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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Doctors who dump medical waste may lose licenses," Courier-Post, 11-20-12

"Protecting our drinking water: Health care institutions prohibited from dumping prescription drugs into sewer or septic systems," NewJerseyNewsroom.com, 11-20-12

LAW/RWH

P.L. 2012, CHAPTER 62, *approved November 19, 2012*
Assembly, No. 733 (*Third Reprint*)

1 AN ACT concerning health care ³**[institutions]** facilities³ and
2 ²**[unused]** the disposal of² ¹prescription¹ medications, and
3 supplementing ³**[P.L.1977, c.74 (C.58:10A-1 et seq.)]** P.L.1971,
4 c.136 (C.26:2H-1 et seq.)³ .

5
6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8
9 1. ¹**[a.** No health care institution, or any employee, staff
10 person, contractor, or other person under the direction or
11 supervision of the health care institution, may discharge, dispose of,
12 flush, pour, or empty any unused medication into a public
13 wastewater collection system or a septic system.

14 **b.]**¹ As used in this ¹**[section]** act¹ :

15 ³**[**“Health care institution” means ¹**[any public or private**
16 institution, facility, or agency licensed, certified, or otherwise
17 authorized by State law to administer health care in the ordinary
18 course of business, including hospitals, nursing homes, residential
19 health care facilities, home health care agencies, hospice programs
20 operating in this State, institutions, facilities or agencies that
21 provide services to persons with mental health illnesses, or
22 institutions, facilities and agencies that provide services for persons
23 with developmental disabilities; and] a health care facility licensed
24 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), a psychiatric
25 facility as defined in section 2 of P.L.1987, c.116 (C.30:4-27.2), or
26 a State developmental center listed in R.S.30:1-7.¹³

27 “Public wastewater collection system” means any collection
28 system regulated by the Department of Environmental Protection
29 pursuant to the “Water Pollution Control Act,” P.L.1977, c.74
30 (C.58:10A-1 et seq.), and which system consists of structures
31 which, operating alone or with other structures, result in the
32 collection and conveyance or transmission of wastewater from
33 private, commercial, institutional, or industrial sources, to public
34 wastewater treatment systems for subsequent treatment.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AEN committee amendments adopted February 2, 2012.

²Assembly floor amendments adopted February 16, 2012.

³Assembly floor amendments adopted May 24, 2012.

1 ³“Septic system” means a system for the disposal of sanitary
2 sewage into the ground, which is designed and constructed to treat
3 sanitary sewage in a manner that will retain most of the settled
4 solids in a septic tank and discharge the liquid effluent to a disposal
5 field.³

6
7 ¹2. a. ²[No] Except as otherwise provided by ³[subsection]
8 subsections b. and³ c. of this section, ³[no² health care institution,
9 or] every health care facility shall establish and implement a policy,
10 procedure, plan, or practice that prohibits the health care facility
11 and³ any employee, staff person, contractor, or other person under
12 the direction or supervision of the health care ³[institution, may
13 discharge, dispose of, flush, pour, or empty] facility from
14 discharging, disposing of, flushing, pouring, or emptying³ any
15 unused prescription medication into a public wastewater collection
16 system or a septic system.

17 b. Nothing in this act shall be construed to limit or prohibit a
18 health care ³[institution] facility³ from lawfully discharging,
19 disposing of, flushing, pouring, or emptying into a public
20 wastewater collection system or a septic system any non-
21 prescription medication or an intravenous solution containing only
22 dextrose, saline, sterile water, or electrolytes, or a combination
23 thereof.¹

24 ²c. Notwithstanding the provisions of subsection a. of this
25 section to the contrary, a health care ³[institution] facility³, or any
26 employee, staff person, contractor, or other person under the
27 direction or supervision of the health care ³[institution] facility³,
28 may discharge, dispose of, flush, pour, or empty any unused
29 prescription medication into a public wastewater collection system
30 or a septic system if, pursuant to the product insert, product label,
31 product packaging, or prescription:

32 (1) the dose of prescription medication is to be partially wasted
33 prior to administration of the medication per physician order;

34 (2) the prescription medication is a controlled substance as
35 defined by federal law, rule or regulation; or

36 (3) the prescription medication is not deemed hazardous by the
37 United States Environmental Protection Agency or the National
38 Institute of Occupational Safety and Health, in the Centers for
39 Disease Control and Prevention within the United States
40 Department of Health and Human Services.²

41
42 ³[¹3. a. Within 90 days after the date of enactment of this act,
43 the Department of Environmental Protection shall issue
44 recommendations for the proper disposal of unused prescription
45 medications at a health care institution.

