

HOUSE BILL No. 4459

February 24, 2009, Introduced by Rep. Miller and referred to the Committee on Regulatory Reform.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 13805, 13807, 13809, 13810, 13811, 13813,
13817, 13819, 13821, 13823, 13825, 13827, 13829, 13830, and 13831
(MCL 333.13805, 333.13807, 333.13809, 333.13810, 333.13811,
333.13813, 333.13817, 333.13819, 333.13821, 333.13823, 333.13825,
333.13827, 333.13829, 333.13830, and 333.13831), sections 13805,
13807, 13809, 13810, and 13811 as added by 1990 PA 21, sections
13813, 13817, 13819, 13823, 13825, 13827, 13829, 13830, and 13831
as added by 1990 PA 18, and section 13821 as amended by 1996 PA 67,
and by adding sections 13812, 13820, 13832, and 13833.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 13805. ~~(1) "Advisory council" means the interdepartmental~~

1 ~~medical waste advisory council created in section 13827.~~

2 (1) "ALTERNATIVE TREATMENT TECHNOLOGY" MEANS A METHOD FOR THE
3 DECONTAMINATION OF MEDICAL WASTE OTHER THAN INCINERATION.

4 (2) "Autoclave" means ~~to sterilize using~~ A VESSEL USED TO
5 DECONTAMINATE MEDICAL WASTE BY superheated steam under pressure.

6 (3) "BIOHAZARD SYMBOL" MEANS THE SYMBOL DEPICTED IN 29 CFR
7 1910.1030.

8 (4) "BODY ART FACILITY" MEANS A FACILITY THAT PRACTICES
9 PHYSICAL HUMAN BODY ADORNMENT BY AN OPERATOR UTILIZING BODY
10 PIERCING, BRANDING, TATTOOING, OR PERMANENT COSMETICS. AS USED IN
11 THIS SUBSECTION:

12 (A) "BODY PIERCING" MEANS THE PERFORATION OF HUMAN TISSUE,
13 OTHER THAN AN EAR, FOR A NONMEDICAL PURPOSE.

14 (B) "BRANDING" MEANS MAKING A PERMANENT MARK ON HUMAN TISSUE
15 BY BURNING WITH A HOT IRON OR OTHER INSTRUMENT.

16 (C) "TATTOOING" MEANS 1 OR MORE OF THE FOLLOWING:

17 (i) MAKING AN INDELIBLE MARK UPON THE HUMAN BODY BY THE
18 INSERTION OF A PIGMENT UNDER THE SKIN.

19 (ii) MAKING AN INDELIBLE MARK UPON THE HUMAN BODY BY PRODUCTION
20 OF SCARS OTHER THAN BY BRANDING.

21 (5) ~~(3)~~ "Decontamination" means ~~rendering~~ THE PROCESS OF
22 REDUCING POTENTIAL INFECTIOUS AGENTS IN medical waste TO RENDER IT
23 safe for routine handling as solid waste.

24 (6) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL QUALITY
25 OR ITS AUTHORIZED REPRESENTATIVE.

26 (7) ~~(4)~~ "Fund" means the medical waste emergency response fund
27 created in section 13829.

1 (8) ~~(5)~~ "Health facility or agency" means that term as defined
2 in section 20106.

3 (9) ~~(6)~~ "Household" means a single detached dwelling unit or a
4 single unit of a multiple dwelling.

5 (10) ~~(7)~~ "Infectious agent" means a pathogen that ~~is~~
6 ~~sufficiently virulent so that if a susceptible host is exposed to~~
7 ~~the pathogen in an adequate concentration and through a portal of~~
8 ~~entry, the result could be transmission of disease to a human~~ **CAN**
9 **CAUSE DISEASE IN HUMANS.**

10 (11) **"LABORATORY" MEANS ANY OF THE FOLLOWING THAT GENERATES**
11 **MEDICAL WASTE:**

12 (A) **A RESEARCH FACILITY.**

13 (B) **AN ANALYTICAL FACILITY.**

14 (C) **A CLINICAL FACILITY THAT PERFORMS ANALYSIS OR RESEARCH.**

15 (12) **"LANDFILL" MEANS A MUNICIPAL SOLID WASTE LANDFILL AS THAT**
16 **TERM IS DEFINED IN R 299.4104 OF THE MICHIGAN ADMINISTRATIVE CODE.**

17 (13) ~~(8)~~ "Medical waste" means any of the following: ~~that are~~
18 ~~not generated from a household, a farm operation or other~~
19 ~~agricultural business, a home for the aged, or a home health care~~
20 ~~agency.~~

21 (a) Cultures and stocks of infectious agents and associated
22 ~~biologicals~~ **TOXINS**, including, **BUT NOT LIMITED TO**, laboratory
23 waste, biological production wastes, discarded live and attenuated
24 vaccines, culture dishes, and related devices.

25 (b) Liquid human and animal waste, including blood and blood
26 products and body fluids, but not including urine or materials
27 stained with blood or body fluids.

1 (c) Pathological waste.

2 (d) Sharps.

