



**Royal
Pharmaceutical
Society**
of Great Britain

Law and Ethics Bulletin

Changes to the return and storage of waste medicines in Scotland

Currently, pharmacies are unable to accept waste medicines and sharps returned from care homes offering nursing care (previously classified as nursing homes) throughout the UK unless the pharmacy has a Waste Management Licence.

The Waste Management Licensing Amendment (Scotland) Regulations 2006 ("the Regulations") which come into force on 1 December 2006, allow **pharmacies in Scotland** to accept, certain waste from care services, subject to conditions (see below).

"Care services" for the purposes on the Regulations have the same meaning as in section 2 of the Regulation of Care (Scotland) Act 2001 and include a care home service which is a service which provides accommodation, together with nursing, personal care or personal support, for persons by reason of their vulnerability or need; but **does not** include a hospital; a public, independent or grant-aided school; an independent health care service; or a service excepted from this definition by regulations.

The changes in the Regulations mean that pharmacies in Scotland can now accept waste medicines and sharps back from care homes that offer nursing care in Scotland, as well as from residential homes, without the need for a waste management licence.

Waste medicines which have been returned to a pharmacy, or to the premises of a medical, nursing or veterinary practice or a needle exchange facility, from care services, households or by individuals, can be securely stored under the following conditions:

- (a) the total quantity of returned waste at the pharmacy or premises does not at any time exceed 10 cubic metres;
- (b) the total amount of waste returned in any 24 hour period does not exceed 5 kilograms or, as the case may be, 5 litres; and
- (c) any waste so returned to the pharmacy or premises is not stored there for longer than 3 months.

The waste (including those which are special waste) that can be returned are:

- i) those used in the diagnosis, treatment or prevention of disease in humans ;
- ii) those used in the research, diagnosis, treatment or prevention of disease involving animals; and
- iii) those used in separately collected fractions.

They include:

- Sharps except those whose collection and disposal is subject to special requirements in order to prevent infection;
- Cytotoxic and cytostatic medicines;
- Other medicines.

Pharmacies should have suitable measures in place to deal with the returned waste and make arrangements with the Local Health Board for the collection and disposal of such pharmaceutical waste.

The Scottish Environment Protection Agency can be contacted for further advice. (Tel.no: 01786 457 700).

30th November 2006

Further to the above LEB, please find below an LEB clarifying the situation with regards to the changes to the return and storage of waste medicines in Scotland:

Clarification on “Changes to the return and storage of waste medicines in Scotland”

The intention of the Law and Ethics Bulletin on “Changes to the return and storage of waste medicines in Scotland” (30 November 2006) was to confirm that in Scotland The Waste Management Licensing Amendment (Scotland) Regulations 2006 enabled certain waste to be returned to pharmacies from care services, including **all** care homes (irrespective of whether or not they employ nurses)

“Care services” for the purposes on the above Regulations has the same meaning as in Section 2 of the Regulation of Care (Scotland) Act 2001.

By way of clarification the care services defined as those from which pharmacies in Scotland may accept returned waste include the following:

- (a) a support service;
- (b) a care home service;
- (c) a school care accommodation service;
- (d) an independent health care service;
- (e) a nurse agency;
- (f) a child care agency;
- (g) a secure accommodation service;
- (h) an offender accommodation service;
- (i) an adoption service;
- (j) a fostering service;
- (k) an adult placement service;

- (l) child minding;
- (m) day care of children; and
- (n) a housing support service.

For the legal definitions of each type of care service, please refer to Subsections 2(2) to 2(27) of the Act, which can be accessed through the Office of Public Sector Information website (<http://www.opsi.gov.uk/legislation/scotland/acts2001/20010008.htm>).

Scottish Ministers set up the National Care Standards Committee to develop national standards. Individual standards covering all types of current (or future) registered care settings can be accessed through the Scottish Executive website (<http://www.scotland.gov.uk/Topics/Health/care/17652/9328>). The introduction section of each standard gives a fuller description of what is included in each type of care service, for example:

- In Scotland, hospices are part of the independent healthcare sector. The hospices have charitable status and make no charge to the users of their services.
- School care accommodation services are provided for the purpose of the pupil being in attendance at a public, independent or grant-aided school; and consist of the provision, in a place in or outwith the school, of residential accommodation.

31st January 2007