1 b. Within 120 days after the date of enactment of this act, each
 2 health care institution shall submit a plan to the Department of
 3 Health and Senior Services and the Department of Environmental
 4 Protection for the disposal of unused prescription medications. The
 5 plan shall describe in detail how the health care institution will
 6 properly dispose of any unused prescription medications.

7 c. (1) The Department of Health and Senior Services, in
 8 consultation with the Department of Environmental Protection,
 9 shall, within 90 days of receipt of a submitted plan, review the plan
 10 and approve or reject it. If the department rejects the plan, the
 11 health care institution shall revise and resubmit the plan for
 12 approval within 30 days after receiving notice that the plan was
 13 rejected by the department.

14 (2) The Department of Health and Senior Services shall not
 15 reject a plan submitted pursuant to subsection b. of this section if
 16 that plan is in compliance with the recommendations issued by the
 17 Department of Environmental Protection pursuant to subsection a.
 18 of this section.¹³

19
 20 ³[^{14.}] ³3. ³The Department of Health and Senior Services shall,
 21 in conjunction with its periodic inspection of a health care facility
 22 ³[licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.)]³,
 23 ensure that the health care facility ³[is in compliance with its plan]
 24 has established and is implementing a policy, procedure, plan, or
 25 practice³ for the proper disposal of unused prescription medications
 26 ³[submitted pursuant to section 3]³ in accordance with section 2³ of
 27 this act.¹

28
 29 ³[^{15.}] ³4. ³a. Notwithstanding the provisions of ³[section 10 of
 30 P.L.1977, c.74 (C.58:10A-10) and section 6 of P.L.1990, c.28
 31 (C.58:10A-10.1), or any rule or regulation adopted pursuant
 32 thereto]³ any other law or rule or regulation to the contrary³, only
 33 the penalties set forth in this section shall be imposed for any
 34 violation of this act.

35 b. ³[(1) Except as otherwise provided in paragraph (2) of this
 36 subsection, a health care institution, or any employee, staff person,
 37 contractor, or other person under the direction or supervision of the
 38 health care institution, who violates a provision of this act shall be
 39 subject to a civil administrative penalty of not more than \$1,000 in
 40 the case of a first violation, and of not more than \$2,500 for each
 41 subsequent violation.

42 (2) A health care institution that fails to comply with the
 43 provisions of subsection b. of section 3 of this act shall be subject to
 44 a civil administrative penalty of \$1,000, and an additional \$1,000
 45 per day thereafter for which the health care institution fails to

1 submit the plan required pursuant to subsection b. of section 3 of
2 this act.

3 c. A civil administrative penalty assessed pursuant to this
4 section shall be assessed, collected, and enforced in the same
5 manner as provided for civil administrative penalties pursuant to
6 subsection d. of section 10 of P.L.1977, c.74 (C.58:10A-10).¹ Any
7 health care facility that fails to establish and implement a policy,
8 procedure, plan, or practice for the disposal of unused prescription
9 medications as required pursuant to subsection a. of section 2 of this
10 act shall be liable to a civil administrative penalty of not more than
11 \$1,000 for a first violation and not more than \$2,500 for each
12 subsequent violation. Any penalty issued pursuant to this section
13 shall be administered in accordance with the provisions of sections
14 13 and 14 of P.L.1971, c.136 (C.26:2H-13 and C.26:2H-14).

15 c. The Department of Health and Senior Services is authorized
16 and empowered to compromise and settle any claim for a monetary
17 penalty under this section in such amount in the discretion of the
18 department as may appear appropriate and equitable under all of the
19 circumstances.³

20

21 ³5. The Department of Health and Senior Services, in
22 consultation with the Department of Environmental Protection, may
23 adopt, pursuant to the “Administrative Procedure Act,” P.L.1968,
24 c.410 (C.52:14B-1 et seq.), rules and regulations as are necessary to
25 effectuate the provisions of this act.³

26

27 ¹[2.] ^{6.}¹ This act shall take effect ¹[on the 90th] ³[immediately,
28 except that sections 2, 4, and 5 shall take effect]³ on the 210th¹ day
29 after the date of enactment³, but the Department of Health and
30 Senior Services and the Department of Environmental Protection
31 may take such anticipatory action in advance thereof as shall be
32 necessary for the implementation of this act³.

