

# HOUSE BILL No. 4136

February 9, 1989, Introduced by Reps. Hunter, Murphy, DeBeaussaert, Power, Giese, DeMars, Perry Bullard, Varga, Bennane and Kosteva and referred to the Committee on Public Health.

A bill to regulate the treatment, storage, transportation, and disposal of infectious medical waste; to prescribe the powers and duties of certain state agencies and officials; and to provide remedies.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as the  
2 "infectious medical waste regulatory act".

3       Sec. 2. As used in this act:

4       (a) "Biological waste" means all waste emanating from the  
5 care and treatment of a patient in a private practice office of a  
6 physician or in a health facility or agency as defined in  
7 section 20106 of the public health code, Act No. 368 of the  
8 Public Acts of 1978, being section 333.20106 of the Michigan  
9 Compiled Laws, who is in any type of isolation or is under

1 precautionary care as a result of infectious disease except for  
2 protective isolation.

3 (b) "Chemotherapy waste" means all disposable materials that  
4 have come in contact with cytotoxic or antineoplastic agents  
5 during the preparation, handling, and administration of these  
6 agents.

7 (c) "Commission" means the infectious medical waste advisory  
8 commission created in section 11.

9 (d) "Department" means the department of public health.

10 (e) "Infectious medical waste" means medical waste deter-  
11 mined by emergency rule or rule promulgated by the department to  
12 be infectious under section 3, pathological waste, and sharps.

13 (f) "Medical waste" means any of the following:

14 (i) Surgical waste.

15 (ii) Pathological waste.

16 (iii) Biological waste.

17 (iv) Culture and stocks of etiologic agents and associated  
18 biologicals.

19 (v) Laboratory waste that has come in contact with patho-  
20 genic organisms.

21 (vi) Animal carcasses or the bedding or waste of such an  
22 animal that is exposed to pathogens in research.

23 (vii) Sharps.

24 (viii) Chemotherapy waste.

25 (g) "Pathological waste" means all human tissues and anatom-  
26 ical parts that emanate from surgery, obstetrical procedures,

1 autopsy, or a laboratory. This waste is exclusive of  
2 formaldehyde and other preservative agents.

3 (h) "Person" means an individual, partnership, corporation,  
4 association, or other legal entity.

5 (i) "Point of generation" means the point at which infec-  
6 tious medical waste leaves the producing facility site.

7 (j) "Producing facility" means any facility that produces  
8 infectious medical waste. Producing facility does not include a  
9 private residence that produces infectious medical waste during  
10 the care of its noncommercial residents.

11 (k) "Record keeping" means the system used for identifying  
12 the quantity, composition, origin, routing, and destination of  
13 infectious medical waste during its transportation from the point  
14 of generation to the point of disposal, treatment, or storage.

15 (l) "Release" means any spilling, leaking, pumping, pouring,  
16 emitting, emptying, discharging, injecting, escaping, leaching,  
17 dumping, or disposing of infectious medical waste into the envi-  
18 ronment, including the abandonment or discarding of barrels, con-  
19 tainers, or other closed receptacles of infectious medical  
20 waste.

21 (m) "Rule" means a rule promulgated pursuant to the adminis-  
22 trative procedures act of 1969, Act No. 306 of the Public Acts of  
23 1969, being sections 24.201 to 24.328 of the Michigan Compiled  
24 Laws.

25 (n) "Sharps" means any discarded medically related article  
26 that may cause puncture or cuts as defined by rule promulgated by  
27 the department.

1 (o) "Surgical waste" means all materials discarded from  
2 surgical procedures and includes, but is not limited to, dispos-  
3 able gowns, soiled dressings, sponges, casts, lavage tubes,  
4 draining sets, underpads, and surgical gloves.

5 (p) "Storage" means the containment of infectious medical  
6 waste in a manner that does not constitute disposal of the  
7 waste.

8 (q) "Transport" means the movement of infectious medical  
9 waste from the point of generation to any intermediate point and  
10 finally to the point of ultimate storage or disposal.

11 (r) "Treatment" means any method, technique, or process  
12 designed to change the character or composition of infectious  
13 medical waste so as to either neutralize the waste or to render  
14 the waste not infectious, safer for transport, amenable for  
15 recovery, amenable for storage, or reduced in volume.

16 Sec. 3. Within 30 days after the effective date of this  
17 act, the department shall promulgate emergency rules pursuant to  
18 section 48 of the administrative procedures act of 1969, Act  
19 No. 306 of the Public Acts of 1969, being section 24.248 of the  
20 Michigan Compiled Laws, that determine which medical waste shall  
21 be classified as infectious medical waste. The department shall  
22 thereafter promulgate rules that determine which medical waste  
23 shall be classified as infectious.

