

LEGISLATIVE ANALYSIS AND PUBLIC POLICY ASSOCIATION

HOME GENERATED SHARPS: STATEWIDE LAWS AND REGULATIONS ADDRESSING COLLECTION AND DISPOSAL

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HOME-GENERATED SHARPS: STATEWIDE LAWS AND REGULATIONS ADDRESSING COLLECTION AND DISPOSAL

TABLE OF CONTENTS

STATE	PAGE
SUMMARY	2
ARIZONA.....	5
CALIFORNIA	6
COLORADO	10
CONNECTICUT	12
DISTRICT OF COLUMBIA	13
FLORIDA	14
ILLINOIS	15
LOUISIANA	17
MASSACHUSETTS	18
MICHIGAN	19
MINNESOTA.....	21
MISSISSIPPI.....	22
NEW HAMPSHIRE	23
NEW JERSEY	24
NEW YORK.....	26
OREGON.....	28
RHODE ISLAND.....	29
WASHINGTON	30
WISCONSIN.....	31

SUMMARY

During any one year in the United States, an estimated nine million sharps users administer over three billion injections outside of healthcare facilities. “Sharps” include items such as needles, syringes, lancets, auto-injectors, and infusion sets. Sharps are used by individuals at home to manage a variety of medical conditions, including allergies, arthritis, cancer, diabetes, hepatitis, HIV/AIDS, infertility, migraines, multiple sclerosis, osteoporosis, blood clotting disorders, and psoriasis.¹ The improper disposal of sharps, such as discarding them uncovered in trash/recycling or flushing down the toilet, can lead to significant injuries to family members and solid waste workers, both in terms of needle sticks and exposure to disease.

There are no federal requirements placed on the disposal of home-generated sharps waste.² The U.S. Food and Drug Administration (FDA) recommends that used sharps be placed in a “sharps disposal container,” made of puncture-resistant plastic and a tight fitting, puncture-resistant lid. Once containerized, the FDA suggests that consumers research their respective local sharps disposal options by consulting websites of (or calling) the local health department or solid waste disposal services.³ Similar suggestions are offered by the U.S. Environmental Protection Agency.⁴

The Legislative Analysis and Public Analysis Association (LAPPA) undertook a recent analysis to determine the current status of statewide laws and regulations addressing the collection and disposal of home-generated sharps waste. The results of LAPPA’s analysis are presented here. The hope in creating this document is that it can serve as a starting point for jurisdictions that wish to implement or amend statewide sharps disposal laws. Please note that this analysis reviews only statewide statutes and regulations and not city- or county-level ordinances directing disposal. Also, in this analysis LAPPA did not review disposal requirements contained within state-authorized syringe exchange programs; however, used syringes generated by consumers through those programs: (1) are subject to the disposal restrictions identified; and (2) could be disposed of pursuant to disposal programs identified.

¹ SafeNeedleDisposal.org, *Fact Sheet* (November 6, 2017), available at <https://safeneedledisposal.org/wp-content/uploads/2017/11/Sharps-Fact-Sheet-11.6.17.pdf>. SafeNeedleDisposal.org was formed in 2002 as The Coalition for Safe Community Needle Disposal (Coalition). In 2014, the non-profit NeedyMeds assumed management of the Coalition. According to its website, SafeNeedleDisposal remains an active project of NeedyMeds.

² Product Stewardship Institute, *Product Stewardship Action Plan for Medical Sharps* (June 2008), 16.

³ U.S. Food and Drug Administration, *Safely Using Sharps (Needles and Syringes) at Home, at Work and on Travel* (August 30, 2018), <https://www.fda.gov/medical-devices/consumer-products/safely-using-sharps-needles-and-syringes-home-work-and-travel>.

⁴ U.S. Environmental Protection Agency, *Protect Yourself, Protect Others, Safe Options for Home Needle Disposal*, EPA530-F-06-014 (June 2006), available at https://www.epa.gov/sites/production/files/2016-02/documents/med-home_0.pdf.

LAPPA's primary conclusions from the analysis of jurisdiction-wide laws and regulations in the 50 states and District of Columbia addressing the collection and disposal of home-generated sharps waste are as follows:

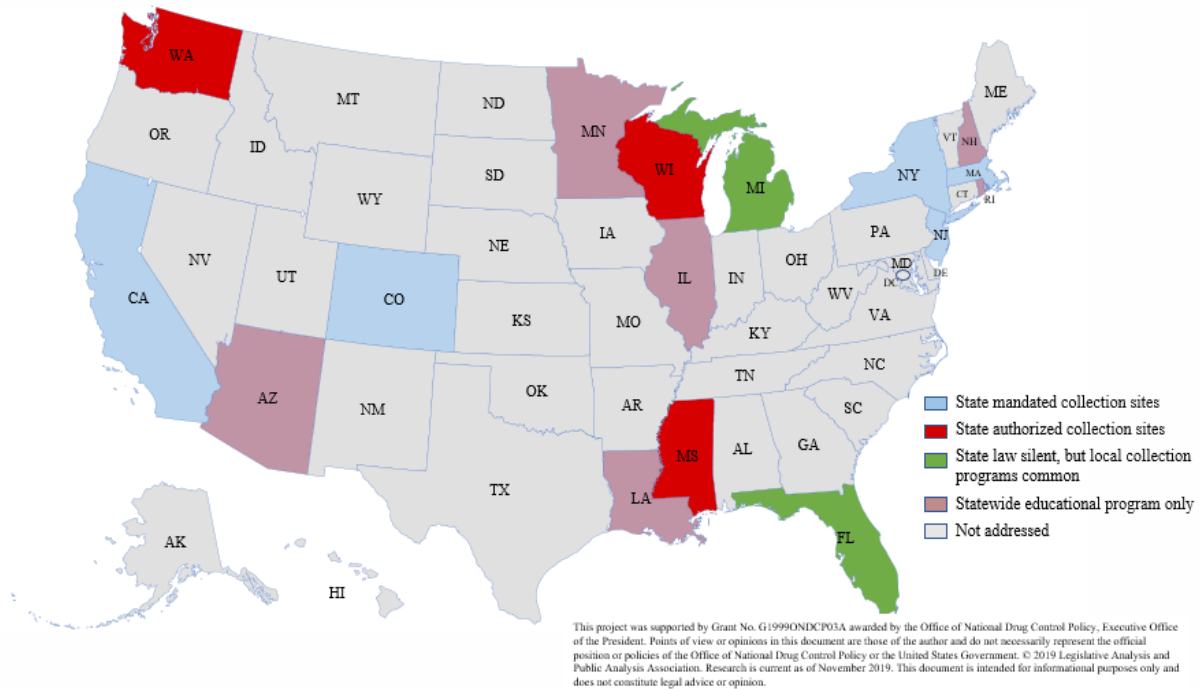
- Fifteen states have statewide laws or regulations that expressly address home-generated sharps disposal (Arizona, California, Colorado, Illinois, Louisiana, Massachusetts, Minnesota, Mississippi, New Hampshire, New Jersey, New York, Oregon, Rhode Island, Washington, Wisconsin);
- Six of the eight states that the Safe Needle Disposal project identifies as having "readily available" sharps collection/disposal programs⁵ have statewide laws or regulations (California, Massachusetts, Mississippi, New Jersey, New York, Wisconsin);
- Two states with readily available disposal options do not have statewide laws or regulations governing those programs (Florida, Michigan);
- California is the only state that has enacted a manufacturer stewardship law that encompasses home-generated sharps, while stewardship legislation was considered in three other jurisdictions during 2019 (District of Columbia, Illinois, Massachusetts);
- Seven states either prohibit the mixing of home-generated sharps with trash/recycling or require sharps to be containerized before disposal (California, Illinois, Louisiana, Massachusetts, Minnesota, Oregon, Washington);
- In six states, the laws provide for an education program about proper home-generated sharps disposal but do not address collection/disposal programs (Arizona, Illinois, Louisiana, Minnesota, New Hampshire, Rhode Island);
- Five states mandate that certain disposal locations be offered to consumers or that local authorities develop programs (California, Colorado, Massachusetts, New Jersey, New York), although the mandatory programs are not yet implemented in two (California, Colorado); and
- Connecticut and the District of Columbia are the only two jurisdictions without jurisdiction-wide home-generated sharps disposal laws or regulations that considered such legislation during 2019.

