

# HOUSE BILL 649

M3, J1, J3

01r0608

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By: **Delegates Barnes, V. Clagett, Frush, Holmes, Hubbard, Niemann, and  
Pena-Melnyk**

Introduced and read first time: February 3, 2010

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Pharmaceutical Disposal Act**

3 FOR the purpose of prohibiting a health care facility and certain individuals acting on  
4 behalf of or under the direction or supervision of a health care facility from  
5 discharging, disposing of, flushing, pouring, or emptying an unused medication  
6 into a wastewater system; providing for an exception to the requirements of this  
7 Act for the disposal of certain medications by certain health care facilities;  
8 requiring health care facilities to adopt certain medication protocols; requiring  
9 the Department of the Environment to enforce health care facility compliance  
10 with certain requirements; requiring the Department of Health and Mental  
11 Hygiene and the Department of Agriculture to provide certain assistance to the  
12 Department of the Environment for enforcing health care facility compliance  
13 with certain requirements; providing for certain penalties for violations of this  
14 Act; requiring the Secretary of the Environment to deposit money collected from  
15 certain penalties into the Bay Restoration Fund; defining certain terms; and  
16 generally relating to disposal of unused medications by health care facilities.

17 BY adding to

18 Article – Environment

19 Section 9–258

20 Annotated Code of Maryland

21 (2007 Replacement Volume and 2009 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – Environment**

25 **9–258.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
2 MEANINGS INDICATED.

3                   (2) “CONTROLLED MEDICATION” MEANS A SUBSTANCE:

4                           (I) DESIGNATED AS A SCHEDULE II CONTROLLED  
5 SUBSTANCE IN FEDERAL REGULATIONS UNDER 21 C.F.R. § 1308.12; AND

6                           (II) THAT HAS BEEN PRESCRIBED AND DISPENSED FOR USE  
7 BY AN INDIVIDUAL.

8                   (3) “HEALTH CARE FACILITY” MEANS:

9                           (I) A HOSPITAL, AS DEFINED IN § 19-301 OF THE  
10 HEALTH – GENERAL ARTICLE;

11                           (II) A FREESTANDING AMBULATORY CARE FACILITY, AS  
12 DEFINED IN § 19-3B-01 OF THE HEALTH – GENERAL ARTICLE;

13                           (III) AN ASSISTED LIVING FACILITY, AS DEFINED IN §  
14 19-1801 OF THE HEALTH – GENERAL ARTICLE;

15                           (IV) A HOME HEALTH AGENCY, AS DEFINED IN § 19-401 OF  
16 THE HEALTH – GENERAL ARTICLE;

17                           (V) A RESIDENTIAL SERVICE AGENCY, AS DEFINED IN §  
18 19-4A-01 OF THE HEALTH – GENERAL ARTICLE;

19                           (VI) A HOME-BASED HOSPICE CARE PROGRAM, AS DEFINED  
20 IN § 19-901 OF THE HEALTH – GENERAL ARTICLE;

21                           (VII) A HOSPICE FACILITY, AS DEFINED IN § 19-901 OF THE  
22 HEALTH – GENERAL ARTICLE;

23                           (VIII) A RESIDENTIAL TREATMENT CENTER, AS DEFINED IN §  
24 19-301 OF THE HEALTH – GENERAL ARTICLE;

25                           (IX) A COMPREHENSIVE REHABILITATION FACILITY, AS  
26 DEFINED IN § 19-1201 OF THE HEALTH – GENERAL ARTICLE;

27                           (X) A NURSING FACILITY, AS DEFINED IN § 19-301 OF THE  
28 HEALTH – GENERAL ARTICLE;

1                   (XI) AN ALTERNATIVE LIVING UNIT, AS DEFINED IN § 7-101  
2 OF THE HEALTH – GENERAL ARTICLE;

3                   (XII) A GROUP HOME, AS DEFINED IN § 7-101 OF THE  
4 HEALTH – GENERAL ARTICLE;

5                   (XIII) A STATE RESIDENTIAL CENTER, AS DEFINED IN § 7-101  
6 OF THE HEALTH – GENERAL ARTICLE;

7                   (XIV) A PRIVATE GROUP HOME, AS DEFINED IN § 10-514 OF  
8 THE HEALTH – GENERAL ARTICLE;

9                   (XV) A RESIDENTIAL CHILD CARE PROGRAM, AS DEFINED IN  
10 § 8-101 OF THE HUMAN SERVICES ARTICLE;

11                   (XVI) A VETERINARY HOSPITAL, AS DEFINED IN § 2-304.1 OF  
12 THE AGRICULTURE ARTICLE;

13                   (XVII) A PHARMACY, AS DEFINED IN § 12-101 OF THE HEALTH  
14 OCCUPATIONS ARTICLE; AND

15                   (XVIII) A WHOLESALE DISTRIBUTOR, AS DEFINED IN §  
16 12-6C-01 OF THE HEALTH OCCUPATIONS ARTICLE.