33

34

35

36

37 Prohibits health care facilities from discharging prescription
38 medications into sewer or septic systems in certain circumstances.

ASSEMBLY, No. 733

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Assemblyman TIMOTHY J. EUSTACE

District 38 (Bergen and Passaic)

Co-Sponsored by:

Assemblyman Milam

SYNOPSIS

Prohibits health care institutions from discharging medications into sewer or septic systems.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



A733 EUSTACE

2

1 AN ACT concerning health care institutions and unused
2 medications, and supplementing P.L.1977, c.74 (C.58:10A-1 et
3 seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. a. No health care institution, or any employee, staff person,
9 contractor, or other person under the direction or supervision of the
10 health care institution, may discharge, dispose of, flush, pour, or
11 empty any unused medication into a public wastewater collection
12 system or a septic system.

13 b. As used in this section:

14 "Health care institution" means any public or private institution,
15 facility, or agency licensed, certified, or otherwise authorized by
16 State law to administer health care in the ordinary course of
17 business, including hospitals, nursing homes, residential health care
18 facilities, home health care agencies, hospice programs operating in
19 this State, institutions, facilities or agencies that provide services to
20 persons with mental health illnesses, or institutions, facilities and
21 agencies that provide services for persons with developmental
22 disabilities; and

23 "Public wastewater collection system" means any collection
24 system regulated by the Department of Environmental Protection
25 pursuant to the "Water Pollution Control Act," P.L.1977, c.74
26 (C.58:10A-1 et seq.), and which system consists of structures
27 which, operating alone or with other structures, result in the
28 collection and conveyance or transmission of wastewater from
29 private, commercial, institutional, or industrial sources, to public
30 wastewater treatment systems for subsequent treatment.
31

32 2. This act shall take effect on the 90th day after the date of
33 enactment.
34
35

36 STATEMENT
37

38 This bill would prohibit a health care institution, or any
39 employee, staff person, contractor, or other person under the
40 direction or supervision of the health care institution, from
41 discharging, disposing of, flushing, pouring, or emptying any
42 unused medication into a public wastewater collection system or a
43 septic system.

44 A health care institution found in violation of any provision of
45 this bill would be subject to the penalty provisions of the "Water
46 Pollution Control Act."

A733 EUSTACE

1 Under this bill, a “health care institution” is defined as any
2 public or private institution, facility, or agency licensed, certified,
3 or otherwise authorized by State law to administer health care in the
4 ordinary course of business, including hospitals, nursing homes,
5 residential health care facilities, home health care agencies, hospice
6 programs operating in this State, institutions, facilities or agencies
7 that provide services to persons with mental health illnesses, or
8 institutions, facilities and agencies that provide services for persons
9 with developmental disabilities.

10 This bill responds to the growing threat to the environment and
11 human health posed by the improper disposal of unused
12 medications, which has been manifested in recent reports of
13 prescription drugs found in public water supplies and the potential
14 hazards this poses in terms of long-term health consequences, and
15 the rampant abuse of medications, especially among teenagers.

16 According to the Associated Press (AP), a vast array of
17 pharmaceuticals – including antibiotics, anti-convulsants, mood
18 stabilizers, and sex hormones – have been found in the drinking
19 water supplies of some 41 million Americans. In the course of a
20 five-month inquiry, an AP National Investigative Team discovered
21 that medications have been detected in the drinking water supplies
22 of 24 major metropolitan areas, including New Jersey. It has also
23 been reported that researchers at the United States Geological
24 Survey analyzed a Passaic Valley Water Commission drinking
25 water treatment plant, which serves 850,000 people in northern
26 New Jersey, and found a metabolized angina medicine and the
27 mood-stabilizing carbamazepine in drinking water.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 733

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 2, 2012

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Assembly Bill No. 733.

This bill, as amended by the committee, would prohibit a health care institution, or any employee, staff person, contractor, or other person under the direction or supervision of the health care institution, from discharging, disposing of, flushing, pouring, or emptying any unused prescription medication into a public wastewater collection system or a septic system, beginning 210 days after the date of enactment of this bill into law. The bill defines a “health care institution” as a health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), a psychiatric facility as defined in section 2 of P.L.1987, c.116 (C.30:4-27.2), or a State developmental center listed in R.S.30:1-7.