The remainder of this document provides a jurisdiction-by-jurisdiction review of applicable statewide law and/or regulations. Although neither Connecticut, District of Columbia, Florida, nor Michigan have enacted jurisdiction-wide laws or regulations, they are included in the analysis based upon the conclusions above.

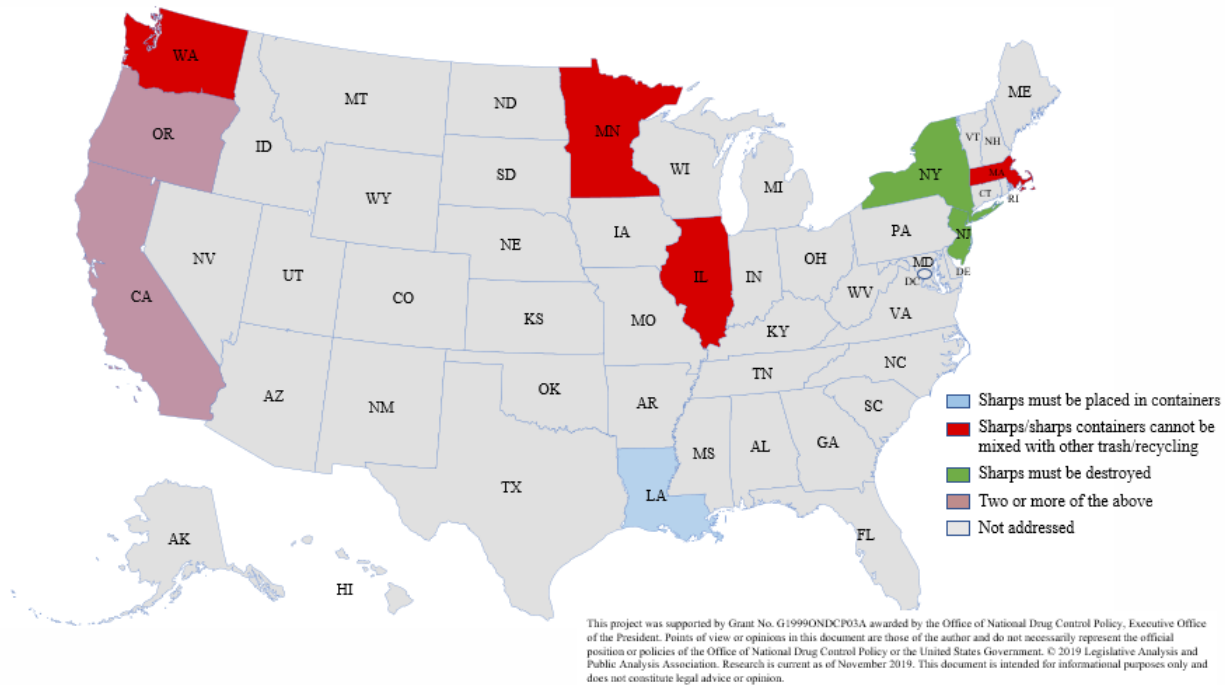
The goal of this research document is to provide accurate and complete information that is free of omissions. If you believe that this document contains misinformation or errors, please email LAPPA at info@thelappa.org.

⁵ SafeNeedleDisposal.org, *Disposal Options* (undated), <https://safeneedledisposal.org/sharps-management/management-and-disposal/>.

Home-generated Sharps: Type of statewide program



Home-generated Sharps: Restrictions on disposal



<u>ARIZONA</u>
<u>Statutory citation(s)</u>
<p>A.R.S. § 36-123.01 (“Drug disposal education and awareness; controlled substances; public-private partnership; fund”).</p> <p>A.R.S. § 9–500.45 (“Drug disposal programs; business assessments prohibited; restrictions; state preemption; definition”). [Originally numbered A.R.S. § 9–500.42; later renumbered.]</p> <p>A.R.S. § 11–269.22 (“Drug disposal programs; business assessments prohibited; restrictions; state preemption; definition”).</p>
<u>Date(s) enacted and effective</u>
All three statutes were first enacted on April 17, 2018 as part of House Bill 2558 (2018 Arizona Laws Chapter 245). The statutes took effect on August 3, 2018.
<u>Regulatory citation(s)</u>
None that expressly address disposal of home-generated sharps.
<u>Type of program</u>
Educational program; express prohibition against cities or counties creating mandatory disposal programs.
<u>Description of program</u>
<p>Under these Arizona statutes, a “drug disposal program” is defined to include “needles or sharps that are no longer wanted by the owner or that have been abandoned or discarded or are intended to be abandoned or discarded by the owner.”</p> <p>Section 36-123.01 requires the Arizona Department of Health Services (Department) to “enter into a public-private partnership to develop and education and awareness program” addressing, among other things, the disposal of home-generated medical sharps. This program may include a web-based resource that “[d]escribes appropriate disposal methods for needles and sharps and location sites providing for disposal of needles and sharps.”</p> <p>The section also establishes the “drug disposal education and awareness fund” administered by the Department. According to the Department’s fiscal year 2021 budget request,⁶ the fund received donations of \$10,000 during fiscal year 2019 that remain available for disbursement.</p> <p>Sections 9-500.45 and 11-269.22 differ only in applicability; the former to a “city or town” and the latter to a county. These provisions prevent localities from: (1) imposing a tax, fee, assessment or charge on any consumer or business owner to pay for a disposal program; or (2) requiring a business owner to establish a program. The statutes allow localities to use general funds to operate programs, but otherwise expressly preempt additional local regulation.</p>
<u>Relevant state legislation considered in 2019</u>
None.