3 (e) ~~Contaminated wastes~~ **WASTES** from animals **USED IN RESEARCH**
4 that have been exposed to ~~agents~~ **AN** infectious ~~to humans~~ **AGENT**,
5 ~~these being primarily research animals~~ **INCLUDING, BUT NOT LIMITED**
6 **TO, CARCASSES, BODY PARTS, BLOOD, BODY FLUIDS, OR OTHER MATERIAL**
7 **CONTAMINATED WITH THE INFECTIOUS AGENT.**

8 (F) **TRAUMA SCENE WASTE.**

9 Sec. 13807. ~~(1) "Pathogen" means a microorganism that produces~~
10 ~~disease.~~

11 (1) ~~(2)~~ "Pathological waste" means **TRAUMA SCENE WASTE OR** human
12 organs, tissues, body parts other than teeth, products of
13 conception, and fluids **THAT ARE** removed ~~by trauma or during~~
14 surgery, ~~or~~ autopsy, or other medical procedure, and **THAT ARE** not
15 fixed in formaldehyde **OR OTHER FIXATIVE AGENT. A SPECIFIC ORGAN,**
16 **BODY PART, OR TISSUE REMOVED BY TRAUMA OR DURING SURGERY, AUTOPSY,**
17 **OR OTHER MEDICAL PROCEDURE THAT IS NOT KNOWN TO BE OR IS NOT HIGHLY**
18 **LIKELY TO BE CONTAMINATED WITH AN INFECTIOUS AGENT AND THAT IS**
19 **REQUESTED BY AN INDIVIDUAL TO BE RETURNED FOR RELIGIOUS, ETHNIC, OR**
20 **PERSONAL REASONS IS NOT PATHOLOGICAL WASTE.**

21 (2) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
22 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

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

25 (4) "Producing facility", **SUBJECT TO SUBSECTION (5),** means a
26 facility that generates, stores, **REMOVES,** decontaminates, or
27 ~~incinerates~~ **TRANSPORTS** medical waste, ~~—~~ **INCLUDING, BUT NOT LIMITED**

1 TO, ALL OF THE FOLLOWING:

2 (A) A TRANSFER STATION WHERE MEDICAL WASTE IS STORED.

3 (B) A TRAUMA SCENE WASTE MANAGEMENT PRACTITIONER.

4 (5) "PRODUCING FACILITY" DOES NOT INCLUDE THE FOLLOWING:

5 (A) A FUNERAL HOME THAT DOES NOT PRACTICE EMBALMING AND DOES
6 NOT GENERATE MEDICAL WASTE.

7 (B) A HOME HEALTH CARE AGENCY.

8 (C) A RESIDENCE.

9 (D) A FARM OPERATION OR OTHER AGRICULTURAL BUSINESS.

10 (E) A FACILITY LICENSED BY THE DEPARTMENT OF HUMAN SERVICES
11 THAT PROVIDES RESIDENTIAL CARE SERVICES, SUCH AS ADULT AND CHILD
12 FOSTER FAMILY AND GROUP HOMES, CHILD DAY CARE CENTERS, CHILD CARE
13 INSTITUTIONS, CHILD OR ADULT FOSTER CARE CAMPS, AND HOMES FOR THE
14 AGED.

15 (6) "PUBLIC SHARPS COLLECTION PROGRAM" MEANS A PROGRAM
16 OPERATED BY A PUBLIC AUTHORITY OR NONPROFIT ORGANIZATION DESIGNED
17 TO ASSIST A PERSON WHO USES SHARPS IN HIS OR HER HOME TO SAFELY
18 DISPOSE OF DISCARDED SHARPS ONLY.

19 (7) ~~(5)~~ "Release" means any spilling, leaking, pumping,
20 pouring, emitting, emptying, discharging, injecting, escaping,
21 leaching, dumping, or disposing of medical waste into the
22 environment in violation of this part.

23 (8) ~~(6)~~ "Response activity" means an activity necessary to
24 protect the public health, safety, OR welfare ~~, and OR~~ the
25 environment, and includes, but is not limited to, evaluation,
26 cleanup, removal, containment, isolation, treatment, monitoring,
27 maintenance, replacement of water supplies, and temporary

1 relocation of people.

2 (9) ~~(7)~~ "Sharps" means ~~needles, syringes, scalpels, and~~
3 ~~intravenous tubing with needles attached~~ **ANY OBJECT GENERATED AS**
4 **WASTE AT A PRODUCING FACILITY THAT IS DESIGNED FOR, CAPABLE OF, OR**
5 **INTENDED TO CUT OR PENETRATE THE SKIN. THIS INCLUDES, BUT IS NOT**
6 **LIMITED TO, A NEEDLE, SYRINGE WITH AN ATTACHED NEEDLE, SCALPEL,**
7 **LANCET, BROKEN VACCINE VIAL, CULTURE SLIDE OR DISH, CAPILLARY TUBE,**
8 **AND INTRAVENOUS TUBING WITH A NEEDLE ATTACHED.**

9 (10) ~~(8)~~ "Storage" means the containment of medical waste in a
10 manner that does not constitute disposal of the medical waste.

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

17 (12) **"TRAUMA SCENE" MEANS A PREMISES OR VEHICLE CONTAMINATED**
18 **WITH MEDICAL WASTE DUE TO, BUT NOT LIMITED TO, HUMAN INJURY,**
19 **TRAUMA, OR DEATH.**

20 (13) **"TRAUMA SCENE WASTE" MEANS MEDICAL WASTE GENERATED AT A**
21 **TRAUMA SCENE.**

22 (14) **"TRAUMA SCENE WASTE MANAGEMENT PRACTITIONER" MEANS A**
23 **PERSON WHO UNDERTAKES AS A COMMERCIAL ACTIVITY THE CLEANUP,**
24 **REMOVAL, TRANSPORT, OR DISPOSAL OF TRAUMA SCENE WASTE FROM A TRAUMA**
25 **SCENE.**

26 (15) **"USDOT" MEANS THE UNITED STATES DEPARTMENT OF**
27 **TRANSPORTATION.**

1 Sec. 13809. A producing facility that does not ~~incinerate~~
2 **DECONTAMINATE** medical waste on site shall ~~do~~ **ENSURE THAT** all of the
3 following **REQUIREMENTS ARE MET** to contain medical waste:

4 ~~(a) Package, contain, and locate medical~~ **MEDICAL** waste **IS**
5 **PACKAGED, CONTAINED, AND LOCATED** in a manner that protects and
6 prevents the medical waste from release at the producing facility
7 or at any time before ultimate disposal.