The bill, with committee amendments, would require the Department of Environmental Protection (DEP) to issue recommendations for the proper disposal of unused prescription medications at a health care institution within 90 days after the date of enactment of this bill into law. The bill would also require every health care institution, within 120 days after the date of enactment of this bill into law, to submit to the Department of Health and Senior Services (DHSS) and the DEP a plan for the proper disposal of unused prescription medications. The DHSS, in consultation with the DEP, would have 90 days to approve or reject any plan. If a plan is rejected, the health care institution would resubmit a revised plan within 30 days after receiving notice of the rejection. A plan submitted by a health care institution could not be rejected if it is in compliance with the recommendations issued by the DEP.

The DHSS would also be required, in conjunction with its periodic inspection of a licensed health care facility as authorized by law, to ensure that the health care facility is in compliance with the plan submitted.

A health care institution, or any employee, staff person, contractor, or other person under the direction or supervision of the health care

institution, found in violation of any provision of this bill would be subject to a civil administrative penalty of not more than \$1,000 for a first violation and not more than \$2,500 for each subsequent violation. In addition, a health care institution that fails to submit the plan required by the bill would be subject to a civil administrative penalty of \$1,000, and an additional \$1,000 per day thereafter for which the health care institution fails to submit the required plan.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amendments to the bill:

- 1) provide that the bill applies to unused prescription medications, rather than unused medications of any type;
- 2) clarify the definition of “health care institution”;
- 3) clarify that the bill would not limit or prohibit a health care institution from lawfully discharging, disposing of, flushing, pouring, or emptying into a public wastewater collection system or a septic system any non-prescription medication or an intravenous solution containing only dextrose, saline, sterile water, or electrolytes, or a combination thereof;
- 4) require the DEP to issue recommendations for the proper disposal of unused prescription medications at a health care institution within 90 days after the date of enactment of the bill into law;
- 5) require health care institutions to submit to the DHSS and DEP, within 120 days after the date of enactment of the bill into law, a plan for proper disposal of unused prescription medications;
- 6) require DHSS, in consultation with the DEP, to review a submitted plan and either approve or reject it;
- 7) prohibit the DHSS from rejecting a plan if it is in compliance with the DEP’s recommendations;
- 8) require the DHSS, in conjunction with the periodic inspection of a licensed health care facility, to ensure that the facility is in compliance with its disposal plan;
- 9) add a new penalty provision specific to the bill, rather than applying the penalties of the “Water Pollution Control Act”; and
- 10) change the effective date of the bill.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 733

with Assembly Floor Amendments
(Proposed by Assemblyman EUSTACE)

ADOPTED: FEBRUARY 16, 2012

These floor amendments provide that a health care institution, or any employee, staff person, contractor, or other person under the direction or supervision of the health care institution, may discharge, dispose of, flush, pour, or empty any unused prescription medication into a public wastewater collection system or a septic system if, pursuant to the product insert, product label, product packaging, or prescription: (1) the dose of prescription medication is to be partially wasted prior to administration of the medication per physician order; (2) the prescription medication is a controlled substance as defined by federal law, rule or regulation; or (3) the prescription medication is not deemed hazardous by the United States Environmental Protection Agency or the National Institute of Occupational Safety and Health, in the Centers for Disease Control and Prevention within the United States Department of Health and Human Services.

The floor amendments also make a technical change to the title of the bill.

STATEMENT TO
[Second Reprint]
ASSEMBLY, No. 733

with Assembly Floor Amendments
(Proposed by Assemblywoman WAGNER)

ADOPTED: MAY 24, 2012

These floor amendments would:

- 1) change the title to supplement P.L.1971, c.136 (the act that licenses health care facilities), instead of the “Water Pollution Control Act”;
- 2) provide that the bill would apply only to licensed health care facilities, and delete the definition of health care institution and references to psychiatric facilities or State developmental centers;
- 3) add a definition for the term “septic system”;
- 4) require every health care facility to individually establish and implement a policy, procedure, plan, or practice to prohibit the disposal of unused prescription medications;
- 5) delete section 3 of the bill, which would have required the Department of Environmental Protection (DEP) to issue recommendations, and the Department of Health and Senior Services (DHSS) and DEP to review and approve or reject a plan;
- 6) amend the penalty provision of the bill;
- 7) add a new section authorizing the DHSS and DEP to adopt rules and regulations pursuant to the “Administrative Procedure Act”;
- 8) amend the effective date to provide that the bill will take effect on the 210th day after the date of enactment and the DHSS and DEP may take advance administrative action prior to the effective date; and
- 9) make technical changes.