⁶ <https://azdhs.gov/documents/operations/financial-services/azdhs-budget-request-fy-21.pdf>

<u>CALIFORNIA</u>
<u>Statutory citation(s)</u>
<p>Cal.Bus. & Prof.Code § 4147 (“Disposal requirements; illegal disposal at certain locations; misdemeanor; exception”).</p> <p>Cal.Health & Safety Code § 25218.13 (“Operation as home-generated sharps consolidation point; definitions”).</p> <p>Cal.Health & Safety Code § 117671 (“Home-generated sharps waste”).</p> <p>Cal.Health & Safety Code § 117750 (“Sharps container”).</p> <p>Cal.Health & Safety Code § 117904 (“Home-generated sharps waste; consolidation points; requirements; tracking documents”).</p> <p>Cal.Health & Safety Code § 118147 (“Home-generated sharps waste; acceptance; consolidation; conditions”).</p> <p>Cal.Health & Safety Code § 118225 (“Sharps waste; methods for rendering noninfectious; disposal”).</p> <p>Cal.Health & Safety Code § 118285 (“Containerizing sharps waste”).</p> <p>Cal.Health & Safety Code § 118286 (“Home-generated sharps waste; appropriate containers for collection and transportation; allowed management facilities”).</p> <p>Cal.Pub.Res.Code § 40190.5 (“Sharps waste”).</p> <p>Cal.Pub.Res.Code § 41502 (“City household hazardous waste; program for safe collection, treatment, and disposal of sharps waste”).</p> <p>Cal.Pub.Res.Code § 41512 (“County household hazardous waste; program for safe collection, treatment, and disposal of sharps waste”).</p> <p>Cal.Pub.Res.Code §§ 42030 to 42036.4 (collectively titled “Pharmaceutical and Sharps Waste Stewardship”).</p> <p>Cal.Pub.Res.Code §§ 47115 to 47116 (collectively titled “Home-generated Sharps Waste Collection”).</p>
<u>Date(s) enacted and effective</u>
<p>Simplifying somewhat, California enacted the various statutes addressing home-generated sharps collection and disposal in the following six groupings:</p> <ul style="list-style-type: none"> • Cal.Health & Safety Code §§ 117904 118147, 118225 and 118285, first enacted in 1995 and effective on January 1, 1996 (1995 California Laws Chapters 415 and 877); • Cal.Bus. & Prof.Code § 4147, Cal.Health & Safety Code § 25218.13, and Cal.Pub.Res.Code §§ 40190.5, 41502, 41512, first enacted in 2004 and effective on January 1, 2005 (2004 California Laws Chapters 157 and 608); • Cal.Health & Safety Code §§ 117671 and 118286, first enacted in 2006 and effective on January 1, 2007 (2006 California Laws Chapter 64); • Cal.Pub.Res.Code §§ 47115 to 47116, first enacted in 2009 and effective on January 1, 2010 (2009 California Laws Chapter 591);

<u>CALIFORNIA</u>
<u>Date(s) enacted and effective (continued)</u>
<ul style="list-style-type: none"> • Cal.Health & Safety Code § 117750, first enacted in 2014 and effective on January 1, 2015 (2014 California Laws Chapter 564) and • Cal.Pub.Res.Code §§ 42030 to 42036.4, first enacted September 30, 2018 through Senate Bill 212 (2018 California Laws Chapter 1004) and effective January 1, 2019.
<u>Regulatory citation(s)</u>
None that expressly address disposal of home-generated sharps. Implementing regulations for pharmaceutical and sharps waste stewardship must be adopted by January 1, 2021.
<u>Type of program</u>
State-authorized collection programs managed by localities at designated household hazardous waste facilities and home-generated sharps consolidation points; express prohibition against disposing sharps in trash or recycle; sharps collection stewardship program managed by manufacturers of pharmaceutical drugs and sharps forthcoming.
<u>Description of program</u>
<p>Cal.Health & Safety Code § 118286 provides a three-part framework for treatment of home-generated sharps waste in California. First, a person may not “knowingly” place home-generated sharps waste in any container used for solid waste, green waste, or recycling. “Home-generated sharps waste” is defined in Cal.Health & Safety Code § 117671 as “hypodermic needles, pen needles, intravenous needles, lancets, and other devices that are used to penetrate the skin for the delivery of medications derived from a household, including a multifamily residence or household.” It is also illegal under Cal.Bus. & Prof.Code § 4147 to discard a hypodermic needle or syringe “upon the grounds of a playground, beach, park, or any public or private elementary, vocational, junior high, or high school.”</p> <p>Second, sharps waste must be transported in a “sharps container,” defined in Cal.Health & Safety Code § 117750 as “a rigid puncture-resistant container used in patient care or research activities meeting the standards of, and receiving approval from, the United States Food and Drug Administration as a medical device used for the collection of discarded medical needles or other sharps.”</p> <p>Third, there are four approved methods for collection of home-generated sharps: (1) drop off at a “home-generated sharps consolidation point,” a location that meets the requirements in Cal.Health & Safety Code § 117904; (2) drop off at “household hazardous waste facility” that chooses to operate a home-generated sharps consolidation point; (3) drop off at a medical waste generator’s facility (<i>i.e.</i>, hospital or doctor’s office) that chooses to accept home-generated sharps waste; or (4) using a “medical waste mail-back container” approved by the United States Postal Service.</p>

<u>CALIFORNIA</u>
<u>Description of program (continued)</u>
<p>Cal.Pub.Res.Code §§ 40190.5, 41502 and 41512 allow cities and counties to include programs for the safe collection, treatment, and disposal of home-generated sharps waste as part of their proposal for handling household hazardous waste. Such programs can include designating collection stations within the locality and educating consumers about proper disposal methods.</p> <p>Under Cal.Pub.Res.Code §§ 47115 to 47116, a pharmaceutical manufacturer that sells or distributes medication that is intended to be self-injected at home must submit a plan annually to the state department of resources recycling and recovery that “describes how the manufacturer supports the safe collection and proper disposal of the waste devices” and post the plan on its website.</p> <p>In September 2018, California enacted a statewide pharmaceutical drug and sharps stewardship law. Under the law, “covered entities” (manufacturers or distributors of a “covered product,” which includes “a covered drug or home-generated sharps waste”) must establish a stewardship program on its own or as part of a group for the collection and disposal of drugs and sharps. A stewardship plan for home-generated sharps waste must meet the requirements specified in Cal.Pub.Res.Code § 42032.2(d). These requirements include, among other things: (1) demonstrating adequate funding for all administrative and operational costs of the stewardship program, to be borne by covered entities; (2) providing a handling, transport, and disposal system, at no cost to the consumer; (3) maintaining a website and telephone number for to provide information, including disposal options, and to receive requests for sharps waste containers from consumers; and (4) providing a mail-back program that is initiated by distribution of a sharps waste container and mail-back materials (postage prepaid) at the point of sale at no cost to the consumer. The Department of Resources, Recycling and Recovery has until January 1, 2021 to adopt implementing regulations.</p> <p>The Safe Needle Disposal project identifies California as one of eight states where sharps collection/disposal sites are “readily available” to consumers.⁷</p>
<u>Relevant state legislation considered in 2019</u>
<p>Assembly Bill No. 804 (“Medical waste: sharps waste”). This bill would eliminate the requirement that a manufacturer of a medication intended to be self-injected submit a disposal plan pursuant to Cal.Pub.Res.Code §§ 47115 to 47116 if the injectible device is a “covered product” under the state stewardship program. The bill was referred to committee prior to the California legislature entering recess in September 2019. This bill may be carried over to the next legislative session.</p>

⁷ SafeNeedleDisposal.org, *Disposal Options*, <https://safeneedledisposal.org/sharps-management/management-and-disposal/>.

