

2014 -- H 8355

=====
LC006012
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

—————
A N A C T

RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES

Introduced By: Representative Joseph M.McNamara

Date Introduced: June 19, 2014

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 27-18 of the General Laws entitled "Accident and Sickness
2 Insurance Policies" is hereby amended by adding thereto the following section:

3 **27-18-82. Cancer patient safety and environmental protection study commission. --**

4 (a) Purpose. It is the policy of the state not to permit introduction of pollutants into the
5 groundwater and water systems of the state or otherwise to be discharged in concentrations which
6 are known to be toxic, carcinogenic, mutagenic, or teratogenic as the same are defined in the
7 department of environmental management groundwater quality rules and the rules and regulations
8 for hazardous waste management.

9 (b) Findings. It is acknowledged by medical experts that bodily wastes of patients
10 undergoing chemotherapy treatment may contain levels of chemicals that are toxic, carcinogenic,
11 mutagenic or teratogenic for a certain period of time, to such an extent that the World Health
12 Organization defines genotoxic waste as chemotherapy drug waste including urine, feces and
13 vomit from patients, which may contain potentially hazardous amounts of the administered
14 cytostatic drugs or of their metabolites, and which should be considered genotoxic for at least
15 forty-eight (48) hours and sometimes up to one week after drug administration. The World Health
16 Organization further states that any discharge of genotoxic waste into the environment could have
17 disastrous ecological consequences. The World Health Organization core principles require that
18 all personnel associated with financing and supporting healthcare activities should provide for the
19 costs of managing healthcare waste. This is the duty of care. The World Health Organization

1 places the responsibility for genotoxic waste on the chief pharmacist, and further states that the
2 chief pharmacist also has the special responsibility of ensuring that genotoxic products are used
3 safely, and that genotoxic waste is managed safely. The Federal Occupational Safety and Health
4 Administration ("OSHA") is the main federal agency charged with the enforcement of safety and
5 health legislation. OSHA, in concert with the National Institute for Occupational Safety and
6 Health ("NIOSH") and the Joint Commission on Healthcare, an independent, not-for-profit
7 organization that accredits and certifies more than twenty thousand (20,000) health care
8 organizations and programs in the United States, stated in a 2011 letter to every hospital in the
9 country that "[e]very day in healthcare settings across America, workers are exposed to hundreds
10 of powerful drugs used for cancer chemotherapy, antiviral treatments, hormone regimens and
11 other therapies. While these drugs are used to relieve and heal patients, many of them present
12 serious hazards to the health and safety of your workers. Some of these drugs have been known to
13 cause cancer, reproductive and developmental problems, allergic reactions, and other adverse
14 effects that can be irreversible even after low-level exposures."

15 Further, because of the risk of ongoing exposure to these extremely hazardous excreted
16 drugs, the American Cancer Society has published a comprehensive list of safety precautions
17 regarding the in-home personal hygiene for individuals undergoing chemotherapy and their
18 families.

19 (c) Establishment of cancer patient safety and environmental protection study
20 commission. The general assembly hereby establishes the cancer patient safety and environmental
21 protection study commission. The commission's purpose is to study and evaluate implementation
22 in the state of the standards and protocols defined and established by the World Health
23 Organization, the National Institute for Occupational Safety and Health, the Occupational Safety
24 and Health Administration, and the Joint Commission on Healthcare relating to protection of
25 cancer patients, their caregivers, and the environment from the effects of excretions from patients
26 undergoing regimens of chemotherapy agents that are antineoplastic or cytotoxic, and which may
27 be excreted during the period of administration or thereafter, including, but not limited to, drugs
28 listed in the NIOSH list of "Antineoplastic and Other Hazardous Drugs", as the same may be
29 updated or amended from time to time.

30 (d) Reporting. The commission shall advise and make recommendations to the governor
31 and the general assembly as to the best practices, duty of care, protocols, and funding
32 mechanisms available, no later than January 30, 2015.

33 (e) Composition. The commission shall consist of nine (9) members as follows:

34 (1) Three (3) members of the senate appointed by the senate president, one of whom shall

1 serve as co-chair of the study commission;

2 (2) Three (3) members of the house of representatives appointed by the speaker, one of
3 whom shall serve as co-chair of the study commission;

4 (3) Three (3) members to be appointed by the governor.

5 (f) Vacancies. Vacancies in the commission shall be filled in the same manner as the
6 original appointments were made. Members of the commission shall serve without compensation.
7 The commission shall organize, no later than thirty (30) days after the appointment of the
8 members. The members shall elect one member appointed from the senate, and one member
9 appointed from the house to serve as co-chairpersons, and a secretary of the commission. The
10 secretary need not be a member of the commission.

11 (g) Implementation and assistance. The commission shall meet at least monthly, in
12 addition to holding at least two (2) public hearings for the purpose of gathering information
13 relevant to its purposes. The commission may request and shall receive from any instrumentality
14 of the state any information and assistance it deems necessary for the proper execution of its
15 powers and duties under this section. The department of health and human services shall provide
16 such stenographical, clerical, other administrative and professional assistance as the commission
17 requires.

18 (h) Scope. The study commission shall evaluate the implementation of legislation,
19 regulations, and protocols for care based on standards referenced herein. The evaluation shall
20 include, but need not be limited to the following:

21 (1) An assessment of risks to patients, caregivers, and the environment and a
22 recommended protocol for collection methods which would allow providers and patients to safely
23 collect and contain extremely hazardous excretions for a period of time as determined by the
24 United States Food and Drug Administration ("FDA") and referenced on the relevant FDA
25 prescription insert(s);

26 (2) A description of actions that should be taken by the state to implement the standards
27 to provide for safe and proper disposal of collected extremely hazardous excretions and a timeline
28 of actions to be taken;

29 (3) An assessment of current obligations to fund the recommended safety and collection
30 standards through existing healthcare finance methods under existing programs;

31 (4) An estimate of costs to state, federal, and private payers for the protocols
32 recommended by the commission; and

33 (5) A recommendation of form and content for written notice from the prescribing
34 pharmacist to each patient undergoing such treatment as to the hazards posed to patients and their

1 [families of extremely hazardous excretions, including, but not limited to, urine, vomit, and feces,](#)
2 [for a period following treatment as generally determined by the food and drug administration](#)
3 [label accompanying said chemotherapy drug or drugs.](#)

4 SECTION 2. This act shall take effect upon passage.

=====
LC006012
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES

1 This act would establish a cancer patient safety and environmental protection study
2 commission to examine protections related to the disposal of extremely hazardous wastes
3 generated by the use of toxic, carcinogenic, mutagenic, or teratogenic chemotherapy drugs to be
4 implemented by pharmacists, physicians, health care providers, and insurers.

5 This act would take effect upon passage.

=====
LC006012
=====