

# HOUSE BILL No. 4832

May 16, 1991, Introduced by Reps. Hunter, Bennane, Murphy and Bandstra and referred to the Committee on Public Health.

A bill to amend sections 13805, 13807, 13810, 13811, 13813, 13821, 13823, 13829, and 13830 of Act No. 368 of the Public Acts of 1978, entitled as amended

"Public health code,"

sections 13805, 13807, 13810, and 13811 as added by Act No. 21 of the Public Acts of 1990 and sections 13813, 13821, 13823, 13829, and 13830 as added by Act No. 18 of the Public Acts of 1990, being sections 333.13805, 333.13807, 333.13810, 333.13811, 333.13813, 333.13821, 333.13823, 333.13829, and 333.13830 of the Michigan Compiled Laws; and to add section 13829a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 13805, 13807, 13810, 13811, 13813,  
2 13821, 13823, 13829, and 13830 of Act No. 368 of the Public Acts  
3 of 1978, sections 13805, 13807, 13810, and 13811 as added by Act  
4 No. 21 of the Public Acts of 1990 and sections 13813, 13821,

1 13823, 13829, and 13830 as added by Act No. 18 of the Public Acts  
2 of 1990, being sections 333.13805, 333.13807, 333.13810,  
3 333.13811, 333.13813, 333.13821, 333.13823, 333.13829, and  
4 333.13830 of the Michigan Compiled Laws, are amended and  
5 section 13829a is added to read as follows:

6       Sec. 13805. (1) "Advisory council" means the interdepart-  
7 mental medical waste advisory council created in section 13827.

8       (2) "Autoclave" means to sterilize using superheated steam  
9 under pressure.

10       (3) "Decontamination" means rendering medical waste safe for  
11 routine handling as solid waste.

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

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

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

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

22       (8) "Medical waste" means any of the following that are not  
23 generated from a household, a farm operation or other agricul-  
24 tural business, OR a home for the aged: ~~, or a home health care~~  
25 ~~agency.~~

26       (a) Cultures and stocks of infectious agents and associated  
27 biologicals, including laboratory waste, biological production

1 wastes, discarded live and attenuated vaccines, culture dishes,  
2 and related devices.

3 (b) Liquid human and animal waste, including blood and blood  
4 products and body fluids, but not including urine or materials  
5 stained with blood or body fluids.

6 (c) Pathological waste.

7 (d) Sharps.

8 (e) Contaminated wastes from animals that have been exposed  
9 to agents infectious to humans, these being primarily research  
10 animals.

11 Sec. 13807. (1) "Pathogen" means a microorganism that  
12 produces disease.

13 (2) "Pathological waste" means human organs, tissues, body  
14 parts other than teeth, products of conception, and fluids  
15 removed by trauma or during surgery or autopsy or other medical  
16 procedure. ~~and not fixed in formaldehyde.~~

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

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

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

25 (6) "Response activity" means an activity necessary to pro-  
26 tect the public health, safety, welfare, and the environment, and  
27 includes, but is not limited to, evaluation, cleanup, removal,

1 containment, isolation, treatment, monitoring, maintenance,  
2 replacement of water supplies, and temporary relocation of  
3 people.

4 (7) "Sharps" means needles, syringes, scalpels, and intrave-  
5 nous tubing with needles attached AND OTHER INSTRUMENTS OR EQUIP-  
6 MENT DESIGNATED BY RULE OF THE DEPARTMENT.

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

9 (9) "Transport" means the movement of medical waste from the  
10 point of generation to any intermediate point and finally to the  
11 point of treatment or disposal. Transport does not include the  
12 movement of medical waste from a health facility or agency to  
13 another health facility or agency for the purposes of testing and  
14 research.

15 Sec. 13810. A producing facility that incinerates medical  
16 waste on site shall do all of the following to contain medical  
17 waste:

18 (a) Package, contain, and locate medical waste in a ~~matter~~  
19 MANNER that protects and prevents the medical waste from release  
20 at the producing facility or at any time before ultimate  
21 disposal.

22 (b) Separate and dispose of sharps in the manner described  
23 in section 13811(d).

24 (c) Label the containers required under subdivision (a) with  
25 a biohazard symbol or the words "medical waste" or "pathological  
26 waste" in letters not less than 1 inch high.