CALIFORNIA**Relevant state legislation considered in 2019 (continued)**

Senate Bill No. 424 (“Solid waste: sharps disposal”). This bill would require a manufacturer’s disposal plan submitted pursuant to Cal.Pub.Res.Code §§ 47115 to 47116 to include a description of the number and types of devices sold or distributed in the state by the manufacturer. The bill was substituted in committee and no longer contains the sharps disposal components.

<u>COLORADO</u>
<u>Statutory citation(s)</u>
C.R.S.A. § 25-15-328 (“Household medication take-back program--collection and disposal of medication injection devices--creation--liability--definitions--cash fund—rules”). In particular, subsections 3(b) and 5(b) of the statute relate to “medication injection devices.”
<u>Date(s) enacted and effective</u>
Senate Bill 19-227 (2019 Colorado Laws Chapter 273) added subsections (3)(b) and (5)(b) to C.R.S.A. § 25-15-328 effective May 23, 2019. Prior to this addition, the statute did not reference home-generated sharps.
<u>Regulatory citation(s)</u>
The state Department of Public Health and Environment (Department), Division of Environmental Health and Sustainability (DEHS) is conducting an active stakeholder process to develop implementing regulations. ⁸ As of mid-October 2019, DEHS has posted a first draft of proposed regulations and scheduled the first of several stakeholder meetings.
<u>Type of program</u>
Statewide household medication take-back program expanded to include “medication injection devices” beginning in fiscal year 2020-21.
<u>Description of program</u>
In 2014, the Colorado legislature directed the Department to establish a household medication take-back program (take-back program) to collect and dispose of unused household medications. As of June 2019, this statewide program encompasses 158 collection sites spread out over 60 of Colorado’s 64 counties. Presently, needles, syringes, and other sharps are not part of the program. ⁹

⁸ More information can be found at the DEHS active stakeholder process website, <https://www.colorado.gov/pacific/cdphe/dehs-active-stakeholder-processes>.

⁹ Colorado Household Medication Take-Back Program, Sharps Rules Committee Meeting Notes (July 31, 2019), https://drive.google.com/file/d/1Ia3QV6R8VoV_7OYv2WNZVIyeTRBl7yEI/view.

<u>COLORADO</u>
<u>Description of program (continued)</u>
<p>Enacted in May 2019, Senate Bill 19-227 in part expands the take-back program “to implement a process for the safe collection and disposal of needles, syringes, and other devices used to inject medication.” Specifically, the statute: (1) directs the general assembly to appropriate money from the general fund to the Department, beginning in fiscal year 2020-21; and (2) directs the Department to use the appropriated money to implement the expansion. The statute does not define the term “medication injection device.”</p> <p>The bill’s fiscal note states that the state anticipates 103 new collection sites for sharps, a number which assumes a new collection site in each state county as well as an additional 39 sites to ensure one collection site per 100,000 state residents. The four-year budget for the program is \$585,400, with an anticipated annual ongoing collection cost of of \$169,000. Draft regulations (dated October 2019) use the phrase “household sharps,” defined as “used blood-sampling lancets and used needles and needle-containing devices that inject medications including syringes, auto injectors, and injection cartridges.”</p>
<u>Relevant state legislation considered in 2019</u>
None other than Senate Bill 19-227.

<u>CONNECTICUT</u>
<u>Statutory citation(s)</u>
None.
<u>Relevant state legislation considered in 2019</u>
2019 House Bill 5447 (“An Act Requiring Drug Manufacturers and Distributors to Accept Used Sharps from Patients for Disposal or Recycling”). Other than stating a brief purpose similar to the title, the bill as originally introduced contains no additional information. The bill died in committee upon adjournment of the legislative session.

<u>DISTRICT OF COLUMBIA</u>
<u>Statutory citation(s)</u>
None.
<u>Relevant legislation considered in 2019</u>
2019 Legislative Bill 506 (“Zero Waste Omnibus Amendment Act of 2019”). Among many other provisions, the bill creates an “extended producer responsibility” stewardship program for “home-generated sharps waste,” as defined in the bill. The bill requires manufacturers and importers of products to develop stewardship plans by January 1, 2021, that are approved by the District Department of Energy and Environment. The bill specifies that the plans must include one authorized collection site per 10,000 people, with collection sites spread across the District’s eight wards. The bill was introduced in October 2019. On October 25, 2019, the D.C. Council published notice of its intention to consider the legislation for final Council action in not less than 15 days.

<u>FLORIDA</u>
<u>Statutory citation(s)</u>
None.
<u>Type of program</u>
County-based collection programs throughout Florida.
<u>Description of program</u>
Although there is no standardized, statewide home generated sharps disposal program in Florida, many Florida counties manage local programs. ¹⁰ According to the Florida Department of Health, “these programs provide strategically-located sites where residents can drop off a container filled with needles and at many sites, receive a new container at minimal or no cost.” ¹¹ The Safe Needle Disposal project identifies Florida as one of eight states where sharps collection/disposal sites are “readily available” to consumers.
<u>Relevant state legislation considered in 2019</u>
None.

¹⁰ Product Stewardship Institute, *Product Stewardship Action Plan for Medical Sharps* (June 2008), 18 (“While there is no disposal ban for medical sharps in Florida, the state has one of the more comprehensive sharps collection programs in the country. Over 40 counties have collection programs for home-generated sharps. County programs vary, but all have locations where individuals can drop off and pick up sharps containers free or for a small fee.”). See also Florida Health, *Needle Collection Programs*, <http://www.floridahealth.gov/environmental-health/biomedical-waste/needle-collection-programs.html>;

¹¹ Florida Health, *Home Management of Sharps*, <http://www.floridahealth.gov/environmental-health/biomedical-waste/home-management-of-sharps.html>.

