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NEW LAW ON DISPOSAL OF MEDICATION IN HEALTH CARE FACILITIES BECOMES EFFECTIVE ON JUNE 17th

On June 17, 2013 a new law which was signed in November of 2012, takes effect. This law prohibits all health care facilities from disposing of unused prescription medications into a public waste water collection or septic system.

By this date, health care facilities are required to establish and implement a policy, procedure, plan, or practice that prohibits the health care facility and any employee, staff person, contractor, or other person under the direction or supervision of the health care facility from discharging, disposing of, flushing, pouring, or emptying any unused prescription medication into a public waste water collection system or a septic system.

A health care facility that fails to comply with this requirement shall be liable 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.

Please note that there are exceptions to this disposal prohibition. Specifically, any non-prescription medication or an intravenous solution containing only dextrose, saline, sterile water, or electrolytes, or a combination thereof, may still be discharged, disposed of, flushed, poured, or emptied into a public waste water collection system or a septic system.

Additionally, facilities may discharge, dispose of, flush, pour, or empty any unused prescription medication into a public waste water 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 law may be cited as P.L. 2012, Chapter 62, and it is available on reverse side.

CHAPTER 62

AN ACT concerning health care facilities and the disposal of prescription medications, and supplementing P.L.1971, c.136 (C.26:2H-1 et seq.).

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.26:2H-12.68 Definitions relative to disposal of prescription medications by health care facilities.

1. As used in this act:

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

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

C.26:2H-12.69 Health care facilities prohibited from discharging prescription medication into public wastewater collection or septic system; exceptions.

2. a. Except as otherwise provided by subsections b. and c. of this section, every health care facility shall establish and implement a policy, procedure, plan, or practice that prohibits the health care facility and any employee, staff person, contractor, or other person under the direction or supervision of the health care facility from discharging, disposing of, flushing, pouring, or emptying any unused prescription medication into a public wastewater collection system or a septic system.

b. Nothing in this act shall be construed to limit or prohibit a health care facility 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.

c. Notwithstanding the provisions of subsection a. of this section to the contrary, a health care facility, or any employee, staff person, contractor, or other person under the direction or supervision of the health care facility, 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.

C.26:2H-12.70 Department to ensure compliance.

3. The Department of Health and Senior Services shall, in conjunction with its periodic inspection of a health care facility, ensure that the health care facility has established and is implementing a policy, procedure, plan, or practice for the proper disposal of unused prescription medications in accordance with section 2 of this act.

C.26:2H-12.71 Violations, penalties.

4. a. Notwithstanding the provisions of any other law or rule or regulation to the contrary, only the penalties set forth in this section shall be imposed for any violation of this act.

b. Any health care facility that fails to establish and implement a policy, procedure, plan, or practice for the disposal of unused prescription medications as required pursuant to subsection a. of section 2 of this act shall be liable 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. Any penalty issued pursuant to this section shall be administered in accordance with the provisions of sections 13 and 14 of P.L.1971, c.136 (C.26:2H-13 and C.26:2H-14).

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

C.26:2H-12.72 Rules, regulations.

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

6. This act shall take effect on the 210th day after the date of enactment, but the Department of Health and Senior Services and the Department of Environmental Protection may take such anticipatory action in advance thereof as shall be necessary for the implementation of this act.

Approved November 19, 2012.