

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 30, 2009
Date

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 1757 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Chris Nathan

Donna Howard

Arnell

Ray [Signature]

Bob Dewell

BR Hopson II
HOPSON

R. [Signature]

Kel Deligan

Tom [Signature]

On the part of the Senate

On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

S.B. No. 1757

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a study by the Texas Commission on Environmental
3 Quality of methods for disposing of unused pharmaceuticals so that
4 they do not enter a wastewater system.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. (a) In this section, "commission" means the
7 Texas Commission on Environmental Quality.

8 (b) The commission shall study and make recommendations
9 regarding the methods to be used by consumers, health care
10 providers, and others for disposing of unused pharmaceuticals so
11 that they do not enter a wastewater system. In conducting the
12 study, the commission shall consider:

13 (1) the methods currently used in this state by
14 consumers, health care providers, and others for that purpose;

15 (2) alternative methods used for that purpose,
16 including the methods used in other states; and

17 (3) the effects on public health and the environment
18 of the various methods used for that purpose.

19 (c) In conducting the study, the commission may solicit
20 input from:

21 (1) the Health and Human Services Commission;

22 (2) the Department of Public Safety of the State of
23 Texas;

24 (3) pharmaceutical manufacturers;

- 1 (4) pharmacies;
- 2 (5) health care providers, including home health care
- 3 providers;
- 4 (6) hospitals;
- 5 (7) clinics;
- 6 (8) long-term care facilities;
- 7 (9) entities that engage in medical waste processing
- 8 and handling;
- 9 (10) solid waste management service providers;
- 10 (11) local governments;
- 11 (12) ranchers and farmers;
- 12 (13) end users of medication;
- 13 (14) water utilities and other water suppliers;
- 14 (15) the United States Postal Service;
- 15 (16) the United States Environmental Protection
- 16 Agency; and
- 17 (17) any other entity the commission considers
- 18 necessary.

19 (d) Not later than December 1, 2010, the commission shall
20 submit a report of the results of the study to the legislature. The
21 report must include:

- 22 (1) the commission's recommendations regarding the
- 23 methods to be used by consumers, health care providers, and others
- 24 for disposing of unused pharmaceuticals so that they do not enter a
- 25 wastewater system; and
- 26 (2) an analysis of the feasibility of implementing the
- 27 recommended disposal methods on a statewide basis.

1 (e) This Act expires January 1, 2011.

2 SECTION 2. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2009.

Senate Bill 1757
Senate Amendments
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

No equivalent provision.

SECTION 1. Section 562.0061, Occupations Code, is amended to read as follows:

Same as Senate version.

Sec. 562.0061. OTHER PRESCRIPTION INFORMATION. The board shall adopt rules specifying the information a pharmacist must provide to a consumer when dispensing a prescription to the consumer for self-administration. The information must ~~be~~:

- (1) ~~be~~ written in plain language;
- (2) ~~be~~ relevant to the prescription; ~~and~~
- (3) ~~be~~ printed in an easily readable font size; ~~and~~
- (4) include the statement, "Do not flush unused medications or pour down a sink or drain."

SECTION 1. (a) In this section, "commission" means the Texas Commission on Environmental Quality.

(b) The commission shall study and make recommendations regarding the methods to be used by consumers, health care providers, and others for disposing of unused pharmaceuticals so that they do not enter a wastewater system. In conducting the study, the commission shall consider:

- (1) the methods currently used in this state by consumers, health care providers, and others for that purpose;
- (2) alternative methods used for that purpose, including the methods used in other states; and
- (3) the effects on public health and the environment of

SECTION 2. (a) In this section, "commission" means the Texas Commission on Environmental Quality.

(b) The commission shall study and make recommendations regarding the methods to be used by consumers, health care providers, and others for disposing of unused pharmaceuticals so that they do not enter a wastewater system. In conducting the study, the commission shall consider:

- (1) the methods currently used in this state by consumers, health care providers, and others for that purpose;
- (2) alternative methods used for that purpose, including the methods used in other states; and
- (3) the effects on public health and the environment of

SECTION 1. Same as Senate version.

Senate Bill 1757
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Section-by-Section Analysis

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the various methods used for that purpose.

(c) In conducting the study, the commission may solicit input from:

- (1) the Health and Human Services Commission;
- (2) the Department of Public Safety of the State of Texas;
- (3) pharmaceutical manufacturers;
- (4) pharmacies;
- (5) health care providers, including home health care providers;
- (6) hospitals;
- (7) clinics;
- (8) long-term care facilities;
- (9) entities that engage in medical waste processing and handling;
- (10) solid waste management service providers;
- (11) local governments;
- (12) ranchers and farmers;
- (13) end users of medication;
- (14) water utilities and other water suppliers;
- (15) the United States Postal Service;
- (16) the United States Environmental Protection Agency; and
- (17) any other entity the commission considers necessary.

(d) Not later than December 1, 2010, the commission shall submit a report of the results of the study to the legislature. The report must include:

- (1) the commission's recommendations regarding the

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Section-by-Section Analysis

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methods to be used by consumers, health care providers, and others for disposing of unused pharmaceuticals so that they do not enter a wastewater system; and
(2) an analysis of the feasibility of implementing the recommended disposal methods on a statewide basis.
(e) This Act expires January 1, 2011.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

HOUSE VERSION

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(2) an analysis of the feasibility of implementing the recommended disposal methods on a statewide basis.
(e) This section expires January 1, 2011.

SECTION 3. Same as Senate version.

CONFERENCE

SECTION 2. Same as Senate version.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

**TO: Honorable David Dewhurst, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives**

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB1757 by Watson (Relating to a study by the Texas Commission on Environmental Quality of methods for disposing of unused pharmaceuticals so that they do not enter a wastewater system.), Conference Committee Report

No significant fiscal implication to the State is anticipated.

The bill would direct the Texas Commission on Environmental Quality (TCEQ) to perform a study of: the methods currently used in the state to safely handle and dispose of pharmaceuticals, medical sharps, and other potentially dangerous medical waste; alternative methods include methods used in other states; and effects on public health and the environment of the various methods. In conducting this study, the bill would direct the TCEQ to solicit input from: the Health and Human Services Commission; the Department of Public Safety; pharmaceutical manufacturers; pharmacies; health care providers; hospitals; clinics; long-term care facilities; medical waste processors and handlers; solid waste management service providers; local governments; ranchers and farmers; end users of medication; water utilities and other water suppliers; U.S. Postal Service; U.S. Environmental Protection Agency; and any other entity necessary. The agency would be required to submit a report to the Legislature by December 1, 2010, containing recommendations and an analysis of feasibility of implementing recommended disposal methods on a statewide basis.

The TCEQ reports that the cost of the study required by the bill would be \$300,000 and would require a third party contractor to provide the needed information. This estimate assumes that the agency could absorb these costs within its existing budget.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: JOB, SD, SZ, ZS, TL