8 ~~(b) Separate the categories of~~ **AT THE POINT OF ORIGIN**, medical
9 waste at the ~~point of origin~~ **IS SORTED AND SEPARATED BY TYPE AS**
10 **LISTED IN SECTION 13805(13)** into appropriate containers. ~~that are~~
11 ~~labelled as required under subdivision (c).~~

12 ~~(c) Label the containers~~ **CONTAINERS** required under subdivision
13 ~~(b) with a biohazard symbol or the words "medical waste" or~~
14 ~~"pathological waste" in letters not less than 1 inch high~~ **ARE**
15 **LABELED OR MARKED BEFORE TRANSPORT IN ACCORDANCE WITH USDOT**
16 **REGULATIONS AS SPECIFIED IN 49 CFR PART 172, SUBPARTS D AND E.**

17 ~~—— (d) Not compact or mix medical waste with other waste~~
18 ~~materials before decontamination, incineration, and disposal.~~

19 ~~—— (e) If decontaminated medical waste is mixed with other solid~~
20 ~~waste, clearly label the container to indicate that it contains~~
21 ~~decontaminated medical waste.~~

22 **(D) MEDICAL WASTE THAT IS BEING PACKAGED FOR FINAL**
23 **DECONTAMINATION OR DISPOSAL IS SEGREGATED FROM OTHER WASTE**
24 **MATERIALS.**

25 **(E)** ~~(f) Store medical~~ **MEDICAL** waste **IS STORED** in ~~such a~~ manner
26 that prevents putrefaction and also prevents infectious agents from
27 coming in contact with the air or with individuals.

1 (F) ~~(g)~~ If medical waste is stored outside of the producing
2 facility, ~~store~~ the medical waste **IS STORED** in a secured area or
3 locked in a container that weighs more than 500 pounds, and ~~prevent~~
4 access to the area or container by vermin or unauthorized
5 individuals **IS PREVENTED**.

6 (G) ~~(h)~~ ~~Not store medical~~ **MEDICAL** waste **IS NOT STORED** on the
7 premises of the producing facility for more than 90 days. **THE**
8 **STORAGE PERIOD BEGINS WHEN THE USE OF THE STORAGE CONTAINER IS**
9 **INITIATED. HOWEVER, IF A PRODUCING FACILITY GENERATES ONLY SHARPS**
10 **AS MEDICAL WASTE AND GENERATES 1 LITER OR LESS OF SHARPS WASTE IN A**
11 **90-DAY PERIOD, THE 90-DAY STORAGE PERIOD BEGINS WHEN THE SHARPS**
12 **CONTAINER BECOMES FULL, EXCEPT THAT A PARTIALLY FULL SHARPS**
13 **CONTAINER SHALL BE DISPOSED OF WITHIN 1 YEAR AFTER SHARPS ARE FIRST**
14 **PLACED IN THE CONTAINER.**

15 (H) TRANSFER STATION STORAGE CONTAINERS ARE NOT STORED FOR
16 MORE THAN 7 DAYS WITHOUT THE APPROVAL OF THE DEPARTMENT.

17 (I) TRAUMA SCENE WASTE BEING TRANSPORTED IN A TRAUMA SCENE
18 VEHICLE IS STORED SO THAT IT IS PHYSICALLY SEPARATED BY PARTITION
19 OR COMPARTMENTS AND DOES NOT PRESENT A CROSS-CONTAMINATION HAZARD
20 TO THE DECONTAMINATION EQUIPMENT AND SUPPLIES STORED AND
21 TRANSPORTED IN THE SAME VEHICLE.

22 (J) MEDICAL WASTE IS PACKAGED AND TRANSPORTED IN ACCORDANCE
23 WITH APPLICABLE USDOT HAZARDOUS MATERIAL REGULATIONS UNDER 49 CFR
24 PARTS 171 TO 180.

25 (K) USDOT MEDICAL WASTE SHIPPING PAPER RECORDS ARE RETAINED IN
26 ACCORDANCE WITH APPLICABLE USDOT HAZARDOUS MATERIAL REGULATIONS
27 UNDER 49 CFR PARTS 171 TO 180.

1 Sec. 13810. A producing facility that ~~incinerates~~
 2 **DECONTAMINATES** medical waste on site shall ~~do~~ **ENSURE THAT** all of
 3 the following **REQUIREMENTS ARE MET** to contain medical waste:

4 (a) ~~Package, contain, and locate medical~~ **MEDICAL** waste **IS**
 5 **PACKAGED, CONTAINED, AND LOCATED** in a ~~matter~~ **MANNER** that protects
 6 and prevents the medical waste from release at the producing
 7 facility or at any time before ultimate disposal.

8 ~~—— (b) Separate and dispose of sharps in the manner described in~~
 9 ~~section 13811(d).~~

10 **(B) MEDICAL WASTE IS SORTED AND SEPARATED BY TYPE AS LISTED IN**
 11 **SECTION 13805(13) INTO APPROPRIATE CONTAINERS.**

12 (c) ~~Label the containers~~ **CONTAINERS** required under subdivision
 13 ~~(a)~~ **(B) ARE LABELED** with a biohazard symbol or the words "medical
 14 waste" or "pathological waste" in letters not less than 1 inch
 15 high.