24 Sec. 4. (1) A person handling infectious medical waste  
25 shall comply with all of the following:

1 (a) Infectious medical waste shall be contained in a manner  
2 and at a location that affords protection from the environment  
3 and limits exposure to the public.

4 (b) Infectious medical waste shall be separated from other  
5 waste as soon as practicable in the producing facility.

6 (c) Unless otherwise approved by the department, infectious  
7 medical waste shall be contained at the producing facility and at  
8 any other location off the site of the producing facility only  
9 for periods and under conditions as provided in rules promulgated  
10 by the department.

11 (d) Infectious medical waste shall be contained separately  
12 from other wastes. Containers used for the containment of infec-  
13 tious medical waste shall be marked with prominent warning signs  
14 on the containers with the word "INFECTIOUS".

15 (e) Infectious medical waste other than sharps shall be con-  
16 tained in bags that are impervious to moisture and have a  
17 strength sufficient to resist ripping, tearing, or bursting under  
18 normal conditions of usage or handling. The bags shall be  
19 secured so as to prevent leakage during storage, handling, or  
20 transport. All bags used for the containment of infectious medi-  
21 cal waste shall be red in color.

22 (f) Sharps shall be contained for disposal in leakproof,  
23 rigid, puncture-resistant containers that are secured to preclude  
24 loss of the contents. These containers shall be red in color or  
25 shall be conspicuously labeled with the word "INFECTIOUS".

26 (g) Before infectious medical waste is transported from the  
27 producing facility, infectious medical waste contained in

1 disposable containers shall be placed for storage or handling in  
2 disposable or reusable pails, cartons, drums, or portable bins.  
3 The containment system shall be leakproof, have tight-fitting  
4 covers, and be kept clean and in good repair. The containers may  
5 be of any color and shall be conspicuously labeled with the word  
6 "INFECTIOUS".

7 (h) Trash chutes shall not be used to transfer infectious  
8 medical waste between locations where it is contained.

9 (2) A person who handles infectious medical waste in a pri-  
10 vate residence during the care of an occupant of that residence  
11 is exempt from this section.

12 Sec. 5. (1) Except as provided in subsection (2), infec-  
13 tious medical waste shall be treated or disposed of by 1 of the  
14 following methods:

15 (a) By incineration in an infectious medical waste inciner-  
16 ation facility that is approved by the department and has  
17 received an operating permit from the department of natural  
18 resources pursuant to the air pollution act, Act No. 348 of the  
19 Public Acts of 1965, being sections 336.11 to 336.36 of the  
20 Michigan Compiled Laws, that provides complete combustion of the  
21 infectious medical waste to carbonized or mineralized ash.

22 (b) By discharge to a sewage system if the waste is liquid  
23 or semiliquid except as specifically prohibited by rule of the  
24 department.

25 (c) By sterilization by heating in a steam sterilizer, or by  
26 other decontamination technique approved by rule of the  
27 department.

1 (d) By other method approved by rule of the department.

2 (2) Sharps that are contained pursuant to section 4(1)(f)  
3 may be disposed of as solid waste pursuant to the solid waste  
4 management act, Act No. 641 of the Public Acts of 1978, being  
5 sections 299.401 to 299.437 of the Michigan Compiled Laws.  
6 However, sharps shall not be compacted or handled in a manner  
7 that will result in breakage of a sharps container.

8 (3) Pathological waste consisting of recognizable human  
9 anatomical remains shall be disposed of by incineration or by  
10 burial at a recognized burial site.

11 (4) Infectious medical waste rendered noninfectious under  
12 this section may be disposed of as solid waste pursuant to Act  
13 No. 641 of the Public Acts of 1978, if it is not otherwise haz-  
14 ardous waste.

15 Sec. 6. (1) A person shall not engage in the transportation  
16 of more than 100 kilograms of infectious medical waste per month  
17 unless that person has obtained a permit from the department of  
18 natural resources.

19 (2) The department of natural resources shall issue permits  
20 for the transportation of infectious medical waste, upon applica-  
21 tion, if the applicant is in compliance with this act and the  
22 rules promulgated under this act.

23 (3) A permit issued under this section may be renewed  
24 annually. The fee for a permit or renewal shall be established  
25 by rule promulgated by the department of natural resources. A  
26 renewal may be denied by the department of natural resources if

1 the applicant fails to comply with this act or rules promulgated  
2 under this act.

