HOUSE RESEARCH

Bill Summary

**FILE NUMBER:** H.F. 1217 **DATE:** February 8, 2010

**Version:** The Delete Everything Amendment (H1217DE6)

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**Subject:** Unwanted drug collection program

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#### Overview

House File 1217 (H1217DE6) creates a framework for the collection, transporting, and final disposition of unwanted prescription and nonprescription drugs from households and medical facilities that are currently disposed of in municipal solid waste (often to end up in landfills) or flushed into a sewer or septic system. The bill allows drug producers to conduct their own collection programs or to financially support collection programs operated by counties.

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| Section | **Article 1** |
|  | Title. States that sections 1 through 10 may be cited as the Minnesota Safe Drug Disposal Act of 2010. |
|  | Definitions. |
|  | [115A.1412] Registration fee.  Subd. 1. Requirement for sale. Specifies that a producer may not offer a drug for sale in Minnesota after January 1, 2011, unless the producer has filed a registration with the Pollution Control Agency and paid a registration fee.  Subd. 2. Producer’s registration. Specifies the contents of a registration, including an estimate of the producer’s Minnesota sales revenues.  Subd. 3. Producer’s registration fee. Requires each registered producer to submit an annual registration fee to the agency to cover the program costs of counties that offer a drug collection program and the agency’s administrative costs. Exempts from the fee producers who operate their own collection program. |
|  | [115A.1413] Unwanted products collection program.  Subd. 1. Program requirements. Specifies required program elements, including:   * all drugs must be accepted, regardless of manufacturer; * residential generators may not be charged for the program; and * convenient collection sites must be offered.   Subd. 2. Program plan. Requires each entity offering a drug collection program to submit a program plan describing how the program will operate to the agency for review and approval.  Subd. 3. Election. Allows the Western Lake Superior Sanitary District to operate a collection program with authority and responsibilities identical to those of any county operating a program. |
|  | [115A.1414] Final disposition of unwanted products. Provides that a collection program must comply with all applicable state and federal laws. |
|  | [115A.1415] Reports. Specifies the contents of an annual report required, beginning January 1, 2012, of each entity operating a collection program, including:   * the weight of products collected at each collection site, with controlled substances reported separately; * the location of facilities to which collected drugs are taken for final disposition; and * a description of education and outreach activities implemented, and an evaluation of their effect.   The agency is to submit a report to the legislature by January 1, 2013, recommending methods to estimate the proportion of drugs collected by all the collection programs. |
|  | [115A.1416] Account; appropriation. Establishes the pharmaceutical waste account in the environmental fund, in which all registration fees are to be deposited and from which the commissioner is to reimburse the costs of county collection programs. |
|  | [115A.1417] Agency duties. Specifies agency duties under the collection program. |
|  | [115A.1418] Other collection programs. Allows for other drug collection programs to operate in this state, provided they register with the agency, report on their activities, and comply with all applicable state and federal laws. Prohibits a public agency from requiring households to use a public collection program. |
|  | [115A.1419] Anticompetitive conduct. Provides immunity to producers who operate a collection program of their own or through a product stewardship organization, or that cooperates with a political subdivision that operates a program, from liability under state laws regarding antitrust and restraint of trade practices, to the extent necessary to implement the collection system. |
|  | [115A.1420] Enforcement.  Subd. 1. Generally. Specifies that the provisions of article 1 shall be enforced under the agency’s enforcement authorities.  Subd. 2. Producer penalties. Provides for penalties, up to $10,000 per day, for a producer who sells drugs in this state without filing a complete registration or paying a registration fee.  Subd. 3. Wholesaler penalties. Provides for penalties, up to $1,000 per day, for a drug wholesaler who sells drugs in this state from a producer who has failed to file a complete registration or pay a registration fee. |

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| Article 2 | |
|  | [144.569] Handling of pharmaceutical waste in health care facilities.  Subd. 1. Pharmaceutical waste disposal. Prohibits regulated health care facilities from flushing drugs into the sewer or septic system  Subd. 2. Penalty. Provides for a civil penalty of up to $10,000 for each separate violation of subdivision 1. |
|  | [151.37, subd. 6] Exclusion for course of employment. Allows possession of a prescription drug for the purpose of its disposal by: a law enforcement officer; a licensed hazardous waste transporter or storage or treatment facility; a facility licensed by the agency to generate small quantities of hazardous waste; an operator of a collection program under article 1. |
|  | [151.37, subd. 7] Exclusion for prescriptions. Allows a person for whom a prescription drug has been prescribed to transfer it for disposal to a collection program or to a person authorized by a collection program to transport, store, or dispose of it. |
|  | [151.44] Definitions. Amends the definition of “wholesale drug distribution” to include the distribution of nonprescription drugs and “reverse distribution,” the receipt of drugs for the purpose of returning them to their producers. |