16 (d) ~~Not store medical~~ **MEDICAL** waste **IS NOT STORED** on premises
 17 of the producing facility for more than 90 days.

18 **(E) SHARPS ARE SEPARATED AND DISPOSED OF IN THE MANNER**
 19 **DESCRIBED IN SECTION 13811(1) (D).**

20 Sec. 13811. (1) A producing facility shall ~~store,~~
 21 ~~decontaminate, and dispose of~~ **ENSURE THAT** medical waste **IS**
 22 **DECONTAMINATED AND DISPOSED OF** pursuant to **ALL OF** the following
 23 **REQUIREMENTS:**

24 (a) Cultures and stocks of material contaminated with an
 25 infectious agent ~~shall be~~ **ARE** stored in closed, puncture-resistant
 26 containers, decontaminated by ~~autoclaving or incineration~~ **USE OF AN**
 27 **AUTOCLAVE OR INCINERATOR**, and disposed of in a ~~sanitary~~ landfill,

1 OR ARE SUBJECTED TO A DECONTAMINATION AND DISPOSAL PROCESS APPROVED
2 BY THE DEPARTMENT.

3 (b) Blood, ~~and blood products, and body fluids shall be~~ **ARE**
4 disposed of by 1 or more of the following methods:

5 (i) Flushing down a sanitary sewer.

6 ~~—— (ii) Decontaminating by autoclaving or incineration.~~

7 ~~—— (iii) Solidifying.~~

8 ~~—— (iv) If not in liquid form, transferring to a sanitary
9 landfill.~~

10 (ii) DECONTAMINATION, BY USE OF AN AUTOCLAVE OR INCINERATOR,
11 AND DISPOSAL IN A LANDFILL.

12 (iii) SOLIDIFICATION THEN DECONTAMINATION, BY USE OF AN
13 AUTOCLAVE OR INCINERATOR, AND DISPOSAL IN A LANDFILL.

14 (iv) ~~(v)~~ **A DECONTAMINATION AND DISPOSAL** process approved by the
15 department.

16 (c) Pathological waste ~~shall be~~ **IS** disposed of by 1 or more of
17 the following methods:

18 ~~—— (i) Incineration or cremation.~~

19 (i) **INCINERATION AND DISPOSAL IN A LANDFILL.**

20 (ii) **CREMATION.**

21 (iii) ~~(ii)~~ Grinding and flushing into a sanitary sewer.

22 (iv) ~~(iii)~~ Burial in a cemetery ~~if~~ **PACKAGED AND** transported in
23 ~~leakproof containers of sufficient integrity to prevent rupture~~
24 **ACCORDANCE WITH USDOT REQUIREMENTS.**

25 ~~—— (iv) Grinding until rendered unrecognizable, stored in closed,~~
26 ~~puncture resistant, properly labeled containers, and, if not in~~
27 ~~liquid form, disposed of in a sanitary landfill.~~

1 (v) A **DECONTAMINATION AND DISPOSAL** process approved by the
2 department.

3 (d) Sharps ~~shall be~~ **ARE** disposed of by 1 of the following
4 methods:

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

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

12 (i) **DISPOSAL IN A LANDFILL IF PACKAGED AND TRANSPORTED IN**
13 **ACCORDANCE WITH USDOT REQUIREMENTS.**

14 (ii) **DECONTAMINATION, BY USE OF AN AUTOCLAVE OR INCINERATOR,**
15 **AND DISPOSAL IN A LANDFILL.**

16 (iii) A **DECONTAMINATION AND DISPOSAL** process approved by the
17 department.

18 (e) Animal waste contaminated with ~~organisms infectious to~~
19 ~~humans shall be~~ **AN INFECTIOUS AGENT IS** disposed of by ~~incineration~~
20 ~~or by burial in a sanitary landfill in properly labeled, double~~
21 ~~containers that are leakproof and puncture-resistant and are~~
22 ~~tightly sealed to prevent escape of fluids or material.~~
23 ~~Contaminated animal organs disposed of separately shall be rendered~~
24 ~~unrecognizable.~~ **1 OF THE FOLLOWING METHODS:**

25 (i) **DECONTAMINATION, BY USE OF AN AUTOCLAVE OR INCINERATOR, AND**
26 **DISPOSAL IN A LANDFILL.**

27 (ii) **DISPOSAL IN A LANDFILL IF PACKAGED AND TRANSPORTED IN**

1 ACCORDANCE WITH USDOT REQUIREMENTS.

2 (iii) A DECONTAMINATION AND DISPOSAL PROCESS APPROVED BY THE
3 DEPARTMENT.

4 (2) A MEDICAL WASTE TREATMENT TECHNOLOGY USED BY A PRODUCING
5 FACILITY TO MEET THE REQUIREMENTS OF SUBSECTION (1) SHALL ATTAIN A
6 MINIMUM LEVEL OF DECONTAMINATION TO PROTECT PUBLIC HEALTH, SAFETY,
7 AND WELFARE AND THE ENVIRONMENT AS ESTABLISHED BY RULES PROMULGATED
8 BY THE DEPARTMENT.

9 SEC. 13812. (1) A MEDICAL WASTE TREATMENT TECHNOLOGY SHALL NOT
10 BE INSTALLED OR USED UNLESS THE TECHNOLOGY HAS BEEN REVIEWED AND
11 APPROVED BY THE DEPARTMENT. THE DEPARTMENT SHALL REVIEW THE
12 TECHNOLOGY FOR COMPLIANCE WITH THIS PART AND RULES PROMULGATED
13 UNDER THIS PART.

