

**SB 1305 (Figueroa)—Fact Sheet**  
Eliminating Home-Generated Sharps Disposal from  
Solid Waste and Recycling Containers

**Overview of SB 1305:** This bill would close a serious loophole in current state law that allows millions of home-generated needles to be legally placed in solid waste and recycling containers where they present substantial risks to workers and the general public.

**Problem:** Every year more than 2 billion needles and syringes are used nationwide outside of healthcare settings. Most of these needles are improperly stored and then are placed into either municipal trash or recycling containers or may be flushed down toilets. The improper disposal of these needles poses serious health risks to children, workers, and the general public.

The California Medical Waste Management Act adopted in 1990 (Sections 117600 – 118360 California Health and Safety Code) specifically exempted the regulation of home-generated needles and sharps. The Act was later amended to allow hospitals and medical waste generators as well as pharmacies to accept home-generated sharps from their patients and residents within their communities at “home-generated sharps consolidation points.” Although many hospitals and health facilities have implemented sharps take back programs, these facilities are underutilized since residents are still legally allowed to throw their sharps into the solid waste stream placing downstream workers at risk of needle stick injuries.

At approximately the same time that the Medical Waste Management Act was being implemented new solid waste reduction requirements were being placed upon cities and counties to reduce the amounts of solid waste being sent to landfills by 50 percent by the year 2000. To achieve these reduction requirements, local governments established new curbside recycling and greenwaste collection programs, and private industry constructed new material recovery facilities to physically sort millions of tons of recoverable materials. The presence of millions of needles in the recycling and solid waste stream now presents a serious health threat to workers who collect and sort recyclables.

**Background -- Needle Usage Statistics:** It is estimated that three percent of the general population inject medications outside traditional health care facilities. Three percent of the population in California equates to the generation of approximately 389 million sharps per year. The number of people with diabetes continues to grow at epidemic rates and is expected to increase even more due to rising obesity rates.

These "at-home" injectors are people with diabetes and patients receiving home health treatment (i.e., allergies, infertility, multiple sclerosis, HIV, Hepatitis B & C, arthritis, etc). Many of these self-injectors are unaware of safe disposal methods available to them and simply throw their used needles in the trash posing a risk of injury and potential infection from diseases such as Hepatitis B or C and HIV.

**What SB 1305 Does:** SB 1305 would amend the Medical Waste Management Act by adding a section that makes it a violation of state law for any person after January 1, 2008 to knowingly place home-generated sharps in any of the following:

1. Any container used for the residential collection of solid waste, recyclable materials or greenwaste;
2. Any commercial container used for the collection of solid waste or recyclable materials from business establishments;
3. Any roll-off container used for the collection of solid waste, construction and demolition debris, greenwaste or other recyclable material.

The legislation further specifies that “home-generated sharps” for this section means “hypodermic needles, syringes, and lancets derived from households including multi-family residences.”

The broad and flexible penalty provisions already specified by the Act would apply to this new section of law and would give city attorneys and the county district attorneys the ability to prosecute cases with flexibility in the fines they levy for either first-time violations or repeat offenders.

#### **Existing Infrastructure to Handle Home-Generated Sharps:**

The infrastructure for the safe collection and management of home-generated sharps is far more extensive than for household hazardous wastes (HHW), which have been prohibited from placement in residential garbage for many years.

Currently, state law permits HHW facilities to accept home-generated sharps, and there are at least 187 additional home-generated sharps consolidation points located in 26 counties that have been established at pharmacies, fire houses and other community locations.

In 2004, the U.S. Environmental Protection Agency published two new brochures discussing new recommendations for proper disposal of home-generated sharps. They recommended four alternatives for handling home-generated sharps:

1. Drop box or supervised collection sites
2. Mailback programs
3. Syringe exchange programs
4. Needle destruction devices

In addition to the home-generated sharps consolidation points, several California cities have recently implemented some of the EPA recommended alternatives including

discount programs or public funding for sharps mailback programs through local pharmacies.

**Previous Legislation:**

Senate Bill (SB) 372, (Chapter 877, Statutes of 1995, Wright) amended the Medical Waste Management Act to define “home-generated sharps” and to allow hospitals and other healthcare facilities to accept them from their patients. SB 372 also allowed the establishment of “home-generated sharps consolidation points” such as pharmacies, fire stations and other facilities where home-generated sharps could be collected and sent for treatment and disposal.

Senate Bill 1362, (Chapter 157, Statutes of 2004, Figueroa) established the Safe Needle Disposal Act of 2004 and allowed existing city and county household hazardous waste programs to accept sharps waste generated from homes. HHW plans were also allowed to be amended to include efforts to inform and encourage the public to return sharps waste to designated sharps collection locations or to subscribe to mail-back programs authorized by the United States Postal Service.

**SPONSOR:** Alameda County

**Support and Opposition to the Bill:**

Support (awaiting letters) :

- Coalition for Safe Community Needle Disposal
- Waste Management, Inc.
- Sharps Compliance, Inc.
- Californians Against Waste

Opposition: No opposition is known at this time.

Contact: Meredith Borak,

Office of Senator Liz Figueroa  
California State Senate  
State Capitol #4061  
Sacramento, CA 95814  
916-445-6671