<u>ILLINOIS</u>
<u>Statutory citation(s)</u>
<p>20 ILCS 2310/2310-252 (“Guidelines for needle disposal; education”).</p> <p>415 ILCS 5/3.458 (“Sharps collection station”).</p> <p>415 ILCS 5/56.1 (“Acts prohibited”).</p>
<u>Date(s) enacted and effective</u>
<p>Sections 20 ILCS 2310/2310-252, 415 ILCS 5/3.458, and the relevant part of 415 ILCS 5/56.1 were enacted together, effective in August 2005 by Illinois Public Acs 94-641. Effective July 20, 2015, Senate Bill 793 (Illinois Public Act 99-82) amended portions of 20 ILCS 2310/2310-252 and 415 ILCS 5/56.1 to prohibit mixing household sharps waste with other items intended to be recycled.</p>
<u>Regulatory citation(s)</u>
None that expressly address disposal of home-generated sharps.
<u>Type of program</u>
Educational program; express prohibition against mixing home-generated sharps with recyclable materials.
<u>Description of program</u>
<p>Section 20 ILCS 2310/2310-252 requires the Illinois Department of Public Health, in cooperation with the Illinois Environmental Protection Agency, to “create guidelines for the proper disposal of hypodermic syringes, needles, and other sharps used for self-administration purposes” that are consistent with federal guidelines and “promote flexible and convenient disposal methods.” The Department must also develop educational materials about sharps disposal and distribute the materials to pharmacies and the public.</p> <p>Pursuant to 415 ILCS 5/56.1(A)(k) and (l), it is illegal for a person: (1) to “knowingly mix” household sharps with materials intended to be collected as recycleables; or (2) to “knowingly place” household sharps into a container intended for recyclable collection.</p> <p>Section 415 ILCS 5/3.458 defines the term “sharps collection station” as a designated area at certain facilities (including hospitals, treatment centers, physician’s offices and pharmacies) where “medical household waste containing medical sharps” are collected.</p>

ILLINOIS**Relevant state legislation considered in 2019**

2019 House Bill 349 (“Drug and Sharps Waste Stewardship Act”). The bill directs the state Environmental Protection Agency (Agency), using guidance and advice from the state Board of Pharmacy, to administer a drug and “home-generated sharps waste” stewardship program. The bill requires certain product manufacturers to develop Agency-approved stewardship plans and pay the Agency an administrative fee towards the cost of administering the program. The bill specifies that each county should have at least five authorized collection sites or one site per 50,000 residents, whichever is greater. The bill was read once prior to the Illinois legislature entering recess in June 2019. This bill may be carried over to the next legislative session.

2019 House Bill 3246 (“Retail Store Sharps Disposal Act”). This bill would allow the Department of Health or a local municipality to require certain retail stores, or categories of retail stores, to install sharps collection boxes in all restrooms. The bill also would require a retail store to install sharps collection boxes if either: (1) it is requested by an employee of the store who submits a written request to the store manager and to the Department; or (2) “infection or contamination from needle exposure is traced back to that retail store by the Department, a local health department, or State or local law enforcement.” The bill was read once prior to the Illinois legislature entering recess in June 2019. This bill may be carried over to the next legislative session.

<u>LOUISIANA</u>
<u>Statutory citation(s)</u>
LSA-R.S. 40:4 (“Sanitary code”).
<u>Date(s) enacted and effective</u>
Amendments to the statute enacted in July 2007 by 2007 Senate Bill 226 (2007 Louisiana Act 267) added language about sharps disposal, effective August 15, 2007.
<u>Regulatory citation(s)</u>
La. Admin Code. tit. 51, Pt XXVII, § 503 (“Home generated sharps”). La. Admin Code. tit. 51, Pt XXVII, § 1101 (“Treatment of Potentially Infectious Biomedical Waste”).
<u>Type of program</u>
Educational program; requirement that sharps be placed in containers before disposal.
<u>Description of program</u>
Louisiana’s sanitary code directs the Louisiana Department of Health to regulate the packaging, storage, treatment, disposal, and transportation of home-generated sharps waste. The regulations must provide for community education and outreach programs about proper handling and disposal methods. “Home-generated sharps waste” is defined as “needles, syringes, and other medical instruments that are capable of puncturing the skin for the delivery of medications derived from a household, including a multifamily residence or household.” Pursuant to regulations, the sharps must be encased or “placed in a sharps disposal container of standard manufacture or other similar container of a type approved by the state health officer” and then placed within another bag or rigid container.
<u>Relevant state legislation considered in 2019</u>
None.

<u>MASSACHUSETTS</u>
<u>Statutory citation(s)</u>
M.G.L.A. 94C § 27A (“Collection and disposal of spent non-commercially generated hypodermic needles and lancets”). M.G.L.A. 111 § 25K (“Educational insert accompanying sale of hypodermic syringes and needles”).
<u>Date(s) enacted and effective</u>
Both statutes were first enacted, via House and Senate override of the Governor’s veto, on July 13, 2006 as part of House Bill 4176 (2006 Massachusetts Laws Chapter 172).
<u>Regulatory citation(s)</u>
105 CMR 480.002 to 105 CMR 480.135 (portion of regulations governing the “Minimum Requirements for the Management of Medical or Biological Waste”).
<u>Type of program</u>
Statewide collection and disposal program; prohibition against disposing home sharps in household waste.
<u>Description of program</u>
Pursuant to state regulation, 105 CMR 480.125 (“Home Sharps”), “home sharps, as well as unopened packages of hypodermic needles and lancets” may not be disposed of in Massachusetts household waste. “Home sharps” are defined as “spent non-commercially generated, hypodermic needles and lancets that have been used or are not in their original, intact, and sealed packaging and that result from personal use or from pets at a residence or outside the home,” but do not include those generated by visiting professionals.

<u>MASSACHUSETTS</u>
<u>Description of program (continued)</u>
<p>M.G.L.A. 94C § 27A directs the state’s Department of Environmental Protection and the Department of Public Health, in conjunction with other state agencies, to implement a program for the collection and disposal of home sharps. These departments are authorized to work with private companies and non-profit groups to design and implement the program. The sharps collection and disposal program may include: (1) developing a home disposal program; (2) establishing “sharps collection centers” in medical facilities, pharmacies, and other “municipal facilities,” including fire and police stations; and (3) developing mail-back programs.</p> <p>The term “sharps collection center” is defined as an identified community location that: (1) provides secure and accessible large collection containers on site; (2) uses collection containers that meet federal Occupational Safety and Health Administration and Department of Transportation standards; (3) accepts sharps from users in smaller “leak-proof, rigid, puncture-resistant and shatterproof containers”; (4) provides a means for users to transfer uncontained sharps into smaller containers at the collection site; (5) has regularly scheduled waste pickups; and (6) stores, handles, transports and treats sharps in accordance with state regulations. Additional requirements for the operation of sharps collection centers are found in 105 CMR 480.135 (“Sharps Collection Centers”).</p> <p>M.G.L.A. 111 § 25K directs the state Department of Public Health to develop an educational insert to accompany the sale of hypodermic syringes and needles that includes information about “proper hypodermic syringe and needle disposal practices.”</p> <p>The Safe Needle Disposal project identifies Massachusetts as one of eight states where sharps collection/disposal sites are “readily available” to consumers.¹²</p> <p>Home-generated sharps are not part of Massachusetts’ statewide opioid and benzodiazepine return program funded by drug manufacturers enacted in 2017.</p>
<u>Relevant state legislation considered in 2019</u>
<p>2016 House Bill 2006 / Senate Bill 1218 (“An Act to establish a sharps stewardship program”). Amends the state’s pharmaceutical drug stewardship take-back program to include home-generated sharps. At present, a “covered drug” under the in-force stewardship program expressly excludes “hypodermic needles, lancets, or other sharps products subject to collection and disposal procedures established in section 27A of chapter 94C.” This legislation would remove that exception from the definition of covered drug. A joint committee hearing on the legislation was held in September 2019. The Massachusetts legislative session is ongoing.</p>

<u>MICHIGAN</u>
<u>Statutory citation(s)</u>

¹² SafeNeedleDisposal.org, *Disposal Options*, <https://safeneedledisposal.org/sharps-management/management-and-disposal/>.