17                   (4) (I) “UNUSED MEDICATION” MEANS ANY UNOPENED,  
18 EXPIRED, OR EXCESS MEDICATION IN SOLID FORM THAT HAS BEEN DISPENSED  
19 FOR PATIENT OR RESIDENT USE.

20                   (II) “UNUSED MEDICATION” INCLUDES PILLS, TABLETS,  
21 CAPSULES, AND CAPLETS.

22                   (III) “UNUSED MEDICATION” DOES NOT INCLUDE  
23 MEDICATIONS CONTAINED IN:

- 24                                   1. INTRAVENOUS FLUIDS;
- 25                                   2. SYRINGES; OR
- 26                                   3. TRANSDERMAL PATCHES.

27                   (5) (I) “WASTEWATER SYSTEM” MEANS A SYSTEM USED TO  
28 COLLECT, STORE, PUMP, TREAT, OR DISCHARGE ANY LIQUID OR WATERBORNE  
29 WASTE.

1 (II) "WASTEWATER SYSTEM" INCLUDES:

2 1. AN ON-SITE SEWAGE DISPOSAL SYSTEM; OR

3 2. ANY OTHER SYSTEM THAT COLLECTS  
4 WASTEWATER OR DISCHARGES WASTEWATER INTO THE WATERS OF THE STATE,  
5 DESIGNATED BY THE DEPARTMENT IN REGULATION.

6 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
7 SUBSECTION, A HEALTH CARE FACILITY AND AN EMPLOYEE, OWNER,  
8 CONTRACTOR, OR OTHER INDIVIDUAL ACTING ON BEHALF OF OR UNDER THE  
9 DIRECTION OR SUPERVISION OF A HEALTH CARE FACILITY MAY NOT  
10 DISCHARGE, DISPOSE OF, FLUSH, POUR, OR EMPTY AN UNUSED MEDICATION  
11 INTO A WASTEWATER SYSTEM.

12 (2) THIS SECTION DOES NOT APPLY TO THE DISPOSAL OF A  
13 CONTROLLED MEDICATION BY A HOME HEALTH AGENCY, HOME-BASED HOSPICE  
14 CARE PROGRAM, OR HOSPICE FACILITY UNLESS THE FEDERAL DRUG  
15 ENFORCEMENT ADMINISTRATION ADOPTS REGULATIONS TO DISPOSE OF  
16 CONTROLLED MEDICATION IN A MANNER CONSISTENT WITH THIS SECTION.

17 (C) A HEALTH CARE FACILITY SHALL MODIFY ITS WRITTEN  
18 MEDICATION PROTOCOLS TO BE CONSISTENT WITH THE REQUIREMENTS OF  
19 THIS SECTION.

20 (D) (1) THE DEPARTMENT SHALL BE RESPONSIBLE FOR ENFORCING  
21 THIS SECTION.

22 (2) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND  
23 THE DEPARTMENT OF AGRICULTURE SHALL ASSIST THE DEPARTMENT IN  
24 ENFORCING THIS SECTION BY:

25 (I) NOTIFYING THE DEPARTMENT OF ANY HEALTH CARE  
26 FACILITY THAT HAS VIOLATED THIS SECTION; AND

27 (II) PROVIDING THE DEPARTMENT ACCESS TO ANY  
28 RECORDS IT MAINTAINS THAT INDICATE A VIOLATION OF THIS SECTION HAS  
29 OCCURRED.

30 (E) THE DEPARTMENT MAY ADOPT REGULATIONS:

31 (1) SPECIFYING ACCEPTABLE METHODS FOR DISPOSING OF  
32 UNUSED MEDICATION; OR

1                   **(2) TO ENFORCE THIS SECTION.**

2                   **(F) (1) A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS**  
3 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF**  
4 **\$500.**

5                   **(2) THE SECRETARY SHALL DEPOSIT MONEY COLLECTED FROM**  
6 **PENALTIES IMPOSED UNDER THIS SUBSECTION INTO THE BAY RESTORATION**  
7 **FUND UNDER § 9-1605.2 OF THIS TITLE.**

8                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2010.