3 (4) The department of natural resources may revoke a permit  
4 issued under this section if the permittee violates this act or  
5 rules promulgated under this act.

6 (5) The department of natural resources shall promulgate  
7 rules pertaining to the procedures and criteria for the issuance  
8 of a permit under this section.

9 Sec. 7. The department of natural resources shall promul-  
10 gate rules applicable to transporters of infectious medical waste  
11 as are necessary to protect public health and the environment.  
12 These rules shall include, but are not limited to, all of the  
13 following:

14 (a) Record-keeping practices that accurately identify the  
15 infectious medical wastes transported, their sources, and deliv-  
16 ery points. Record keeping shall be required for infectious med-  
17 ical waste from its point of generation until it has been treated  
18 or disposed of, whichever occurs first.

19 (b) Requirements for the transportation of infectious medi-  
20 cal waste only to facilities approved by the department of natu-  
21 ral resources.

22 Sec. 8. A transporter of infectious medical waste shall  
23 notify the department of natural resources within 30 days if any  
24 of the following occur:

25 (a) The transporter changes majority ownership, name, or  
26 location.



1 (b) The ownership or control of a vehicle or container  
2 certified by the department of natural resources is changed.

3 (c) A truck, trailer, semitrailer, vacuum tank, cargo tank,  
4 or container certified by the department of natural resources is  
5 involved in a spill, or in an accident, which renders or may have  
6 rendered the vehicle or container in noncompliance with the  
7 requirements of this act or rules promulgated under this act.

8 Sec. 9. (1) A person shall not operate a facility for the  
9 treatment, storage, or disposal of infectious medical waste  
10 unless that person has obtained a permit from the department of  
11 natural resources.

12 (2) The department of natural resources shall issue a permit  
13 for the treatment, storage, or disposal of infectious medical  
14 waste, upon application, only if the facility is in compliance  
15 with this act and the rules promulgated under this act.

16 (3) The department of natural resources may revoke a permit  
17 issued under this section if the operator of the facility does  
18 not comply with this act or rules promulgated under this act.

19 (4) The department of natural resources shall promulgate  
20 rules regulating the operation of a facility treating, storing,  
21 or disposing of infectious medical waste and for procedures and  
22 criteria for the issuance of a permit under this section.

23 Sec. 10. All rules required to be promulgated by the  
24 department and the department of natural resources under this act  
25 shall be submitted to the joint committee on administrative rules  
26 within 6 months after the department promulgates emergency rules  
27 under section 3.

1       Sec. 11. (1) The infectious medical waste advisory  
2 commission is created in the department. The commission shall  
3 consist of the following members appointed by the governor:

4       (a) One individual representing the department.

5       (b) One individual representing the department of natural  
6 resources.

7       (c) One individual representing health care providers.

8       (d) One individual representing infectious medical waste  
9 transporters and disposal facilities.

10       (e) Three individuals representing the general public.

11       (2) The representative of the department of natural  
12 resources shall serve as chairperson of the commission. The com-  
13 mission shall meet at the call of the chairperson.

14       (3) The commission shall do both of the following:

15       (a) Advise the governor and the legislature on all matters  
16 related to the treatment, storage, transportation, and disposal  
17 of infectious medical waste.

18       (b) Within 2 years after the effective date of this act,  
19 evaluate and report to the governor and the legislature on all of  
20 the following:

21       (i) The implementation of this act.

22       (ii) The effectiveness of this act.

23       (iii) Changes in the overall regulatory scheme pertaining to  
24 infectious medical waste including any federal legislation that  
25 may have been enacted.

1       (iv) Recommendations that the commission has for amendments  
2 to this act or any other state statute or rule that pertains to  
3 infectious medical waste, if any.

4       Sec. 12. (1) A person who violates this act is subject to a  
5 civil fine of not more than \$2,500.00 for each violation and an  
6 additional fine of not more than \$1,000.00 for each day during  
7 which the violation continues.

8       (2) A person who violates this act may be enjoined by a  
9 court of competent jurisdiction from continuing the violation.

10       (3) Criminal penalties for violation of this act are pro-  
11 vided in section 493f of the Michigan penal code, Act No. 328 of  
12 the Public Acts of 1931, being section 750.493f of the Michigan  
13 Compiled Laws.

14       Sec. 13. This act shall take effect March 1, 1990.

15       Sec. 14. This act shall not take effect unless Senate Bill  
16 No. \_\_\_\_\_ or House Bill No. 4136 (request no. 00587'89 e) of the  
17 85th Legislature is enacted into law.