

STATE OF _____

IN GENERAL SESSION

SESSION A.D. 2013

AN ACT

RELATING TO CANCER PATIENT SAFETY AND PROTECTION OF THE ENVIRONMENT

As it is the policy of the state of _____ not to permit introduction of pollutants into the groundwaters of the state in concentrations which are known to be toxic, carcinogenic, mutagenic, or teratogenic (cite laws or regulations if applicable); and as it is acknowledged by medical experts that bodily wastes of patients undergoing chemotherapy treatment may contain levels of chemicals that are toxic, carcinogenic, mutagenic or teratogenic for a certain period of time, to such an extent that the American Cancer Society has published a long list of safety precautions regarding the in-home personal hygiene for individuals undergoing chemotherapy and their families; therefore, for the protection of both the public health and the environment, it is enacted by the [legislative body] as follows:

SECTION 1. All physicians, pharmacists, and other health care professionals licensed in the state of _____ involved in prescribing and/or administering such chemotherapy treatment shall:

1. Provide written notice to each patient undergoing such treatment as to the hazards posed to patients and their families in the residential setting of excreted human waste – i.e., urine and feces – for a period following treatment as generally determined by the Food and Drug Administration label accompanying said chemotherapy drug or drugs.
2. Provide a sufficient collection method so that patients can safely collect and contain potentially hazardous excreted bodily wastes for a period of time to be defined by the licensed prescribing practitioner based on the relevant FDA label(s), to be paid for as part of the treatment by Medicare, Medicaid or private insurance.
3. Provide for safe and proper disposal of said collected wastes, to be paid for as part of the treatment by Medicare, Medicaid or private insurance.

SECTION 2. Chemotherapy drugs to be subject to provisions of this Act may include products listed as hazardous to health by one or more of the following:

1. The Occupational Safety and Health Administration (OSHA)
2. The National Institute for Occupational Safety and Health, NIOSH

3. Other hazardous drugs as defined by OSHA and NIOSH
4. [List appropriate agencies, e.g., The Department of Health, the Department of Environmental Management or any applicable provision of such General Laws.]

and are known to be extensively excreted from patients (in bodily fluids) as parental drugs or active metabolites.

SECTION 3. The [Office of Insurance/Health Insurance Commissioner] shall promulgate regulations providing for coverage of services for the safe collection and disposal of human bodily wastes from chemotherapy patients affected pursuant to Section 1.

SECTION 4. Pursuant to this Act and for lawful enforcement the Department of Health, in consultation with the Department of Environmental Management, is hereby authorized and directed to promulgate rules and regulations necessary for the implementation of this section, including providing a list of products to be regulated under this Act, and which rules and regulations may provide penalties for the violation thereof.

SECTION 5. This Act shall take effect immediately upon passage.