14 (2) THE DEPARTMENT SHALL PROVIDE AN APPLICATION FORM FOR
15 EVALUATION AND REVIEW OF THE MEDICAL WASTE TREATMENT TECHNOLOGY TO
16 THE MANUFACTURER UPON REQUEST. THIS APPLICATION SHALL BE COMPLETED
17 AND SUBMITTED TO THE DEPARTMENT WITH SUPPORTIVE DOCUMENTATION AS
18 PART OF THE REQUEST FOR REVIEW AND APPROVAL. THE DEPARTMENT SHALL
19 REVIEW THE APPLICATION AND SUPPORTIVE DOCUMENTATION. THE DEPARTMENT
20 SHALL APPROVE THE APPLICATION IF THE TECHNOLOGY COMPLIES WITH THIS
21 ACT AND RULES PROMULGATED UNDER THIS ACT. OTHERWISE, THE DEPARTMENT
22 SHALL DENY THE APPLICATION. IF THE APPLICATION IS DENIED, THE
23 DEPARTMENT SHALL SPECIFY THE REASONS FOR THE DENIAL AND WHAT
24 ADDITIONAL INFORMATION IS NEEDED TO APPROVE THE APPLICATION.

25 (3) THE MANUFACTURER SHALL PROVIDE TO THE DEPARTMENT THE NAME
26 AND ADDRESS OF EACH PRODUCING FACILITY WHERE THE APPROVED MEDICAL
27 WASTE TREATMENT TECHNOLOGY WILL BE INSTALLED. THE EQUIPMENT SHALL

1 NOT BE USED UNTIL ON-SITE EFFICACY AND VALIDATION TESTING ARE
2 SUCCESSFULLY COMPLETED. APPROVAL OF A TREATMENT TECHNOLOGY BY THE
3 DEPARTMENT UNDER THIS PART IS FOR THE USE OF THE TECHNOLOGY AS A
4 MEDICAL WASTE TREATMENT METHOD ONLY. THE PRODUCING FACILITY IS
5 RESPONSIBLE FOR SECURING ANY OTHER PERMITS OR REQUIRED APPROVALS
6 NEEDED FOR THE TECHNOLOGY FROM OTHER AGENCIES OR DEPARTMENT
7 PROGRAMS.

8 Sec. 13813. (1) ~~Each~~ A producing facility shall register with
9 the department on a form prescribed by the department. ~~A producing~~
10 ~~facility shall have a written medical waste management plan that~~
11 ~~contains information required in section 13817 on file on the~~
12 ~~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 office~~
16 with fewer than 4 licensees **OR REGISTRANTS** under article 15 who are
17 physicians, **PHYSICIAN ASSISTANTS**, dentists, podiatrists, certified
18 nurse practitioners, certified nurse midwives, **ACUPUNCTURISTS**, or
19 veterinarians employed by, under contract to, or working at the
20 producing facility, a registration fee of \$50.00.

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

1 (C) EXCEPT AS PROVIDED IN SUBDIVISION (D), FOR A PRODUCING
2 FACILITY THAT IS A HEALTH FACILITY OR AGENCY, A REGISTRATION FEE OF
3 \$75.00.

4 (D) FOR A PRODUCING FACILITY THAT IS A HOSPITAL WITH 150 OR
5 MORE LICENSED BEDS OR A CLINICAL LABORATORY, A REGISTRATION FEE OF
6 \$150.00.

7 (E) FOR A PRODUCING FACILITY THAT IS NOT A HEALTH FACILITY OR
8 AGENCY, INCLUDING, BUT NOT LIMITED TO, A BODY ART FACILITY, MEDICAL
9 WASTE TREATMENT FACILITY, MEDICAL WASTE COLLECTION AND TRANSPORT
10 COMPANY, BLOOD DRAW STATION, BLOOD OR BLOOD PRODUCT COLLECTION
11 FACILITY, FUNERAL HOME, ANIMAL CONTROL SHELTER, PHARMACY, SCHOOL
12 DISTRICT, OR AMBULANCE OPERATION, A REGISTRATION FEE OF \$75.00.

13 (3) A MOBILE HEALTH CARE UNIT, SUCH AS A BLOODMOBILE, THAT IS
14 OWNED AND OPERATED BY A REGISTERED PRODUCING FACILITY IN A FIXED
15 LOCATION IS CONSIDERED TO BE INCLUDED UNDER THE REGISTRATION OF THE
16 REGISTERED FACILITY.

17 (4) ~~(3)~~ Upon receipt of a complete registration form and
18 registration fee under this section, ~~or section 13815,~~ the
19 department shall issue a certificate of registration to the
20 producing facility **UNLESS THE DEPARTMENT DETERMINES THAT THE**
21 **PRODUCING FACILITY IS NOT IN COMPLIANCE WITH THIS PART OR RULES**
22 **PROMULGATED UNDER THIS PART.** A certificate of registration issued
23 under this section is valid for 3 years from its date of issuance.
24 ~~The department shall investigate each complaint received and may~~
25 ~~inspect a producing facility registered under this section pursuant~~
26 ~~to the receipt of a complaint.~~

27 (5) ~~(4)~~ Registration fees collected pursuant to this section

1 ~~and section 13815 shall be forwarded to the state treasury~~
2 ~~TREASURER and deposited pursuant to section 13829 IN THE FUND.~~

3 (6) A PUBLIC SHARPS COLLECTION PROGRAM SHALL REGISTER AS A
4 MEDICAL WASTE PRODUCING FACILITY BUT IS EXEMPT FROM PAYMENT OF ANY
5 REGISTRATION FEE UNDER THIS SECTION.

