

HOUSE BILL No. 6223

September 22, 2004, Introduced by Reps. Gielegem, Bieda, Woodward and Gleason and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 13805, 13807, 13809, 13811, 13813, 13819, and 13830 (MCL 333.13805, 333.13807, 333.13809, 333.13811, 333.13813, 333.13819, and 333.13830), sections 13805, 13807, 13809, and 13811 as added by 1990 PA 21 and sections 13813, 13819, and 13830 as added by 1990 PA 18, and by adding section 13816.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 13805. (1) "Advisory council" means the
- 2 interdepartmental medical waste advisory council created in
- 3 section 13827.
- 4 (2) "Autoclave" means to sterilize using superheated steam
- 5 under pressure.
- 6 (3) "Decontamination" means rendering medical waste safe for

1 routine handling as solid waste.

2 (4) "Fund" means the medical waste emergency response fund
3 created in section 13829.

4 (5) "Health facility or agency" means that term as defined in
5 section 20106.

6 (6) "Household" means a single detached dwelling unit or a
7 single unit of a multiple dwelling.

8 (7) "Infectious agent" means a pathogen that is sufficiently
9 virulent so that if a susceptible host is exposed to the pathogen
10 in an adequate concentration and through a portal of entry, the
11 result could be transmission of disease to a human.

12 (8) "Medical waste" means any of the following that are not
13 generated from a household, a farm operation or other
14 agricultural business, a home for the aged, or a home health care
15 agency:

16 (a) Cultures and stocks of infectious agents and associated
17 biologicals, including laboratory waste, biological production
18 wastes, discarded live and attenuated vaccines, culture dishes,
19 and related devices.

20 (b) Liquid human and animal waste, including blood and blood
21 products and body fluids, but not including urine or materials
22 stained with blood or body fluids.

23 (c) Pathological waste.

24 (d) Sharps.

25 (e) Contaminated wastes from animals that have been exposed
26 to agents infectious to humans, these being primarily research
27 animals.

1 **(f) Trauma scene waste.**

2 Sec. 13807. (1) "Pathogen" means a microorganism that
3 produces disease.

4 (2) "Pathological waste" means human organs, tissues, body
5 parts other than teeth, products of conception, and fluids
6 removed by trauma or during surgery or autopsy or other medical
7 procedure, and not fixed in formaldehyde.

8 (3) "Point of generation" means the point at which medical
9 waste leaves the producing facility site.

10 (4) "Producing facility" means a facility that generates,
11 stores, decontaminates, or incinerates medical waste.

12 (5) "Release" means any spilling, leaking, pumping, pouring,
13 emitting, emptying, discharging, injecting, escaping, leaching,
14 dumping, or disposing of medical waste into the environment in
15 violation of this part.

16 (6) "Response activity" means an activity necessary to
17 protect the public health, safety, welfare, and the environment,
18 and includes, but is not limited to, evaluation, cleanup,
19 removal, containment, isolation, treatment, monitoring,
20 maintenance, replacement of water supplies, and temporary
21 relocation of people.

22 (7) "Sharps" means needles, syringes, scalpels, and
23 intravenous tubing with needles attached.

24 (8) "Storage" means the containment of medical waste in a
25 manner that does not constitute disposal of the medical waste.

26 (9) "Transport" means the movement of medical waste from the
27 point of generation **or from a trauma scene** to any intermediate

1 point and finally to the point of treatment or disposal.
2 Transport does not include the movement of medical waste from a
3 health facility or agency to another health facility or agency
4 for the purposes of testing and research.

5 (10) "Trauma scene" means a location soiled by, or
6 contaminated with, pathological waste from the scene of a serious
7 human injury, illness, or death. Trauma scene may include, but
8 is not limited to, a physical structure that is not fixed
9 geographically such as mobile homes, trailers, or vehicles.

10 (11) "Trauma scene waste" means pathological waste that has
11 been removed, is to be removed, or is in the process of being
12 removed, from a trauma scene by a trauma scene waste
13 transporter.

14 (12) "Trauma scene waste transporter" means a person that is
15 registered with the department to engage in the cleanup and
16 removal of trauma scene waste from a scene of serious human
17 injury, illness, or death.

