

# HOUSE BILL No. 4410

March 9, 1989, Introduced by Reps. Giese, Randall, Allen, Mathieu, Stacey, Muxlow, Power, Webb, Bartnik and Hertel and referred to the Committee on Public Health.

A bill to amend Act No. 368 of the Public Acts of 1978,  
entitled as amended

"Public health code,"

as amended, being sections 333.1101 to 333.25211 of the Michigan  
Compiled Laws, by adding sections 16266, 20187, 20188, 20189,  
20190, and 20191.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 368 of the Public Acts of 1978, as  
2 amended, being sections 333.1101 to 333.25211 of the Michigan  
3 Compiled Laws, is amended by adding sections 16266, 20187, 20188,  
4 20189, 20190, and 20191 to read as follows:

5 SEC. 16266. (1) EACH LICENSEE WHO OWNS OR OPERATES, OR WHO  
6 OWNS AND OPERATES, A PRIVATE PRACTICE OFFICE, A CLINICAL  
7 LABORATORY LICENSED UNDER ARTICLE 17, OR A CLINICAL LABORATORY AS  
8 DESCRIBED IN SECTION 20507 SHALL COMPLY WITH SECTIONS 20187 TO

1 20191 IN THE SAME MANNER IN WHICH HEALTH FACILITIES OR AGENCIES  
2 ARE REQUIRED TO COMPLY WITH SECTIONS 20187 TO 20191.

3 (2) THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT THIS  
4 SECTION.

5 SEC. 20187. AS USED IN SECTIONS 20188 TO 20191:

6 (A) "AUTOCLAVE" MEANS TO STERILIZE USING SUPERHEATED STEAM  
7 UNDER PRESSURE.

8 (B) "BIOSAFETY LEVEL 1" MEANS AN AGENT OF NO KNOWN, OR MINI-  
9 MAL, POTENTIAL HAZARD TO INDIVIDUALS AND THE ENVIRONMENT.

10 (C) "BIOSAFETY LEVEL 2" MEANS AN AGENT OF MODERATE POTENTIAL  
11 HAZARD TO INDIVIDUALS AND THE ENVIRONMENT.

12 (D) "BIOSAFETY LEVEL 3" MEANS AN AGENT THAT MAY CAUSE SERI-  
13 OUS OR POTENTIALLY FATAL DISEASE AS A RESULT OF EXPOSURE THROUGH  
14 INHALATION.

15 (E) "INFECTIOUS WASTE" MEANS WASTE THAT CONTAINS VARYING  
16 AMOUNTS OF MICROORGANISMS THAT HAVE A POTENTIAL FOR CAUSING SERI-  
17 OUS ILLNESS.

18 (F) "INFECTIOUS WASTE FROM A CLINICAL LABORATORY" INCLUDES,  
19 BUT IS NOT LIMITED TO, ALL OF THE FOLLOWING:

20 (i) CULTURE STOCKS, TUBES, SLANTS, AND PETRI PLATES.

21 (ii) BODY FLUIDS AND SPECIMENS INCLUDING, BUT NOT LIMITED  
22 TO, BLOOD, URINE, FECES, SPUTUM, AND WOUND DRAINAGE.

23 (iii) CONTAMINATED SPECIMEN CONTAINERS, SLIDES, AND TRANSFER  
24 DEVICES.

25 (iv) CLOTH OR PAPER ITEMS THAT ARE USED IN A CLINICAL LABO-  
26 RATORY AND BECOME CONTAMINATED.

1 (G) "INFECTIOUS WASTE FROM PATIENT CARE SERVICES" INCLUDES,  
2 BUT IS NOT LIMITED TO, ALL OF THE FOLLOWING:

3 (i) CONTAMINATED DRESSINGS AND BANDAGES.

4 (ii) CONTAMINATED SPONGES AND SURGICAL DRAPES.

5 (iii) CONTAMINATED MASKS, GOWNS, AND GLOVES.

6 (iv) CONTAMINATED PAPER AND PLASTIC PRODUCTS THAT ARE  
7 DISPOSABLE.