6 Sec. 13817. (1) A PRODUCING FACILITY SHALL HAVE A WRITTEN
7 MEDICAL WASTE MANAGEMENT PLAN ON FILE ON THE PREMISES WITHIN 90
8 DAYS AFTER REGISTRATION AS A PRODUCING FACILITY. The medical waste
9 management plan ~~required in section 13813~~ shall contain information
10 relating to the handling of all medical waste generated, stored, OR
11 decontaminated ~~, or incinerated at each~~ THE producing facility or
12 transported from the producing facility for handling by another
13 facility for storage ~~, OR decontamination, incineration,~~ or for
14 disposal in a ~~sanitary~~ landfill, cemetery, or other disposal site.
15 A ~~professional corporation~~ PERSON may identify and prepare a common
16 medical waste management plan for all producing facilities owned
17 and operated by the ~~corporation~~ PERSON. A COPY OF THE COMMON
18 MEDICAL WASTE MANAGEMENT PLAN SHALL BE KEPT AVAILABLE AT EACH
19 PRODUCING FACILITY SITE FOR INSPECTION BY THE DEPARTMENT.

20 (2) ~~The~~ A medical waste management plan shall COMPLY WITH THIS
21 PART AND RULES PROMULGATED UNDER THIS PART AND describe each of the
22 following, to the extent the information is applicable to the
23 producing facility:

24 (a) The types of medical waste handled.

25 (b) The segregation, packaging, labeling, and collection
26 procedures used.

27 (c) The use and methods of on-site or off-site storage.

1 (d) The use and methods of on-site or off-site
2 decontamination.

3 (e) The use of on-site or off-site incineration.

4 (f) The corporate or other legally recognized business name,
5 ~~of solid waste haulers who transport~~ **ADDRESS, AND TELEPHONE NUMBER**
6 **OF MEDICAL WASTE DISPOSAL SERVICE COMPANIES THAT TRANSPORT OR TREAT**
7 medical waste for the producing facility.

8 (g) The ~~use~~ **NAME AND ADDRESS** of ~~sanitary~~ landfills,
9 cemeteries, and other disposal sites **TO WHICH MEDICAL WASTE IS**
10 **DIRECTLY TAKEN BY THE PRODUCING FACILITY.**

11 (h) The measures to minimize exposure of the **PRODUCING**
12 facility's employees to infectious agents throughout the process of
13 handling and disposing of the medical waste, including, ~~where~~ **IF**
14 applicable, the use of protocols, procedures and training, personal
15 protective devices and clothing, physical containment or isolation
16 devices or systems, and prevention or control of aerosols.

17 (i) The name of the individual responsible for the management
18 of the medical waste.

19 **(J) CLEANUP METHODS AND PROCEDURES TO BE USED IN RESPONSE TO**
20 **SPILLS OF MEDICAL WASTE.**

21 ~~—— (2) A medical waste management plan shall comply with the~~
22 ~~requirements of this act.~~

23 (3) A producing facility shall update a ~~ITS~~ **medical waste**
24 **management plan** ~~each time there is~~ **EVERY 3 YEARS OR WITHIN 30 DAYS**
25 **OF a change in either ANY of the following: , within 30 days after**
26 ~~the change occurs.~~

27 (a) A person or site named in the plan.

1 (b) The types of medical waste handled or the methods of
2 handling medical waste at the facility.

3 (4) Upon request, a producing facility shall make its medical
4 waste management plan available to the department pursuant to a
5 routine or unannounced inspection or the investigation of a
6 complaint.

7 (5) Upon receipt of 24 hours' advance notice, a producing
8 facility shall make its medical waste management plan available to
9 an employee of the producing facility for inspection on the
10 premises or provide a copy of the medical waste management plan to
11 the employee.

12 (6) A producing facility shall comply with its medical waste
13 management plan.

14 Sec. 13819. ~~(1) Upon review of a medical waste management plan~~
15 ~~under section 13817(4), the~~ **THE** department may require a producing
16 facility to modify ~~the~~ **ITS** medical waste management plan **UNDER**
17 **SECTION 13817** at any time the department determines **THAT** the plan
18 is not adequate to protect the public health, **SAFETY, AND WELFARE**
19 **AND THE ENVIRONMENT** or is inconsistent with state or federal law.
20 ~~Upon determining that the plan is inadequate or inconsistent under~~
21 ~~this section~~ **MAKING SUCH A DETERMINATION**, the department shall
22 notify the producing facility in writing of ~~its~~ **THE** determination
23 and the specific modifications necessary for compliance. The
24 producing facility shall modify the plan **ACCORDINGLY** within ~~10 days~~
25 ~~after receipt of the notice from~~ **THE TIME PERIOD SPECIFIED BY** the
26 department **IN ITS NOTICE**.

27 ~~— (2) The department may issue a warning to a producing facility~~

1 ~~that fails to modify a plan within the 10 day period.~~

2 SEC. 13820. THE DEPARTMENT MAY ENTER AT ANY REASONABLE TIME
3 UPON PRIVATE OR PUBLIC PROPERTY UPON WHICH MEDICAL WASTE IS
4 REASONABLY BELIEVED TO BE LOCATED TO DETERMINE COMPLIANCE WITH THIS
5 PART OR A RULE PROMULGATED UNDER THIS PART.

