.L.154, No.13), known as the
11 Medical Care Availability and Reduction of Error (Mcare) Act.

12 "Medical sharp." A needle, syringe, lancet or other sharp
13 object which is used at a health care facility or used by a
14 consumer in accordance with a prescription by a health care
15 provider.

16 "Pharmaceutical drug." A prescription or over-the-counter
17 drug. The term shall include a drug as defined in section 2 of
18 the act of April 14, 1972 (P.L.233, No.64), known as the
19 Controlled Substance, Drug, Device and Cosmetic Act, or section
20 201(g)(1) of the Federal Food, Drug, Device and Cosmetic Act (52
21 Stat. 1040, 21 U.S.C. 321(g)(1)).

22 "Pharmacy." A person with a permit under section 4 of the
23 act of September 27, 1961 (P.L.1700, No.699), known as the
24 Pharmacy Act.

25 "Program." The Prescription Drug Repository Program.

26 "Repository." A site operated by the Department of
27 Environmental Protection to collect and dispose of medical
28 sharps and pharmaceutical drugs.

29 Section 3. Establishment.

30 (a) Establishment.--The Prescription Drug Repository Program

1 is established within the department.

2 (b) Purpose.--The purpose of the program shall be to collect
3 and dispose unused pharmaceuticals and medical sharps from the
4 public, health care facilities and health care providers.

5 (c) Participation.--A health care facility, health care
6 provider or consumer in the Commonwealth may participate in the
7 program. A participant may transmit a medical sharp or
8 pharmaceutical drug in a mailing envelope to the repository.

9 (d) Transmission.--This section shall not authorize the
10 transmission of a medical sharp or a pharmaceutical drug in a
11 manner other than as set forth under this act.

12 Section 4. Duties of the department.

13 (a) Handling.--The department shall ensure that only staff
14 provided by the department handle the unused pharmaceuticals or
15 medical sharps received under this act.

16 (b) Disposal.--Unused pharmaceuticals or medical sharps
17 received by the department must be disposed by the department in
18 a manner that is designed to be effective, secure and in
19 compliance with Federal, State and local environmental
20 requirements.

21 (c) Outreach programs.--The department shall develop a
22 consumer educational outreach program to disseminate information
23 on the proper disposal methods of unused pharmaceuticals under
24 this act. The outreach program shall be coordinated with, but
25 not limited to, the Office of Attorney General, the Department
26 of Health, the Department of Education, local health departments
27 and post offices in this Commonwealth.

28 (d) Regulations.--The department shall adopt regulations to
29 carry out the purposes of this act.

30 Section 5. Consumer mailing envelope.

(a) Provision.--Consumer mailing envelopes shall be developed by the department for the return of unused pharmaceuticals or medical sharps. The department shall provide consumer mailing envelopes at no cost to the following locations for the purpose of returning unused pharmaceuticals or medical sharps:

(1) Pharmacies.

(2) Health care providers' offices.

(3) Post offices.

(b) Postage.--Postage for consumer mailing envelopes shall be paid by the department.

Section 6. Health care facility and health care provider mailing envelope.

(a) Provision.--Health care facility and health care provider mailing envelopes shall be developed by the department and made available, at cost, to a health care facility or health care provider located in this Commonwealth for the return of unused pharmaceuticals or medical sharps.

(b) Postage.--Postage for health care facility and health care provider mailing envelopes shall be paid by the health care facility or provider.

Section 7. Annual report.

(a) Submittal.--By January 1 of each year, the department shall submit an annual report to the Public Health and Welfare Committee of the Senate and the Health and Human Services Committee of the House of Representatives.

(b) Contents.--The annual report shall state the amounts of home-generated pharmaceutical waste collected for purposes of program evaluation for safety, efficiency, effectiveness and funding sustainability.

1 (c) Transmittal.--The report shall be transmitted to the
2 Legislative Reference Bureau for publication in the Pennsylvania
3 Bulletin.

4 Section 8. Prescription Drug Repository Program Fund.

5 (a) Establishment.--The Prescription Drug Repository Program
6 Fund is established as a restricted receipts fund to be
7 administered by the department to fund the program and carry out
8 the purposes of this act.

9 (b) Nonlapse.--Any balance in the fund shall not lapse and
10 shall be carried forward to be expended for the same purposes in
11 succeeding fiscal years.

12 (c) Sources.--The department may accept money as sources for
13 the fund from any non-General Fund, nonpublic fund source and
14 legislative appropriation, including grants or contributions of
15 money or other things of value.

16 Section 20. Effective date.

17 This act shall take effect in 90 days.