8 (H) "PATHOLOGICAL WASTE" MEANS BODY ORGANS, TISSUES, PARTS,  
9 AND FLUIDS REMOVED DURING SURGERY OR AUTOPSY, WHETHER OR NOT THEY  
10 ARE INFECTIOUS.

11 (I) "SHARPS" MEANS DISCARDED HYPODERMIC NEEDLES, SYRINGES  
12 AND SCALPEL BLADES, WHETHER OR NOT THEY ARE INFECTIOUS.

13 SEC. 20188. (1) A HEALTH FACILITY OR AGENCY THAT OWNS OR  
14 OPERATES A LICENSED CLINICAL LABORATORY, AND A CLINICAL LABORA-  
15 TORY DESCRIBED IN SECTION 20507, SHALL DO ALL OF THE FOLLOWING TO  
16 PROTECT EMPLOYEES OF THE HEALTH FACILITY OR AGENCY OR CLINICAL  
17 LABORATORY DESCRIBED IN SECTION 20507 WHO ARE EXPOSED TO INFEC-  
18 TIOUS WASTE FROM THE CLINICAL LABORATORY:

19 (A) FOR INFECTIOUS WASTE THAT IS CLASSIFIED IN BIOSAFETY  
20 LEVEL 1:

21 (i) PROHIBIT MOUTH PIPETTING.

22 (ii) PROHIBIT EMPLOYEES FROM EATING, DRINKING, AND SMOKING  
23 IN THE AREA OF THE HEALTH FACILITY OR AGENCY OR CLINICAL LABORA-  
24 TORY DESCRIBED IN SECTION 20507 IN WHICH THE INFECTIOUS WASTE IS  
25 PRODUCED.

1       (iii) REQUIRE EMPLOYEES TO WASH THEIR HANDS AFTER HANDLING  
2 THE INFECTIOUS WASTE AND THE USE OF LABORATORY COATS, GOWNS, OR  
3 UNIFORMS.

4       (iv) PREVENT THE CREATION OF AEROSOLS IN THE AREA OF THE  
5 HEALTH FACILITY OR AGENCY OR CLINICAL LABORATORY DESCRIBED IN  
6 SECTION 20507 IN WHICH THE INFECTIOUS WASTE IS PRODUCED.

7       (v) DISINFECT EQUIPMENT AND WORK AREAS IN THE AREA OF THE  
8 HEALTH FACILITY OR AGENCY OR CLINICAL LABORATORY DESCRIBED IN  
9 SECTION 20507 IN WHICH THE INFECTIOUS WASTE IS PRODUCED.

10       (B) FOR INFECTIOUS WASTE THAT IS CLASSIFIED IN BIOSAFETY  
11 LEVEL 2:

12       (i) ALL OF THE REQUIREMENTS PRESCRIBED IN SUBDIVISION (A).

13       (ii) REQUIRE THE USE OF SURGICAL GLOVES WHEN SKIN CONTACT  
14 WITH THE INFECTIOUS WASTE IS UNAVOIDABLE.

15       (iii) IMMUNIZE EMPLOYEES IF MEDICALLY INDICATED.

16       (iv) USE BIOLOGICAL HAZARD WARNING SIGNS AS REQUIRED BY RULE  
17 OF THE DEPARTMENT.

18       (C) FOR INFECTIOUS WASTE THAT IS CLASSIFIED IN BIOSAFETY  
19 LEVEL 3:

20       (i) ALL OF THE REQUIREMENTS PRESCRIBED IN SUBDIVISIONS (A)  
21 AND (B).

22       (ii) REQUIRE THE USE OF SPECIAL PROTECTIVE CLOTHING, MASKS,  
23 AND RESPIRATORS IF MEDICALLY INDICATED.

24       (iii) DECONTAMINATE CLOTHING USED IN THE CLINICAL LABORATORY  
25 BEFORE THE CLOTHING IS LAUNDERED.

26       (2) A HEALTH FACILITY OR AGENCY DESCRIBED IN SUBSECTION (1)  
27 AND A CLINICAL LABORATORY DESCRIBED IN SECTION 20507 SHALL DO ALL

1 OF THE FOLLOWING IN ORDER TO CONTAIN INFECTIOUS WASTE FROM THE  
2 CLINICAL LABORATORY:

3 (A) FOR INFECTIOUS WASTE THAT IS CLASSIFIED IN BIOSAFETY  
4 LEVEL 2:

5 (i) LIMIT ACCESS TO THE CLINICAL LABORATORY.