6 Sec. 13821. ~~A producing facility that transports medical waste~~
7 ~~off the premises of the producing facility shall package the~~
8 ~~medical waste in the following manner.~~

9 ~~—— (a) Sharps that are not ground or incinerated as described in~~
10 ~~section 13811(d) shall be contained for disposal in individual~~
11 ~~leakproof, rigid, puncture resistant containers that are secured to~~
12 ~~preclude loss of the contents. In addition, a container used to~~
13 ~~store or transport a number of individual sharps containers shall~~
14 ~~be leakproof. These containers shall be conspicuously labeled with~~
15 ~~the word "sharps". Sharps that are contained pursuant to this~~
16 ~~subdivision may be disposed of as solid waste pursuant to part 115~~
17 ~~(solid waste management) of the natural resources and environmental~~
18 ~~protection act, Act No. 451 of the Public Acts of 1994, being~~
19 ~~sections 324.11501 to 324.11549 of the Michigan Compiled Laws.~~
20 ~~However, sharps shall not be compacted or handled during transport~~
21 ~~in a manner that will result in breakage of a sharps container.~~

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

1 (1) MEDICAL WASTE THAT IS DECONTAMINATED AND PACKAGED IN
2 ACCORDANCE WITH SECTION 13809 OR 13810, AS APPLICABLE, AND SECTION
3 13811 MAY BE DISPOSED OF AS SOLID WASTE PURSUANT TO PART 115 OF THE
4 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451,
5 MCL 324.11501 TO 324.11550.

6 (2) HAZARDOUS WASTE, AS DEFINED IN SECTION 11103 OF THE
7 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451,
8 MCL 324.11103, SHALL NOT BE DISPOSED OF AS MEDICAL WASTE.

9 Sec. 13823. ~~(1) If A PERSON WHO DISCOVERS~~ suspected medical
10 waste ~~is discovered on any land or water in the THIS state and~~
11 ~~reported to the department of natural resources, the department of~~
12 ~~public health, a local health department, the department of state~~
13 ~~police, or any other state or local governmental agency, the agency~~
14 ~~or department receiving the report shall promptly investigate to~~
15 ~~confirm the existence of medical waste. If the existence of medical~~
16 ~~waste is confirmed by a department or agency other than the~~
17 ~~department of natural resources, a report shall be transmitted~~
18 ~~immediately to the department of natural resources. SHALL REPORT~~
19 **THE MEDICAL WASTE TO THE DEPARTMENT.** The department of natural
20 ~~resources may if appropriate take measures to contain the medical~~
21 ~~waste, to close off the area, to remove the medical waste from the~~
22 ~~environment, and to do all things necessary to OTHERWISE protect~~
23 ~~the public health, safety, and welfare and the environment. The~~
24 ~~department of natural resources may if appropriate conduct an~~
25 ~~investigation to determine the source of the medical waste.~~

26 ~~—— (2) The department of natural resources may consult with the~~
27 ~~department of public health, the appropriate local health~~

1 ~~department, the department of state police, and the department of~~
2 ~~attorney general on the actions taken by the department of natural~~
3 ~~resources under this section.~~

4 ~~—— (3) After the department of natural resources confirms the~~
5 ~~existence of medical waste under this section, the department of~~
6 ~~natural resources shall inform the legislature, the governor, the~~
7 ~~advisory council, and the public on the results of any~~
8 ~~investigation conducted within 30 days after the investigation is~~
9 ~~completed.~~

10 Sec. 13825. ~~(1) If there is a suspected violation of this part~~
11 ~~on the premises of a health facility or agency or on the premises~~
12 ~~of an incinerator owned and operated by a health facility or agency~~
13 **IF THE DEPARTMENT SUSPECTS THAT A PRODUCING FACILITY HAS VIOLATED**
14 **THIS PART OR RULES PROMULGATED UNDER THIS PART,** the department of
15 ~~public health shall promptly conduct an investigation to confirm~~
16 ~~the violation. If the suspected violation is reported to the~~
17 ~~department of natural resources, a local health department, the~~
18 ~~department of state police, or any other state or local~~
19 ~~governmental agency, the report immediately shall be transmitted to~~
20 ~~the department of public health. If the investigation confirms the~~
21 ~~existence of a violation of this part~~ **OR RULES PROMULGATED UNDER**
22 **THIS PART,** the department of ~~public health may if appropriate take~~
23 ~~measures to correct the violation and to do all things necessary to~~
24 ~~protect the public health, safety, and welfare and the environment.~~

25 ~~—— (2) The department of public health may consult with the~~
26 ~~department of natural resources, the appropriate local health~~
27 ~~department, the department of state police, and the department of~~

~~attorney general on the actions taken by the department of public health under this section. If the suspected violation of this part is at an incinerator owned and operated by a health facility or agency, the department of public health immediately shall notify the department of natural resources and request the assistance of the department of natural resources in conducting the investigation.~~

~~—— (3) If the department of public health confirms the existence of a violation under this section, the department of public health shall inform the legislature, the governor, the advisory council, and the public on the results of the investigation conducted within 30 days after the investigation is completed.~~

~~Sec. 13827. (1) The interdepartmental medical waste advisory council is created in the department. The council shall consist of the following members appointed as follows:~~

~~—— (a) One individual appointed by the director of public health representing the department.~~

~~—— (b) One individual appointed by the director of the department of natural resources representing the department of natural resources.~~

~~—— (c) One individual appointed by the director of the department of state police representing the department of state police.~~

~~—— (d) One individual appointed by the director of commerce representing the department of commerce, who has knowledge of tourism in the state.~~

~~—— (e) One individual appointed by the attorney general representing the department of the attorney general.~~

1 ~~—— (2) The representative of the department shall serve as~~
2 ~~chairperson.~~

3 ~~—— (3) The advisory council~~ **THE DEPARTMENT** shall do all of the
4 following:

5 (a) Collect data pertaining to medical waste reports and
6 investigations under this part.