SENATE, No. 81

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

Senators Weinberg, Gordon, Greenstein, Beach and Stack

SYNOPSIS

Prohibits health care institutions from discharging medications into sewer or septic systems.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning health care institutions and unused
2 medications, and supplementing P.L.1977, c.74 (C.58:10A-1 et
3 seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. As used in this act:

9 “Health care institution” means a health care facility licensed
10 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), a psychiatric
11 facility as defined in section 2 of P.L.1987, c.116 (C.30:4-27.2), or
12 a State developmental center listed in R.S.30:1-7.

13 “Public wastewater collection system” means any collection
14 system regulated by the Department of Environmental Protection
15 pursuant to the “Water Pollution Control Act,” P.L.1977, c.74
16 (C.58:10A-1 et seq.), and which system consists of structures
17 which, operating alone or with other structures, result in the
18 collection and conveyance or transmission of wastewater from
19 private, commercial, institutional, or industrial sources, to public
20 wastewater treatment systems for subsequent treatment.
21

22 2. No health care institution, or any employee, staff person,
23 contractor, or other person under the direction or supervision of the
24 health care institution, may discharge, dispose of, flush, pour, or
25 empty any unused prescription medication into a public wastewater
26 collection system or a septic system.
27

28 3. a. Within 90 days after the date of enactment of this act, the
29 Department of Environmental Protection shall issue
30 recommendations for the proper disposal of unused prescription
31 medications.

32 b. Within 120 days after the date of enactment of this act, each
33 health care institution shall submit a plan to the Department of
34 Health and Senior Services and the Department of Environmental
35 Protection for the disposal of unused prescription medications. The
36 plan shall describe in detail how the health care institution will
37 properly dispose of any unused prescription medications.

38 c. (1) The Department of Health and Senior Services, in
39 consultation with the Department of Environmental Protection,
40 shall, within 90 days of receipt of a submitted plan, review the plan
41 and approve or reject it. If the department rejects the plan, the
42 health care institution shall revise and resubmit the plan for
43 approval within 30 days after receiving notice that the plan was
44 rejected by the department.

45 (2) The Department of Health and Senior Services shall not
46 reject a plan submitted pursuant to subsection b. of this section if
47 that plan is in compliance with the recommendations issued by the

1 Department of Environmental Protection pursuant to subsection a.
2 of this section.

3

4 4. The Department of Health and Senior Services shall, in
5 conjunction with its periodic inspection of a health care facility
6 licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), ensure
7 that the health care facility is in compliance with its plan for the
8 proper disposal of unused prescription medications submitted
9 pursuant to section 3 of this act.

10

11 5. This act shall take effect immediately, except that sections 2
12 and 4 shall take effect on the 180th day after the date of enactment.

13

14

15

STATEMENT

16

17 This bill would prohibit a health care institution, or any
18 employee, staff person, contractor, or other person under the
19 direction or supervision of the health care institution, from
20 discharging, disposing of, flushing, pouring, or emptying any
21 unused prescription medication into a public wastewater collection
22 system or a septic system, beginning 180 days after the date of
23 enactment of this bill into law.

24 The bill would require the Department of Environmental
25 Protection (DEP) to issue recommendations for the proper disposal
26 of unused medications within 90 days after the date of enactment of
27 this bill into law. The bill would also require every health care
28 institution, within 90 days after the date of enactment of this bill
29 into law, to submit to the Department of Health and Senior Services
30 (DHSS) and the DEP a plan for the proper disposal of unused
31 prescription medications. The DHSS, in consultation with the DEP,
32 would have 90 days to approve or reject any plan. If a plan is
33 rejected, the health care institution would resubmit a revised plan
34 within 30 days after receiving notice of the rejection. A plan
35 submitted by a health care institution could not be rejected if it is in
36 compliance with the recommendations issued by the DEP.