6 (ii) REQUIRE THE USE OF BIOLOGICAL SAFETY CABINETS OR OTHER  
7 PERSONAL PROTECTIVE OR PHYSICAL CONTAINMENT DEVICES APPROVED BY  
8 THE DEPARTMENT FOR BOTH OF THE FOLLOWING:

9 (A) PROCEDURES WITH A HIGH POTENTIAL FOR CREATING AEROSOLS.

10 (B) HIGH CONCENTRATIONS OR LARGE VOLUMES OF INFECTIOUS  
11 AGENTS.

12 (B) FOR INFECTIOUS WASTE THAT IS CLASSIFIED IN BIOSAFETY  
13 LEVEL 3:

14 (i) REQUIRE THE USE OF BIOLOGICAL SAFETY CABINETS OR OTHER  
15 PHYSICAL CONTAINMENT DEVICES APPROVED BY THE DEPARTMENT FOR ALL  
16 ACTIVITIES THAT INVOLVE A POSSIBILITY OF AEROSOL EXPOSURE.

17 (ii) ISOLATE THE GEOGRAPHIC LOCATION OF THE CLINICAL LABORA-  
18 TORY AND INSTALL A DOUBLE-DOOR ENTRY APPROVED BY THE DEPARTMENT  
19 IN THE CLINICAL LABORATORY.

20 (iii) CONTROL THE ACCESS OF UNAUTHORIZED EMPLOYEES AND OTHER  
21 INDIVIDUALS TO THE LABORATORY.

22 (iv) INSTALL A DUCTED EXHAUST AIR VENTILATION SYSTEM  
23 APPROVED BY THE DEPARTMENT IN THE CLINICAL LABORATORY.

24 (3) A HEALTH FACILITY OR AGENCY DESCRIBED IN SUBSECTION (1)  
25 AND A CLINICAL LABORATORY DESCRIBED IN SECTION 20507 SHALL DECON-  
26 TAMINATE INFECTIOUS WASTE FROM THE CLINICAL LABORATORY AS  
27 FOLLOWS:

1 (A) FOR INFECTIOUS WASTE THAT IS CLASSIFIED IN BIOSAFETY  
2 LEVEL 1 OR 2:

3 (i) THE HEALTH FACILITY OR AGENCY SHALL INCINERATE OR AUTO-  
4 CLAVE ALL CULTURE STOCKS, TUBES, SLANTS, AND PETRI PLATES AND ALL  
5 SPECIMEN CONTAINERS BEFORE DISPOSAL.

6 (ii) THE HEALTH FACILITY OR AGENCY MAY INCINERATE OR PACKAGE  
7 THE INFECTIOUS WASTE FOR DISPOSAL.

8 (iii) REQUIRE ALL PROTECTIVE CLOTHING USED IN THE CLINICAL  
9 LABORATORY TO BE WASHED WITH DETERGENT IN HOT WATER.

10 (B) FOR INFECTIOUS WASTE CLASSIFIED IN BIOSAFETY LEVEL 3,  
11 ALL INFECTIOUS WASTE SHALL BE AUTOCLAVED IN THE CLINICAL LABORA-  
12 TORY BEFORE DISPOSAL.

13 (4) A HEALTH FACILITY OR AGENCY DESCRIBED IN SUBSECTION (1)  
14 AND A CLINICAL LABORATORY DESCRIBED IN SECTION 20507 SHALL TRANS-  
15 PORT INFECTIOUS WASTE FROM THE CLINICAL LABORATORY AS FOLLOWS:

16 (A) FOR INFECTIOUS WASTE CLASSIFIED IN BIOSAFETY LEVEL 1 OR  
17 2, IF THE INFECTIOUS WASTE IS TO BE DECONTAMINATED AT A SITE AWAY  
18 FROM THE CLINICAL LABORATORY, THE INFECTIOUS WASTE SHALL BE  
19 WRAPPED, BAGGED, OR PLACED IN LEAKPROOF CONTAINERS.