1 (d) Not store medical waste on premises of the producing  
2 facility for more than 90 days, EXCEPT THAT A PRODUCING FACILITY  
3 MAY STORE A SHARPS CONTAINER ON THE PREMISES FOR 90 DAYS AFTER IT  
4 IS FULL.

5 Sec. 13811. A producing facility shall store, decontami-  
6 nate, and dispose of medical waste pursuant to the following:

7 (a) Cultures and stocks of material contaminated with an  
8 infectious agent shall be stored in closed, puncture-resistant  
9 containers, decontaminated by autoclaving or incineration, and  
10 disposed of in a sanitary landfill OR MAY BE STORED, DECONTAMI-  
11 NATED, AND DISPOSED OF IN A MANNER APPROVED BY THE DEPARTMENT.

12 (b) Blood and blood products and body fluids shall be dis-  
13 posed of by 1 or more of the following methods:

14 (i) Flushing down a sanitary sewer.

15 (ii) Decontaminating by autoclaving or incineration.

16 (iii) Solidifying.

17 (iv) If not in liquid form, transferring to a sanitary  
18 landfill.

19 (v) A process approved by the department.

20 (c) Pathological waste shall be disposed of by 1 or more of  
21 the following methods:

22 (i) Incineration or cremation.

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

24 (iii) Burial in a cemetery, if transported in leakproof con-  
25 tainers of sufficient integrity to prevent rupture.

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

4 (v) A process approved by the department.

5 (d) Sharps shall be disposed of by 1 of the following  
6 methods:

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

10 (ii) Incineration or decontamination and grinding that  
11 renders the objects unrecognizable. Ground sharps shall be  
12 placed in a sealed, rupture-resistant container and transported  
13 to a sanitary landfill.

14 (iii) A process approved by the department.

15 (e) Animal waste contaminated with organisms infectious to  
16 humans shall be disposed of by incineration or by burial in a  
17 sanitary landfill in properly labeled, double containers that are  
18 leakproof and puncture-resistant and are tightly sealed to pre-  
19 vent escape of fluids or material. Contaminated animal organs  
20 disposed of separately shall be rendered unrecognizable.

21 Sec. 13813. (1) Each producing facility shall register with  
22 the department on a form prescribed by the department. A produc-  
23 ing facility shall have a written medical waste management plan  
24 that contains information required in section 13817 on file on  
25 the premises within 90 days after registration.

26 (2) ~~A producing facility shall submit the following~~  
27 ~~registration fee with the registration form: (a) For a A~~

1 producing facility that is a private practice office with ~~fewer~~  
2 ~~than 4~~ licensees under article 15 who are physicians, dentists,  
3 podiatrists, certified nurse practitioners, certified nurse mid-  
4 wives, or veterinarians employed by, under contract to, or work-  
5 ing at the producing facility ~~,~~ SHALL SUBMIT WITH THE REGISTRA-  
6 TION FORM a registration fee of \$50.00.

7 ~~(b) For a producing facility that is a private practice~~  
8 ~~office with 4 or more licensees under article 15 who are physi-~~  
9 ~~cians, dentists, podiatrists, certified nurse practitioners, cer-~~  
10 ~~tified nurse midwives, or veterinarians employed by, under con-~~  
11 ~~tract to, or working at the producing facility, a registration~~  
12 ~~fee of \$20.00 for each licensee, up to a maximum total registra-~~  
13 ~~tion fee of \$80.00.~~

14 (3) Upon receipt of a complete registration form and regis-  
15 tration fee under this section or section 13815, the department  
16 shall issue a certificate of registration to the producing  
17 facility. A certificate of registration issued under this sec-  
18 tion is valid for 3 years from its date of issuance.

19 (4) The department shall investigate each complaint received  
20 and may inspect a producing facility registered under this sec-  
21 tion pursuant to the receipt of a complaint.

22 ~~(4)~~ (5) ~~Registration~~ THE DEPARTMENT SHALL FORWARD  
23 REGISTRATION fees collected pursuant to this section and  
24 section 13815 ~~shall be forwarded~~ to the state treasury ~~and~~  
25 ~~deposited~~ FOR DEPOSIT pursuant to section 13829.