37 The DHSS would also be required, in conjunction with its
38 periodic inspection of a licensed health care facility as authorized
39 by law, to ensure that the health care facility is in compliance with
40 the plan submitted.

41 A health care institution found in violation of any provision of
42 this bill would be subject to the penalty provisions of the "Water
43 Pollution Control Act."

44 The bill defines a "health care institution" as a health care
45 facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), a
46 psychiatric facility as defined in section 2 of P.L.1987, c.116
47 (C.30:4-27.2), or a State developmental center listed in R.S.30:1-7.

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 81

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 30, 2012

The Senate Environment and Energy Committee favorably reports Senate Bill No. 81 with committee amendments.

This bill, as amended by the committee, would prohibit a health care institution, or any employee, staff person, contractor, or other person under the direction or supervision of the health care institution, from discharging, disposing of, flushing, pouring, or emptying any unused prescription medication into a public wastewater collection system or a septic system, beginning 210 days after the date of enactment of this bill into law.

The bill would require the Department of Environmental Protection (DEP) to issue recommendations for the proper disposal of unused medications within 90 days after the date of enactment of this bill into law. The bill would also require every health care institution, within 120 days after the date of enactment of this bill into law, to submit to the Department of Health and Senior Services (DHSS) and the DEP a plan for the proper disposal of unused prescription medications. The DHSS, in consultation with the DEP, would have 90 days to approve or reject any plan. If a plan is rejected, the health care institution would resubmit a revised plan within 30 days after receiving notice of the rejection. A plan submitted by a health care institution could not be rejected if it is in compliance with the recommendations issued by the DEP.

The DHSS would also be required, in conjunction with its periodic inspection of a licensed health care facility as authorized by law, to ensure that the health care facility is in compliance with the plan submitted.

A health care institution found in violation of any provision of this bill would be subject to the penalty provisions of the “Water Pollution Control Act.”

The bill defines a “health care institution” as a health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), a psychiatric facility as defined in section 2 of P.L.1987, c.116 (C.30:4-27.2), or a State developmental center listed in R.S.30:1-7.

The committee amendments would:

(1) clarify that the bill would not limit or prohibit a health care institution from lawfully discharging, disposing of, flushing, pouring, or emptying into a public wastewater collection system or a septic system any non-prescription medication or an intravenous solution containing only dextrose, saline, sterile water, or electrolytes, or a combination thereof; and

(2) provide that sections 2 and 4 of the bill would take effect on the 210th day after the date of enactment of the bill into law, rather than the 180th day after the date of enactment of the bill into law.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

STATEMENT TO

[First Reprint]

SENATE, No. 81

with Senate Floor Amendments
(Proposed by Senator BATEMAN)

ADOPTED: FEBRUARY 13, 2012

These floor amendments:

- 1) clarify that the recommendations to be issued by the Department of Environmental Protection are for the proper disposal of unused prescription medications at health care institutions;
- 2) add a new penalty provision specific to the bill, rather than applying the penalties of the “Water Pollution Control Act”; and
- 3) update the effective date of the bill to reflect the addition of the new penalty section.

STATEMENT TO

[Second Reprint]

SENATE, No. 81

with Senate Floor Amendments
(Proposed by Senator BATEMAN)

ADOPTED: MAY 31, 2012

These floor amendments would:

- 1) change the title to supplement P.L.1971, c.136 (the act that licenses health care facilities), instead of the “Water Pollution Control Act”;
- 2) provide that the bill would apply only to licensed health care facilities, and delete the definition of health care institution and references to psychiatric facilities or State developmental centers;
- 3) add a definition for the term “septic system”;
- 4) require every health care facility to individually establish and implement a policy, procedure, plan, or practice to prohibit the disposal of unused prescription medications;
- 5) delete section 3 of the bill, which would have required the Department of Environmental Protection (DEP) to issue recommendations, and the Department of Health and Senior Services (DHSS) and DEP to review and approve or reject a plan;
- 6) amend the penalty provision of the bill;
- 7) add a new section authorizing the DHSS and DEP to adopt rules and regulations pursuant to the “Administrative Procedure Act”;
- 8) amend the effective date to provide that the bill will take effect on the 210th day after the date of enactment and the DHSS and DEP may take advance administrative action prior to the effective date; and
- 9) make technical changes.