20 (B) FOR INFECTIOUS WASTE THAT IS CLASSIFIED IN BIOSAFETY  
21 LEVEL 3, THE INFECTIOUS WASTE SHALL NOT BE TRANSPORTED OUTSIDE OF  
22 THE HEALTH FACILITY OR AGENCY OR CLINICAL LABORATORY DESCRIBED IN  
23 SECTION 20507 IN WHICH THE INFECTIOUS WASTE IS PRODUCED. THE  
24 INFECTIOUS WASTE SHALL BE PLACED IN LEAKPROOF CONTAINERS LABELED  
25 TO INDICATE A BIOLOGICAL HAZARD.

26 (5) A HEALTH FACILITY OR AGENCY DESCRIBED IN SUBSECTION (1)  
27 AND A CLINICAL LABORATORY DESCRIBED IN SECTION 20507 SHALL

1 DISPOSE OF INFECTIOUS WASTE FROM THE CLINICAL LABORATORY AS  
2 FOLLOWS:

3 (A) FOR INFECTIOUS WASTE CLASSIFIED IN BIOSAFETY LEVEL 1 OR  
4 2:

5 (i) BLOOD, URINE, FECES, SPUTUM, WOUND DRAINAGE, AND OTHER  
6 BODY FLUIDS MAY BE DISPOSED THROUGH AN APPROPRIATE PLUMBING FIX-  
7 TURE INTO THE SANITARY SEWER.

8 (ii) INFECTIOUS WASTE THAT HAS BEEN DECONTAMINATED MAY BE  
9 DISPOSED IN A DISPOSAL AREA THAT IS A SANITARY LANDFILL APPROVED  
10 BY THE DEPARTMENT OF NATURAL RESOURCES UNDER THE SOLID WASTE MAN-  
11 AGEMENT ACT, ACT NO. 641 OF THE PUBLIC ACTS OF 1978, BEING SEC-  
12 TIONS 299.401 TO 299.437 OF THE MICHIGAN COMPILED LAWS.

13 (B) FOR INFECTIOUS WASTE CLASSIFIED IN BIOSAFETY LEVEL 3:

14 (i) BLOOD, URINE, FECES, SPUTUM, WOUND DRAINAGE, AND OTHER  
15 BODY FLUIDS SHALL BE AUTOCLAVED BEFORE DISPOSAL.

16 (ii) INFECTIOUS WASTE THAT HAS BEEN AUTOCLAVED MAY BE DIS-  
17 POSED IN A DISPOSAL AREA THAT IS A SANITARY LANDFILL APPROVED BY  
18 THE DEPARTMENT OF NATURAL RESOURCES UNDER ACT NO. 641 OF THE  
19 PUBLIC ACTS OF 1978.

20 SEC. 20189. (1) A HEALTH FACILITY OR AGENCY SHALL DO ALL OF  
21 THE FOLLOWING TO PROTECT EMPLOYEES OF THE HEALTH FACILITY WHO ARE  
22 EXPOSED TO INFECTIOUS WASTE FROM PATIENT CARE SERVICES, WHETHER  
23 THE INFECTIOUS WASTE IS CONTAMINATED WITH LOW TO MODERATE RISK  
24 ORGANISMS OR WITH HIGH RISK ORGANISMS:

25 (A) REQUIRE THE USE OF PROTECTIVE GOWNS, GLOVES, AND MASKS,  
26 IF MEDICALLY INDICATED.

1 (B) IMPLEMENT PROCEDURES THAT PREVENT THE CREATION OF  
2 AEROSOLS.

3 (C) REQUIRE EMPLOYEES TO WASH THEIR HANDS AFTER HANDLING  
4 INFECTIOUS WASTE FROM PATIENT CARE SERVICES.

