

1 H.11

2 Introduced by Representative Deen of Westminster

3 Referred to Committee on

4 Date:

5 Subject: Conservation; water resources; discharges

6 Statement of purpose: This bill proposes to clarify that the discharge of  
7 pharmaceutical waste to state waters is prohibited unless such a discharge is  
8 permitted by the agency of natural resources. The bill would also require the  
9 secretary of natural resources, after consultation with the secretary of human  
10 services, to report to the general assembly with a recommended state program  
11 for the take-back, collection, and disposal of unused or discarded  
12 pharmaceuticals.

13 An act relating to the discharge of pharmaceutical waste to state waters

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 ~~Sec. 1. 10 V.S.A. § 1251 is amended to read:~~

16 ~~§ 1251. DEFINITIONS~~

17 ~~Whenever used or referred to in this chapter, unless a different meaning~~  
18 ~~clearly appears from the context:~~

19 ~~\*\*\*~~

1 ~~(12) "Waste" means effluent, sewage or any substance or material,~~  
2 ~~liquid, gaseous, solid or radioactive, including heated liquids or pharmaceutical~~  
3 ~~waste, whether or not harmful or deleterious to waters; provided however, the~~  
4 ~~term "sewage" as used in this chapter shall not include the rinse or process~~  
5 ~~water from a cheese manufacturing process.~~

6 (13) "Waters" includes all rivers, streams, creeks, brooks, reservoirs,  
7 ponds, lakes, springs and all bodies of surface waters, artificial or natural,  
8 which are contained within, flow through or border upon the state or any  
9 portion of it.

10 \* \* \*

11 (15) "Indirect discharge" means any discharge to groundwater, whether  
12 subsurface, land-based or otherwise.

13 \* \* \*

14 (18) "Pharmaceutical waste" means an unused or discarded over-the-  
15 counter drug or an unused or discarded drug that was dispensed by a health  
16 care provider, as that term is defined by 18 V.S.A. § 9402(7).

17 Sec. 2. ANR REPORT ON PHARMACEUTICAL TAKE-BACK,  
18 COLLECTION, AND DISPOSAL PROGRAM

19 On or before January 15, 2012, the secretary of natural resources, after  
20 consultation with the secretary of human services and other interested parties,  
21 shall report to the house committee on fish, wildlife and water resources, the

1 ~~senate committee on natural resources and energy, the house committee on~~  
2 human services, and the senate committee on health and welfare with  
3 recommendations for establishing and implementing a state-based program for  
4 the take-back, collection, and disposal of unused or discarded pharmaceuticals.

5 The report shall include:

6 (1) A summary of the state and federal statutes or rules that address the  
7 handling and disposal of unused or discarded pharmaceuticals;

8 (2) A summary of any licenses, permits, waivers, or approvals that the  
9 state may need to obtain from the federal government in order to establish and  
10 implement a pharmaceutical take-back, collection, and disposal program;

11 (3) A summary of the take-back, collection, and disposal program that  
12 the secretary recommends, including:

13 (A) a recommended state agency, department, or other entity to  
14 administer the program; and

15 (B) an analysis of the efficacy and feasibility of methods for the  
16 collection of unused or discarded pharmaceuticals, including mail-back  
17 programs and collection repositories; and

18 (4) A proposed source of funding for the recommended take-back,  
19 collection, and disposal program.

20 Sec. 3. EFFECTIVE DATE

21 This act shall take effect on July 1, 2011.

*Sec. 1. 18 V.S.A. § 4201 is amended to read:*

*§ 4201. DEFINITIONS*

\* \* \*

*(41) "Prescription drug" means any human drug required by federal law or regulation to be dispensed only by a prescription, including finished dosage forms and active ingredients subject to Section 503(b) of the federal Food, Drug and Cosmetic Act.*

*(42) "Ultimate user" means a patient who uses a prescription drug.*

*Sec. 2. 18 V.S.A. § 4206 is amended to read:*

*§ 4206. LICENSES*

\* \* \*

*(c) The ultimate user of a prescription drug who has lawfully obtained such prescription drug or other persons authorized by federal law may deliver, without being registered pursuant to 26 V.S.A. § 2061, the prescription drug to another person for the purpose of disposal of the prescription drug if the person receiving the prescription drug for purposes of disposal is authorized under a state or federal law or regulation to engage in such activity.*

*Sec.3. EFFECTIVE DATE*

*This act shall take effect on July 1, 2011.*