<u>MICHIGAN</u>
None.
<u>Type of program</u>
Individual collection sites throughout the state.
<u>Description of program</u>
There is no statewide home-generated sharps disposal program in Michigan. However, the Safe Needle Disposal Project identifies Michigan as one of eight states where sharps collection/disposal sites are “readily available” to consumers. ¹³ According to a May 2019 list published by the state’s environmental department, there are approximately 80-90 sharps collection sites in the state, at a mix of public-sector and private-sector locations. ¹⁴
<u>Relevant state legislation considered in 2019</u>
None.

¹³ SafeNeedleDisposal.org, *Disposal Options*, <https://safeneedledisposal.org/sharps-management/management-and-disposal/>.

¹⁴ https://www.michigan.gov/documents/deq/whm-stsw-sharps-collection-list_196524_7.pdf.

<u>MINNESOTA</u>
<u>Statutory citation(s)</u>
<p>M.S.A. § 116.78 (“Waste management”).</p> <p>M.S.A. § 116.835 (“Safe sharps management”).</p> <p>M.S.A. § 151.40 (“Possession and sale of hypodermic syringes and needles”).</p>
<u>Date(s) enacted and effective</u>
<p>M.S.A. § 116.78 was enacted in June 1989 and effective on January 1, 1990. The prohibition against placing sharps with recyclables was added, effective May 9, 2014, as part of 2014 Senate File 663 (2014 Minnesota Laws Chapter 225). M.S.A. § 116.835 was enacted on April 30, 2010, as 2010 Senate File 1323 (2010 Minnesota Laws Chapter 286) and became effective January 1, 2011.</p>
<u>Regulatory citation(s)</u>
<p>None that expressly address disposal of home-generated sharps.</p>
<u>Type of program</u>
<p>Educational program by sharps manufacturers and manufacturers of pharmaceuticals intended to be self-injected; manufacturer support for local stakeholder efforts; express prohibition against placing sharps with recyclable materials.</p>
<u>Description of program</u>
<p>Pursuant to M.S.A. § 116.835, a sharps manufacturer or a manufacturer of pharmaceuticals intended to be self-injected must post on its website “a plan that describes how the manufacturer supports the safe collection and proper disposal of the sharps.” The plan must disclose how the manufacturer provides for safe collection/disposal, educates consumers about safe disposal, and supports efforts by local stakeholders (<i>e.g.</i>, retailers, local governments, health care organizations, public health offices, solid waste service providers) to safely dispose of sharps.</p> <p>M.S.A. § 116.78 prohibits a person from placing sharps with recyclable materials. Interestingly, the statute exempts home-generated sharps from additional requirements that sharps be placed in puncture-resistant containers, not mixed with other waste material, and not disposed of at facilities where waste is hand-sorted.</p> <p>Pharmacies that sell hypodermic needles and syringes must certify to the state commissioner of health “participation in an activity . . . that supports proper disposal of used hypodermic needles or syringes.”</p>
<u>Relevant state legislation considered in 2019</u>
<p>None.</p>

<u>MISSISSIPPI</u>
<u>Statutory citation(s)</u>
Miss. Code Ann. §§ 49-2-81 to 49-2-87 (“Home-generated Medical Sharps Disposal Act”).
<u>Date(s) enacted and effective</u>
The four statutes that make up the Home-generated Medical Sharps Disposal Act were first enacted on March 25, 2008, as part of Senate Bill 2730 (2008 Mississippi Laws Chapter 341). The statutes took effect on July 1, 2008.
<u>Regulatory citation(s)</u>
None that expressly address disposal of home-generated sharps.
<u>Type of program</u>
Educational program developed by the state department of environmental quality.
<u>Description of program</u>
<p>The Act, specifically Miss. Code Ann. § 49-2-87, directs the state Department of Environmental Quality to develop and implement a statewide educational program designed to inform the public about safe disposal of home-generated medical sharps and promote such disposal. A “medical sharp” is defined as “a needle, syringe, lancet, or other sharp object used to penetrate the skin for medical testing or for delivery of medication.”</p> <p>Pursuant to this law, the state Department of Environmental Quality implemented a voluntary Household Medical Sharps Collection and Disposal Program in 2009 that it manages. As of January 2019, there are 354 drop-off locations located throughout the state.¹⁵ As a result, the Safe Needle Disposal project identifies Mississippi as one of eight states where sharps collection/disposal sites are “readily available” to consumers.¹⁶</p>
<u>Relevant state legislation considered in 2019</u>
<p>2019 House Bill No. 501 (“Hypodermic syringes or needles; unlawful to sell, obtain, purchase or possess as a direct consumer without a written prescription”). Bill is similar to enacted legislation in New Hampshire, New York, and Rhode Island that requires retailers selling hypodermic needles and syringes to provide information to consumers about “proper hypodermic syringe and hypodermic needle disposal practices, including local disposal locations or a telephone number to call for that information” and “the relevant provisions of environmental protection laws relating to the unlawful release of regulated medical waste.” The bill died in committee upon adjournment of the legislative session.</p>

¹⁵ Mississippi Department of Environmental Quality, *Mississippi Sharps Collection Program Reaches Milestone* (January 14, 2019), <https://www.mdeq.ms.gov/mississippi-sharps-collection-program-reaches-milestone/>.

¹⁶ SafeNeedleDisposal.org, *Disposal Options*, <https://safeneedledisposal.org/sharps-management/management-and-disposal/>.