5 (2) A HEALTH FACILITY OR AGENCY SHALL DO ALL OF THE FOLLOW-  
6 ING IN ORDER TO CONTAIN INFECTIOUS WASTE FROM PATIENT CARE SERV-  
7 ICES, WHETHER THE INFECTIOUS WASTE IS CONTAMINATED WITH LOW TO  
8 MODERATE RISK ORGANISMS OR WITH HIGH RISK ORGANISMS:

9 (A) REQUIRE THE INFECTIOUS WASTE, AS WELL AS LINEN AND  
10 CLOTHING, TO BE CONTAINED IN IMPERVIOUS BAGS.

11 (B) DISINFECT EQUIPMENT AND OTHER SURFACES THAT HAVE BEEN  
12 EXPOSED TO INFECTIOUS WASTE.

13 (3) A HEALTH FACILITY OR AGENCY SHALL TRANSPORT INFECTIOUS  
14 WASTE FROM PATIENT CARE SERVICES AS FOLLOWS:

15 (A) INFECTIOUS WASTE THAT HAS BEEN CONTAMINATED BY LOW TO  
16 MODERATE RISK ORGANISMS SHALL BE WRAPPED, BAGGED, OR PACKAGED IN  
17 A MANNER THAT MINIMIZES THE SPREAD OF CONTAMINATION DURING  
18 TRANSPORTATION.

19 (B) INFECTIOUS WASTE THAT HAS BEEN CONTAMINATED BY HIGH RISK  
20 ORGANISMS SHALL BE TRANSPORTED IN COVERED CONTAINERS THAT ARE  
21 LABELED TO INDICATE A BIOLOGICAL HAZARD, AND SHALL NOT BE TRANS-  
22 PORTED OUTSIDE OF THE HEALTH FACILITY OR AGENCY.

23 (4) A HEALTH FACILITY OR AGENCY SHALL DECONTAMINATE AND DIS-  
24 POSE INFECTIOUS WASTE FROM PATIENT CARE SERVICES AS FOLLOWS:

25 (A) FOR INFECTIOUS WASTE THAT HAS BEEN CONTAMINATED BY LOW  
26 TO MODERATE RISK ORGANISMS:



1       (i) BLOOD, URINE, FECES, SPUTUM, WOUND DRAINAGE, AND OTHER  
2 BODY FLUIDS MAY BE DISPOSED THROUGH AN APPROPRIATE PLUMBING  
3 FIXTURE INTO A SANITARY SEWER.

4       (ii) INFECTIOUS WASTE OTHER THAN THAT DESCRIBED IN  
5 SUBPARAGRAPH (i) MAY BE DISPOSED THROUGH INCINERATION OR IN A  
6 DISPOSAL AREA THAT IS A SANITARY LANDFILL APPROVED BY THE DEPART-  
7 MENT OF NATURAL RESOURCES UNDER THE SOLID WASTE MANAGEMENT ACT,  
8 ACT NO. 641 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS 299.401 TO  
9 299.437 OF THE MICHIGAN COMPILED LAWS.

10       (B) FOR INFECTIOUS WASTE THAT HAS BEEN CONTAMINATED BY HIGH  
11 RISK ORGANISMS:

12       (i) THE INFECTIOUS WASTE SHALL BE INCINERATED OR AUTOCLAVED  
13 BEFORE DISPOSAL.

14       (ii) THE HEALTH FACILITY SHALL MAINTAIN DECONTAMINATION  
15 EQUIPMENT WITHIN THE BUILDING IN WHICH THE INFECTIOUS WASTE IS  
16 PRODUCED.

17       (iii) IF THE INFECTIOUS WASTE HAS BEEN DECONTAMINATED PURSU-  
18 ANT TO SUBPARAGRAPH (i), THE HEALTH FACILITY MAY DISPOSE OF IT IN  
19 A DISPOSAL AREA THAT IS A SANITARY LANDFILL APPROVED BY THE  
20 DEPARTMENT OF NATURAL RESOURCES UNDER ACT NO. 641 OF THE PUBLIC  
21 ACTS OF 1978.

22       SEC. 20190. (1) A HEALTH FACILITY OR AGENCY SHALL DO ALL OF  
23 THE FOLLOWING TO PROTECT EMPLOYEES OF THE HEALTH FACILITY OR  
24 AGENCY FROM POSSIBLE INFECTION FROM EXPOSURE TO PATHOLOGICAL  
25 WASTE AND SHARPS:

26       (A) REQUIRE THE USE OF PROTECTIVE GOWNS, MASKS, AND GLOVES,  
27 IF MEDICALLY INDICATED.