18 Sec. 13809. ~~—A—~~ Except as otherwise provided under section
19 13816, a trauma scene waste transporter and a producing facility
20 that does not incinerate medical waste on site shall do all of
21 the following to contain medical waste:

22 (a) Package, contain, and locate medical waste in a manner
23 that protects and prevents the medical waste from release at the
24 producing facility or at any time before ultimate disposal.

25 (b) Separate the categories of medical waste at the point of
26 origin into appropriate containers that are labelled as required
27 under subdivision (c).

1 (c) Label the containers required under subdivision (b) with
2 a biohazard symbol or the words "medical waste", ~~or~~
3 "pathological waste", or **"trauma scene waste"** in letters not less
4 than 1 inch high.

5 (d) Not compact or mix medical waste with other waste
6 materials before decontamination, incineration, and disposal.

7 (e) If decontaminated medical waste is mixed with other solid
8 waste, clearly label the container to indicate that it contains
9 decontaminated medical waste.

10 (f) Store medical waste in such a manner that prevents
11 putrefaction and also prevents infectious agents from coming in
12 contact with the air or with individuals.

13 (g) If medical waste is stored outside of the producing
14 facility **or at the business location of a trauma scene waste**
15 **transporter**, store the medical waste in a secured area or locked
16 in a container that weighs more than 500 pounds and prevent
17 access to the area or container by vermin or unauthorized
18 individuals.

19 (h) Not store medical waste on the premises of the producing
20 facility for more than 90 days.

21 Sec. 13811. A **trauma scene waste transporter and a**
22 producing facility shall store, decontaminate, and dispose of
23 medical waste pursuant to the following:

24 (a) Cultures and stocks of material contaminated with an
25 infectious agent shall be stored in closed, puncture-resistant
26 containers, decontaminated by autoclaving or incineration, and
27 disposed of in a sanitary landfill.

1 (b) Blood and blood products and body fluids shall be
2 disposed of by 1 or more of the following methods:

3 (i) Flushing down a sanitary sewer.

4 (ii) Decontaminating by autoclaving or incineration.

5 (iii) Solidifying.

6 (iv) If not in liquid form, transferring to a sanitary
7 landfill.

8 (v) A process approved by the department.

9 (c) Pathological waste **and trauma scene waste** shall be
10 disposed of by 1 or more of the following methods:

11 (i) Incineration or cremation.

12 (ii) Grinding and flushing into a sanitary sewer.

13 (iii) Burial in a cemetery, if transported in leakproof
14 containers of sufficient integrity to prevent rupture.

15 (iv) Grinding until rendered unrecognizable, stored in
16 closed, puncture-resistant, properly labeled containers, and, if
17 not in liquid form, disposed of in a sanitary landfill.

18 (v) A process approved by the department.

19 (d) Sharps shall be disposed of by 1 of the following
20 methods:

21 (i) Placement in rigid, puncture-resistant containers that
22 are appropriately labeled and transported to a sanitary landfill
23 in a manner that retains the integrity of the container.

24 (ii) Incineration or decontamination and grinding that
25 renders the objects unrecognizable. Ground sharps shall be
26 placed in a sealed, rupture-resistant container and transported
27 to a sanitary landfill.

1 (iii) A process approved by the department.

2 (e) Animal waste contaminated with organisms infectious to
3 humans shall be disposed of by incineration or by burial in a
4 sanitary landfill in properly labeled, double containers that are
5 leakproof and puncture-resistant and are tightly sealed to
6 prevent escape of fluids or material. Contaminated animal organs
7 disposed of separately shall be rendered unrecognizable.

8 Sec. 13813. (1) Each producing facility shall register with
9 the department on a form prescribed by the department. A
10 producing facility shall have a written medical waste management
11 plan that contains information required in section 13817 on file
12 on the premises within 90 days after registration.

13 (2) A producing facility shall submit the following
14 registration fee with the registration form:

15 (a) For a producing facility that is a private practice
16 office with fewer than 4 licensees under article 15 who are
17 physicians, dentists, podiatrists, certified nurse practitioners,
18 certified nurse midwives, or veterinarians employed by, under
19 contract to, or working at the producing facility, a registration
20 fee of \$50.00.