<u>NEW HAMPSHIRE</u>
<u>Statutory citation(s)</u>
N.H. Rev. Stat. § 318:52-c (“Sale of Hypodermic Syringes and Needles”).
<u>Date(s) enacted and effective</u>
Amendments to § 318:52-c that were enacted in May 2000 and effective January 1, 2001, added disposal language to the statute.
<u>Regulatory citation(s)</u>
N.H. Code Admin. R. Jus 1604.02 (“Standards and Procedures for the Collection Event”).
<u>Type of program</u>
Educational program provided by retailers of hypodermic syringes or needles.
<u>Description of program</u>
<p>N.H. Rev. Stat. § 318:52-c allows hypodermic syringes and needles to be sold to persons with oral or written prescriptions for them. At the time of sale, retailers must “provide to each purchaser . . . information regarding the safe disposal of hypodermic syringes or needles, including local disposal locations or a telephone number to call for such information.”</p> <p>New Hampshire laws addressing drug return and disposal programs do not cover home-generated sharps. Nevertheless, state regulations governing periodic “take-back” events note that in addition to drug collection boxes, a “bulk sharps disposal container may be provided at each collection event for the disposal of sharps.”</p>
<u>Relevant state legislation considered in 2019</u>
None.

<u>NEW JERSEY</u>
<u>Statutory citation(s)</u>
<p>N.J.S.A. 2C:36-6.1 (“Discarding hypodermic needle or syringe”).</p> <p>N.J.S.A. 2C:36-6.2 (“Sale of hypodermic syringe or needle by licensed pharmacies; administrative requirements; resale prohibitions and penalties”).</p> <p>N.J.S.A. 13:1E-48.16a (“Adoption of sharps disposal component of district solid waste management plan”).</p>
<u>Date(s) enacted and effective</u>
<p>N.J.S.A. 13:1E-48.16a was enacted and became effective on December 19, 2006, as part of Senate Bill 494 (2006 New Jersey Laws Chapter 99). N.J.S.A. 2C:36-6.2 was enacted January 17, 2012 as part of Senate Bill 958 (2011 New Jersey Laws Chapter 183) effective July 15, 2012. N.J.S.A. 2C:36-6.1 was first enacted and became effective on May 3, 1999, as part of Assembly Bill 148 (1999 New Jersey Laws Chapter 90).</p>
<u>Regulatory citation(s)</u>
<p>None that expressly address disposal of home-generated sharps.</p>
<u>Type of program</u>
<p>Mandatory sharps disposal components of local solid waste management plans; educational programs for buyers of hypodermic needles and syringes.</p>
<u>Description of program</u>
<p>County legislators are directed by N.J.S.A. 13:1E-48.16a to adopt a sharps disposal component to their respective district solid waste management plans that provides for proper and safe disposal. This plan must be adopted in accordance with standards adopted by the state commissioner of environmental protection and involve a work group of persons “who have a demonstrated interest or expertise in the use and disposal of sharps, including, but not limited to, representatives of waste management companies, persons with diabetes, and licensed health care facilities.” In addition, the commissioner must provide “such financial assistance as may be available” to counties to implement the sharps disposal components.</p> <p>The Safe Needle Disposal project identifies New Jersey as one of eight states where sharps collection/disposal sites are “readily available” to consumers.¹⁷</p> <p>As part of the laws governing sales of hypodermic syringes or needles by pharmacies, N.J.S.A. 2C:36-6.2 directs pharmacies to provide information to buyers developed by the state Department of Health that includes safe disposal methods, including local disposal locations or a telephone number to call for that information.</p> <p>N.J.S.A. 2C:36-6.1 makes it a “petty disorderly persons offense” to discard a hypodermic needle or syringe, in a place accessible to others, without destroying it first.</p>
<u>Relevant state legislation considered in 2019</u>

¹⁷ SafeNeedleDisposal.org, *Disposal Options*, <https://safeneedledisposal.org/sharps-management/management-and-disposal/>.

NEW JERSEY

2018 Assembly Bill 5136 / Senate Bill No. 3596 (“An Act concerning hypodermic syringes and needles and prescription drugs and medication”). These two identical bills would require the state Division of Consumer Affairs to provide information to the “Statewide 2-1-1 telephone system” about the location of disposal sites for hypodermic syringes and needles and prescription drugs. Both bills were introduced in March 2019 and remain in committee as of early November 2019.

2018 Assembly Bill No. 5667 / Senate Bill 3933 (“Charlie's Law; requires that prescribers and pharmacy practice sites furnish patients with information and means to safely dispose of unused prescription drugs and medications”). According to the official summary, these identical bills provide that the Division of Consumer Affairs in the Department of Law and Public Safety prepare written informational materials for distribution to patients by hospice care programs and pharmacy practice sites concerning the safe disposal of used hypodermic syringes and needles. Both bills were introduced in June 2019 and remain in committee as of early November 2019.

<u>NEW YORK</u>
<u>Statutory citation(s)</u>
<p>N.Y. Public Health Law § 1389-dd (“Treatment and disposal of regulated waste”).</p> <p>N.Y. Public Health Law § 3381 (“Sale and possession of hypodermic syringes and hypodermic needles”).</p> <p>N.Y. Public Health Law § 3381-a (“Destruction of hypodermic syringes and needles”).</p>
<u>Date(s) enacted and effective</u>
<p>Amendments to Public Health Law § 1381-dd enacted in 1993 and effective June 30, 1996, added sharps collection language. Amendments to Public Health Law § 3381 that were enacted in 2000 and effective January 1, 2001 added disposal language to that statute.</p>
<u>Regulatory citation(s)</u>
<p>None that expressly address disposal of home-generated sharps.</p>
<u>Type of program</u>
<p>Mandatory sharps collection sites at hospitals and nursing homes; educational program provided by persons selling or furnishing hypodermic syringes or needles.</p>
<u>Description of program</u>
<p>The Safe Needle Disposal project identifies New York as one of eight states where sharps collection/disposal sites are “readily available” to consumers.¹⁸ Pursuant to Public Health Law § 1389-dd(4), New York hospitals and nursing homes must accept for disposal home-generated sharps, “including needles, syringes and lancets,” so long as the generator placed the sharps into “an approved puncture proof container” before drop off.</p> <p>Public Health Law § 3381 allows hypodermic syringes and needles to be sold or furnished by pharmacies, health care facilities, and health care practitioners. The person selling or furnishing the items must provide an accompanying “safety insert” approved by the commissioner of public health that details, among other things, “proper hypodermic syringe and hypodermic needle disposal practices.” The section allows the pharmacy, health care facility, or health care practitioner “to obtain and possess hypodermic needles or syringes for the purpose of . . . disposing of them,” so long as the location has registered with the Department of Public Health. Rules and regulations promulgated to implement the section must include a requirement that the pharmacy, health care facility, or health care practitioner “cooperate in a safe disposal of used hypodermic needles or syringes.”</p> <p>Public Health Law § 3381-a provides that needles and syringes must “be crushed, broken, or otherwise rendered inoperable in the process of disposal.”</p>

¹⁸ SafeNeedleDisposal.org, *Disposal Options*, <https://safeneedledisposal.org/sharps-management/management-and-disposal/>.

<u>NEW YORK</u>
<u>Description of program (continued)</u>
Home-generated sharps are not part of New York's drug take-back program funded by drug manufacturers enacted in 2018.
<u>Relevant state legislation considered in 2019</u>
None.