1 (B) IMPLEMENT PROCEDURES THAT PREVENT THE CREATION OF  
2 AEROSOLS.

3 (C) REQUIRE EMPLOYEES TO WASH THEIR HANDS AFTER EXPOSURE TO  
4 PATHOLOGICAL WASTE OR SHARPS.

5 (2) A HEALTH FACILITY OR AGENCY SHALL DO ALL OF THE FOLLOW-  
6 ING FOR THE CONTAINMENT AND TRANSPORTATION OF PATHOLOGICAL WASTE  
7 AND SHARPS:

8 (A) PATHOLOGICAL WASTE SHALL BE PLACED IN LEAKPROOF BAGS OR  
9 CONTAINERS THAT ARE LABELED OR COLOR-CODED TO INDICATE A POTEN-  
10 TIAL BIOLOGICAL HAZARD.

11 (B) DISCARDED SHARPS SHALL BE PLACED IN RIGID,  
12 PUNCTURE-RESISTANT CONTAINERS AT THE SITE OF USE. THE CONTAINERS  
13 SHALL BE LABELED TO INDICATE A POTENTIAL BIOLOGICAL HAZARD.

14 (3) A HEALTH FACILITY OR AGENCY MAY DO 1 OR MORE OF THE FOL-  
15 LOWING FOR THE DECONTAMINATION AND DISPOSAL OF PATHOLOGICAL WASTE  
16 AND SHARPS:

17 (A) PATHOLOGICAL WASTE MAY BE DISPOSED BY 1 OF THE FOLLOWING  
18 METHODS.

19 (i) INCINERATION OR CREMATION.

20 (ii) GRINDING AND FLUSHING INTO THE SANITARY SEWER.

21 (iii) BURIAL AT A RECOGNIZED BURIAL SITE.

22 (B) SHARPS THAT ARE CONTAMINATED BY HIGH RISK ORGANISMS  
23 SHALL BE DECONTAMINATED BEFORE DISPOSAL. SHARPS THAT HAVE NOT  
24 BEEN CONTAMINATED BY HIGH RISK ORGANISMS AND DECONTAMINATED  
25 SHARPS MAY BE DISPOSED BY 1 OF THE FOLLOWING METHODS:

26 (i) INCINERATION.

1 (ii) IN A DISPOSAL AREA THAT IS A SANITARY LANDFILL APPROVED  
2 BY THE DEPARTMENT OF NATURAL RESOURCES UNDER THE SOLID WASTE  
3 MANAGEMENT ACT, ACT NO. 641 OF THE PUBLIC ACTS OF 1978, BEING  
4 SECTIONS 299.401 TO 299.437 OF THE MICHIGAN COMPILED LAWS.

5 SEC. 20191. (1) THE DEPARTMENT SHALL PROMULGATE RULES TO  
6 IMPLEMENT SECTIONS 20187 TO 20190 INCLUDING, AT A MINIMUM, ALL OF  
7 THE FOLLOWING:

8 (A) RULES THAT CATEGORIZE AGENTS OR MICROORGANISMS INTO BIO-  
9 SAFETY LEVELS 1 TO 4, FOR PURPOSES OF SECTION 20188.

10 (B) RULES THAT CATEGORIZE AGENTS OR MICROORGANISMS INTO RISK  
11 CATEGORIES OF LOW TO MODERATE RISK AND HIGH RISK, FOR PURPOSES OF  
12 SECTION 20189.

13 (2) A PERSON WHO INTENTIONALLY VIOLATES SECTION 16266,  
14 20188, 20189, OR 20190, WHICH VIOLATION RESULTS IN THE RELEASE OF  
15 INFECTIOUS AGENTS INTO THE ENVIRONMENT IN A MANNER THAT ENDANGERS  
16 THE PUBLIC HEALTH, IS GUILTY OF A FELONY PUNISHABLE BY IMPRISON-  
17 MENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN  
18 \$10,000.00, OR BOTH.