21 (b) For a producing facility that is a private practice
22 office with 4 or more licensees under article 15 who are
23 physicians, dentists, podiatrists, certified nurse practitioners,
24 certified nurse midwives, or veterinarians employed by, under
25 contract to, or working at the producing facility, a registration
26 fee of \$20.00 for each licensee, up to a maximum total
27 registration fee of \$80.00.

1 (3) Upon receipt of a complete registration form and
2 registration fee under this section or section 13815, the
3 department shall issue a certificate of registration to the
4 producing facility. A certificate of registration issued under
5 this section is valid for 3 years from its date of issuance. The
6 department shall investigate each complaint received and may
7 inspect a producing facility registered under this section
8 pursuant to the receipt of a complaint.

9 (4) Registration fees collected pursuant to this section,
10 ~~and~~ section 13815, **and section 13816** shall be forwarded to the
11 state treasury and deposited pursuant to section 13829.

12 **Sec. 13816. (1) Each trauma scene waste transporter shall**
13 **register with the department on a form prescribed by the**
14 **department to obtain a trauma scene waste hauling permit. A**
15 **trauma scene waste transporter shall have a written trauma scene**
16 **waste management plan that includes the information required**
17 **under subsection (2) on file on the premises within 90 days after**
18 **registration.**

19 (2) The trauma scene waste management plan shall contain
20 information relating to the cleanup and handling of all trauma
21 scene waste removed, stored, transported, and disposed of by a
22 trauma scene waste transporter. The trauma scene waste
23 management plan shall describe the personal protection required
24 to be provided for its employees to minimize exposure to
25 infectious agents throughout the process of handling and
26 transporting trauma scene waste, the technologies, chemicals, and
27 procedures to be used in the task of cleanup, removal, and

1 disinfecting the trauma scene, and any other information that the
2 department determines is necessary. Upon request, a trauma scene
3 waste transporter shall make its trauma scene waste management
4 plan available to the department pursuant to a routine or
5 unannounced inspection or the investigation of a complaint.

6 (3) A trauma scene waste transporter shall comply with its
7 trauma scene waste management plan and shall transport trauma
8 scene waste to a producing facility that decontaminates or
9 incinerates medical waste for treatment or disposal. A trauma
10 scene waste transporter shall not store trauma scene waste on its
11 premises for more than 14 days. A trauma scene waste transporter
12 shall package medical waste in accordance with section 13821.

13 (4) A trauma scene waste transporter shall submit a
14 registration fee of \$300.00 with the registration form required
15 under this section.

16 (5) Upon receipt of a complete registration form and
17 registration fee under this section, the department shall issue a
18 trauma scene waste hauling permit. A trauma scene waste hauling
19 permit is valid for 3 years from its date of issuance. The
20 department shall investigate each complaint received and may
21 inspect a trauma scene waste transporter registered under this
22 section pursuant to the receipt of a complaint.

23 Sec. 13819. (1) Upon review of a medical waste management
24 plan under section 13817(4) or a trauma scene waste management
25 plan under section 13816(2), the department may require a
26 producing facility or a trauma scene waste transporter to modify
27 ~~the medical waste management~~ its plan at any time the

1 department determines the plan is not adequate to protect the
2 public health or is inconsistent with state or federal law. Upon
3 determining that the plan is inadequate or inconsistent under
4 this section, the department shall notify the producing facility
5 **or the trauma scene waste transporter** in writing of its
6 determination and the specific modifications necessary for
7 compliance. The producing facility **or a trauma scene waste**
8 **transporter** shall modify the plan within 10 days after receipt of
9 the notice from the department.

10 (2) The department may issue a warning to a producing
11 facility **or a trauma scene waste transporter** that fails to modify
12 a plan within the 10-day period.

13 Sec. 13830. (1) The department shall promulgate rules to
14 prescribe training standards for both medical and nonmedical
15 personnel who handle medical waste in producing facilities **and**
16 **for trauma scene waste transporters.**

17 (2) Each producing facility **and trauma scene waste**
18 **transporter** shall train its personnel who handle medical waste
19 pursuant to the rules promulgated under subsection (1).