1       Sec. 13821. (1) A producing facility that transports  
2 medical waste off the premises of the producing facility shall  
3 package the medical waste in the following manner:

4       (a) Sharps that are not ground or incinerated as described  
5 in section 13811(d) shall be contained for disposal in individual  
6 leakproof, rigid, puncture-resistant containers that are secured  
7 to preclude loss of the contents. In addition, a container used  
8 to store or transport a number of individual sharps containers  
9 shall be leakproof. These containers shall be conspicuously  
10 labeled with the word "sharps". Sharps that are contained pursu-  
11 ant to this subdivision may be disposed of as solid waste pursu-  
12 ant to the solid waste management act, Act No. 641 of the Public  
13 Acts of 1978, being sections 299.401 to 299.437 of the Michigan  
14 Compiled Laws. However, sharps shall not be compacted or handled  
15 during transport in a manner that will result in breakage of a  
16 sharps container.

17       (b) Medical waste other than sharps shall be contained in  
18 bags other than body pouches or IN other containers that are  
19 impervious to moisture and have a strength sufficient to resist  
20 ripping, tearing, breaking, or bursting under normal conditions  
21 of usage or handling. The bags or containers shall be secured so  
22 as to prevent leakage during storage, handling, or transport.

23       (2) SHARPS AND OTHER MEDICAL WASTE CONTAINED AS DESCRIBED IN  
24 SUBSECTION (1) MAY BE TRANSPORTED TOGETHER.

25       Sec. 13823. (1) If suspected medical waste is discovered on  
26 any land or water in the state and reported to the department of  
27 natural resources, the department of public health, a local



1 health department, the department of state police, or any other  
2 state or local governmental agency, the DEPARTMENT OR agency ~~or~~  
3 ~~department~~ receiving the report shall promptly investigate to  
4 confirm the existence of medical waste. If the existence of med-  
5 ical waste is confirmed by a department or agency other than the  
6 department of ~~natural resources~~ PUBLIC HEALTH, a report shall  
7 be transmitted immediately to the department of ~~natural~~  
8 ~~resources~~ PUBLIC HEALTH. The department of ~~natural resources~~  
9 PUBLIC HEALTH may if appropriate take measures to contain the  
10 medical waste, to close off the area, to remove the medical waste  
11 from the environment, and to do all things necessary to protect  
12 the public health, safety, and welfare and the environment. The  
13 department of ~~natural resources~~ PUBLIC HEALTH may if appropri-  
14 ate conduct an investigation to determine the source of the medi-  
15 cal waste.

16 (2) The department of ~~natural resources~~ PUBLIC HEALTH may  
17 consult with the department of ~~public health~~ NATURAL RESOURCES,  
18 the appropriate local health department, the department of state  
19 police, and the department of attorney general on the actions  
20 taken by the department of ~~natural resources~~ PUBLIC HEALTH  
21 under this section.

22 (3) After the department of ~~natural resources~~ PUBLIC  
23 HEALTH confirms the existence of medical waste under this sec-  
24 tion, the department of ~~natural resources~~ PUBLIC HEALTH shall  
25 inform the legislature, the governor, the advisory council, and  
26 the public on the results of any investigation conducted within  
27 30 days after the investigation is completed.

1       Sec. 13829. (1) The medical waste emergency response fund  
2 is created in the state treasury.

3       (2) The state treasurer shall deposit in the fund all money  
4 received pursuant to this act and all money received by the fund  
5 as otherwise provided by law.

6       (3) The state treasurer shall direct the investment of the  
7 fund. Interest and earnings of the fund shall be credited to the  
8 fund. Money in the fund at the close of the fiscal year shall  
9 remain in the fund and shall not revert to the general fund.

10       (4) Not more than 80% of the total amount in the fund shall  
11 be used by the department of public health for administrative  
12 expenses related to the implementation of this part, and the bal-  
13 ance may be used by the department of ~~natural resources~~ PUBLIC  
14 HEALTH for response activities necessitated by the release of  
15 medical waste into the environment.

16       SEC. 13829A. IF THERE IS A CONFLICT BETWEEN THIS PART AND  
17 RULES PROMULGATED UNDER THIS PART OR RULES PROMULGATED UNDER  
18 ANOTHER ACT, THIS PART CONTROLS.

19       Sec. 13830. (1) The department shall promulgate rules to  
20 prescribe training standards for both medical and nonmedical per-  
21 sonnel who handle medical waste in producing facilities.

22       (2) Each producing facility shall train its personnel who  
23 handle medical waste pursuant to the rules promulgated under  
24 subsection (1).

25       (3) THE DEPARTMENT MAY PROMULGATE RULES TO ADD INSTRUMENTS  
26 AND OTHER EQUIPMENT TO THE DEFINITION OF SHARPS IN SECTION 13807.