



HOUSE BILL No. 4252

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February 11, 1993, Introduced by Reps. Bennane, DeMars, Brown, Dolan and Pitoniak 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.

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 to read as
5 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 WITH NEEDLES ATTACHED,
5 scalpels, ~~and~~ intravenous tubing with needles attached, AND
6 OTHER INSTRUMENTS OR EQUIPMENT DESIGNATED BY RULE OF THE
7 DEPARTMENT.

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

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

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

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

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

25 (c) Label the containers required under subdivision (a) with
26 a biohazard symbol or the words "medical waste" or "pathological
27 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 NOT MORE THAN 90
4 DAYS AFTER IT 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, OR,
10 SUBJECT TO THE RULES PROMULGATED UNDER SECTION 13830(4),
11 MICROWAVING, and disposed of in a sanitary landfill OR MAY BE
12 STORED, DECONTAMINATED, AND DISPOSED OF IN A MANNER APPROVED BY
13 THE DEPARTMENT.

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

16 (i) Flushing down a sanitary sewer.

17 (ii) Decontaminating by autoclaving, ~~or~~ incineration, OR,
18 SUBJECT TO THE RULES PROMULGATED UNDER SECTION 13830(4),
19 MICROWAVING.

20 (iii) Solidifying.

21 (iv) If not in liquid form, transferring to a sanitary
22 landfill.

23 (v) A process approved by the department.

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

26 (i) Incineration, ~~or~~ cremation, OR, SUBJECT TO THE RULES
27 PROMULGATED UNDER SECTION 13830(4), MICROWAVING.

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

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

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

7 (v) A process approved by the department.

8 (d) Sharps shall be disposed of by 1 of the following
9 methods:

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

13 (ii) Incineration, ~~or~~ decontamination, OR, SUBJECT TO THE
14 RULES PROMULGATED UNDER SECTION 13830(4), MICROWAVING and grind-
15 ing that renders the objects unrecognizable. Ground sharps shall
16 be placed in a sealed, ~~rupture-resistant~~ RIGID, AND
17 LEAK-RESISTANT container and transported to a sanitary landfill.

18 (iii) A process approved by the department.

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

25 Sec. 13813. (1) Each producing facility shall register with
26 the department on a form prescribed by the department. A
27 producing facility shall have a written medical waste management

1 plan that contains information required in section 13817 on file
2 on the premises within 90 days after registration.

3 (2) ~~A producing facility shall submit the following regis-~~
4 ~~tration fee with the registration form: (a) For a~~ A producing
5 facility that is a private practice office with fewer than 4
6 licensees under article 15 who are physicians, dentists, podia-
7 trists, certified nurse practitioners, certified nurse midwives,
8 or veterinarians employed by, under contract to, or working at
9 the producing facility ~~—~~ SHALL SUBMIT WITH THE REGISTRATION
10 FORM a registration fee of \$50.00. ~~(b) for a~~ A producing
11 facility that is a private practice office with 4 or more licens-
12 ees under article 15 who are physicians, dentists, podiatrists,
13 certified nurse practitioners, certified nurse midwives, or vet-
14 erinarians employed by, under contract to, or working at the
15 producing facility ~~—~~ SHALL SUBMIT WITH THE REGISTRATION FORM a
16 registration fee of \$20.00 for each licensee, up to a maximum
17 total registration fee of ~~\$80.00~~ \$150.00.

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

23 (4) The department shall investigate each complaint received
24 UNDER THIS PART and may inspect a producing facility registered
25 under this section pursuant to the receipt of a complaint.

26 (5) ~~(4) Registration~~ THE DEPARTMENT SHALL FORWARD
27 REGISTRATION fees collected pursuant to this section and

1 section 13815 ~~shall be forwarded~~ to the state treasury ~~and~~
2 ~~deposited~~ FOR DEPOSIT pursuant to section 13829.

3 Sec. 13821. (1) A producing facility that transports medi-
4 cal waste off the premises of the producing facility shall pack-
5 age the medical waste in the following manner:

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

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

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

1 Sec. 13823. (1) If suspected medical waste is discovered on
2 any land or water in the state, ~~and reported to the department~~
3 ~~of natural resources, the department of public health, a local~~
4 ~~health department, the department of state police, or any other~~
5 ~~state or local governmental agency, the agency or department~~
6 ~~receiving the report shall promptly investigate to confirm the~~
7 ~~existence of medical waste. If the existence of medical waste is~~
8 ~~confirmed by a department or agency other than the department of~~
9 ~~natural resources,~~ THE PERSON DISCOVERING THE SUSPECTED MEDICAL
10 WASTE MAY TRANSMIT a report ~~shall be transmitted~~ immediately to
11 the department of ~~natural resources.~~ The PUBLIC HEALTH. THE
12 DEPARTMENT OF PUBLIC HEALTH SHALL PROMPTLY INVESTIGATE TO CONFIRM
13 THE EXISTENCE OF MEDICAL WASTE. IF THE EXISTENCE OF MEDICAL
14 WASTE IS CONFIRMED, THE department of ~~natural resources~~ PUBLIC
15 HEALTH may, if appropriate, take measures to contain the medical
16 waste, to close off the area, to remove the medical waste from
17 the environment, and to do all things necessary to protect the
18 public health, safety, and welfare and the environment. The
19 department of ~~natural resources~~ PUBLIC HEALTH may if appropri-
20 ate conduct an investigation to determine the source of the medi-
21 cal waste.

22 (2) The department of ~~natural resources~~ PUBLIC HEALTH may
23 consult with the department of ~~public health~~ NATURAL RESOURCES,
24 the appropriate local health department, the department of state
25 police, and the department of attorney general on the actions
26 taken by the department of ~~natural resources~~ PUBLIC HEALTH
27 under this section.

1 (3) After the department of ~~natural resources~~ PUBLIC
2 HEALTH confirms the existence of medical waste under this sec-
3 tion, UPON REQUEST, the department of ~~natural resources~~ PUBLIC
4 HEALTH shall inform the STANDING COMMITTEES OF THE legislature
5 ~~—~~ WITH JURISDICTION OVER PUBLIC HEALTH MATTERS AND the governor
6 ~~—, the advisory council, and the public~~ on the results of any
7 investigation conducted within 30 days after the investigation is
8 completed.

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

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

14 (3) The state treasurer shall direct the investment of the
15 fund. Interest and earnings of the fund shall be credited to the
16 fund. Money in the fund at the close of the fiscal year shall
17 remain in the fund and shall not revert to the general fund.

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

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

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

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

6 (4) THE DEPARTMENT SHALL PROMULGATE RULES TO DEFINE AND TO
7 REGULATE MICROWAVING OF MEDICAL WASTE UNDER THIS PART.