<u>OREGON</u>
<u>Statutory citation(s)</u>
O.R.S. § 459.386 (“Definitions”). O.R.S. § 459.388 (“Infectious waste; disposal, storage, and transportation”). O.R.S. § 459.390 (“Infectious waste; segregation; containment; storage; exemptions”).
<u>Date(s) enacted and effective</u>
All three statutes were first enacted by 1989 Oregon Laws Chapter 763.
<u>Regulatory citation(s)</u>
OAR 333-056-0030 (“Infectious Waste Treatment”).
<u>Type of program</u>
Requirements placed on sharps waste disposal (considered infectious waste).
<u>Description of program</u>
<p>Oregon law does not differentiate between home-generated sharps and sharps generated at health care facilities, as sharps are included within the Oregon law definition of “infectious waste.” “Sharps” are defined as “needles, IV tubing with needles attached, scalpel blades, lancets, glass tubes that could be broken during handling and syringes that have been removed from their original sterile containers.”</p> <p>Pursuant to O.R.S. § 459.390, sharps (or sharps containers) must: (1) be “segregated from other wastes by separate containment at the point of generation”; (2) be “contained for storage, collection, transportation, and disposal in leakproof, rigid, puncture-resistant, red containers that are taped closed or tightly lidded to prevent loss of the contents; (3) be clearly marked as infectious waste and with prominent warning signs; and (4) not be placed for collection, storage, or transportation in a mobile trash compactor. Prior to disposal at the landfill, sharps must be incinerated, sterilized through pressure-treatment, or treated through another state approved process.</p>
<u>Relevant state legislation considered in 2019</u>
None.

<u>RHODE ISLAND</u>
<u>Statutory citation(s)</u>
R.I. Gen.Laws § 21-28-4.04 (“Sale of hypodermic syringes and needles and retractable hypodermic syringes and needles”).
<u>Date(s) enacted and effective</u>
Amendments to § 21-28-4.04 that were enacted in July 2000 and effective September 1, 2000, added disposal language to the statute.
<u>Regulatory citation(s)</u>
216-RICR- 20-15-6.3 (“Sale of Hypodermic Needles and Syringes in Licensed Pharmacies”).
<u>Type of program</u>
Educational program provided by pharmacists selling hypodermic and retractable hypodermic syringes or needles.
<u>Description of program</u>
<p>Section 21-28-4.04, contained within Rhode Island’s controlled substances act, allows hypodermic and retractable hypodermic syringes and needles to be sold by pharmacists. At the time of sale, pharmacists must “make available to each purchaser . . . information regarding the safe disposal of hypodermic and retractable hypodermic syringes or needles . . . including local disposal locations or a telephone number to call for that information.”</p> <p>Any pharmacy/pharmacist that sells needles or syringes “must certify to the director of the department of health participation in an activity that supports proper disposal.” Such activity can include acting as an established cite for the collection of home-generated medical waste. Further regulatory guidance for pharmacists about the information for purchasers, certification of proper disposal, and destruction of waste is in 216-RICR- 20-15-6.3.</p>
<u>Relevant state legislation considered in 2019</u>
None.

<u>WASHINGTON</u>
<u>Statutory citation(s)</u>
RCWA 70.95.715 (“Sharps waste--Drop-off sites--Pharmacy return program”). RCWA 70.95K.010 (“Definitions”). RCWA 70.95K.030 (“Residential sharps--Disposal—Violation”). RCWA 70.95K.040 (“Residential sharps waste collection”).
<u>Dates enacted and effective</u>
The three primary statutes were enacted on June 9, 1994 as part of House Bill 2401 (1994 Washington Laws Chapter 165). The statutes took effect on July 1, 1995.
<u>Regulatory citation(s)</u>
None that expressly address disposal of home-generated sharps.
<u>Type of program</u>
State-authorized collection programs managed by solid waste planning jurisdictions, pharmacies, or public/private solid waste collection services; express prohibition against placing sharps or sharps containers in recycling or solid waste containers.
<u>Description of program</u>
<p>Pursuant to RCWA 70.95.715 and 70.95K.040, three types of home-generated sharps waste collection activities are authorized in Washington: (1) sharps waste container drop-off sites designated by a solid waste authority; (2) sharps waste container return programs at pharmacies registered as collection points; or (3) source-separated residential sharps waste collected by public or private solid waste collection services.</p> <p>Section 70.95K.040 prohibits the “intentional place[ment]” of unprotected sharps or a sharps waste container: (1) into recycling containers not designated for sharps waste; or (2) in or with containers of trash, if source-separated collection service is available. The law directs local health departments to enforce this “primarily through an educational approach.” A third violation constitutes a class 3 civil infraction.</p> <p>Washington law defines “sharps waste” as “hypodermic needles, syringes with needles attached, IV tubing with needles attached, scalpel blades, and lancets that have been removed from the original sterile package,” and “residential sharps waste” as sharps waste “generated and prepared for disposal at a residence, apartment, dwelling, or other noncommercial habitat.” A “sharps waste container” is a “leak-proof, rigid, puncture-resistant red container that is taped closed or tightly lidded to prevent the loss of the residential sharps waste.”</p> <p>Home-generated sharps are not part of Washington’s statewide safe medication return program funded by drug manufacturers enacted in 2018.</p>
<u>Relevant state legislation considered in 2019</u>
None.

<u>WISCONSIN</u>
<u>Statutory citation(s)</u>
None.
<u>Regulatory citation(s)</u>
Wis. Adm. Code § NR 526.09 (“Storage and transfer”).
<u>Type of program</u>
Sharps collection stations authorized by regulation.
<u>Description of program</u>
<p>The Safe Needle Disposal project identifies Wisconsin as one of eight states where sharps collection/disposal sites are “readily available” to consumers.¹⁹</p> <p>The state’s Department of Natural Resources regulations governing the storage and transfer of medical waste provide operating requirements for sharps collections stations. The term “sharps collection station” is not further defined in regulation. The operating requirements include: (1) accepting sharps from waste generators who, individually, generate less than 50 pounds of sharps per month; (2) providing the service on “a not-for-profit and cost-only basis”; (3) storing less than 500 pounds of waste at any one time; and (4) registering the station with the department.</p> <p>Wisconsin law explicitly excludes sharps collection stations from the statewide drug disposal program provided for in W.S.A. § 165.65 (“Drug disposal program”).</p>
<u>Relevant legislation proposed in 2019</u>
None.

¹⁹ SafeNeedleDisposal.org, *Disposal Options*, <https://safeneedledisposal.org/sharps-management/management-and-disposal/>.

ABOUT THE LEGISLATIVE ANALYSIS AND PUBLIC POLICY ASSOCIATION

Based in Washington D.C., and led by and comprised of experienced attorneys, the Legislative Analysis and Public Policy Association is a 501(c)(3) nonprofit organization whose mission is to conduct legal and legislative research and analysis and draft legislation on effective law and policy in the areas of public safety and health, substance use disorders, and the criminal justice system.

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