7 (b) Annually report to the governor ~~, AND~~ the standing
8 committees in the senate and house of representatives with
9 jurisdiction over public health matters ~~, the department of public~~
10 ~~health, and the department of natural resources~~ on all of the
11 following:

12 (i) The number of medical waste reports received and
13 investigations conducted under this part.

14 (ii) The implementation and effectiveness of this part.

15 (iii) Changes in the overall regulatory scheme pertaining to
16 medical waste, including, but not limited to, the enactment of
17 pertinent federal law.

18 (iv) Recommendations, if any, that the ~~advisory council~~
19 **DEPARTMENT** has for changes to this part or any other state statute
20 or rule that pertains to medical waste.

21 ~~—— (v) Coordinate reports and investigations under this part~~
22 ~~between the department of public health and the department of~~
23 ~~natural resources.~~

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

26 (2) The state treasurer shall deposit in the fund all **OF THE**
27 **FOLLOWING:**

1 (A) ALL money received pursuant to this act and all PART,
2 EXCEPT FOR CIVIL FINES, COSTS, AND DAMAGES UNDER SECTION 13831 AND
3 PENAL FINES UNDER SECTION 13833.

4 (B) ALL money received by DESIGNATED FOR the fund as otherwise
5 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) THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE FUND FOR
11 AUDITING PURPOSES.

12 (5) ~~(4) Not~~ THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND,
13 UPON APPROPRIATION, ONLY FOR THE FOLLOWING PURPOSES:

14 (A) NOT more than 80% of the total amount in the fund shall be
15 used by the department of public health for administrative FOR
16 expenses related to the implementation ADMINISTRATION AND
17 ENFORCEMENT of this part. , and the balance may be used by the
18 department of natural resources for

19 (B) FOR response activities necessitated by ADDRESSING the
20 release of medical waste into the environment.

21 (C) FOR PROGRAMS RELATING TO MEDICAL WASTE REDUCTION,
22 MANAGEMENT, AND EDUCATION.

23 Sec. 13830. ~~(1) The department shall~~ MAY promulgate rules to
24 prescribe training standards for both medical and nonmedical
25 personnel who handle medical waste in producing facilities
26 IMPLEMENT THIS PART.

27 ~~(2) Each producing facility shall train its personnel who~~

1 ~~handle medical waste pursuant to the rules promulgated under~~
2 ~~subsection (1).~~

3 ~~Sec. 13831. (1) Except as provided in subsection (2), a person~~
4 ~~who violates this part or a rule promulgated under this part is~~
5 ~~subject to an administrative fine of not more than \$2,500.00 for~~
6 ~~each violation and an additional fine of not more than \$1,000.00~~
7 ~~for each day during which the violation continues. For a first~~
8 ~~offense, the department of public health or the department of~~
9 ~~natural resources may postpone the levying of a fine under this~~
10 ~~subsection for not more than 45 days or until the violation is~~
11 ~~corrected, whichever occurs first.~~

12 ~~—— (2) A person who fails to register with the department or have~~
13 ~~a medical waste management plan available for inspection in~~
14 ~~compliance with sections 13813 and 13817 is subject to an~~
15 ~~administrative fine of \$500.00.~~

16 ~~—— (3) A person who violates this act may be enjoined by a court~~
17 ~~of competent jurisdiction from continuing the violation.~~

18 **(1) THE DEPARTMENT MAY REQUEST THAT THE ATTORNEY GENERAL BRING**
19 **AN ACTION IN THE NAME OF THE PEOPLE OF THIS STATE FOR ANY**
20 **APPROPRIATE RELIEF, INCLUDING INJUNCTIVE RELIEF, FOR A VIOLATION OF**
21 **THIS PART OR RULES PROMULGATED UNDER THIS PART.**

22 **(2) IN ADDITION TO ANY OTHER RELIEF PROVIDED UNDER THIS**
23 **SECTION, THE COURT MAY IMPOSE ON ANY PERSON IN VIOLATION OF THIS**
24 **PART OR RULES PROMULGATED UNDER THIS PART A CIVIL FINE AS FOLLOWS:**

25 **(A) EXCEPT AS PROVIDED IN SUBDIVISION (B), A CIVIL FINE OF NOT**
26 **MORE THAN \$2,500.00 FOR EACH VIOLATION AND AN ADDITIONAL CIVIL FINE**
27 **OF NOT MORE THAN \$1,000.00 FOR EACH DAY DURING WHICH THE VIOLATION**

1 CONTINUES.

2 (B) A CIVIL FINE OF \$500.00 FOR FAILURE TO REGISTER WITH THE
3 DEPARTMENT UNDER SECTION 13813 OR 13815 OR TO MAKE A MEDICAL WASTE
4 MANAGEMENT PLAN UNDER SECTION 13817 OR A TRAUMA SCENE WASTE
5 MANAGEMENT PLAN UNDER SECTION 13815 AVAILABLE TO THE DEPARTMENT AS
6 REQUIRED UNDER THOSE SECTIONS, RESPECTIVELY.

7 (3) IN ADDITION TO ANY OTHER RELIEF PROVIDED BY THIS SECTION,
8 THE COURT MAY ORDER A PERSON WHO VIOLATES THIS PART OR RULES
9 PROMULGATED UNDER THIS PART TO PAY AN AMOUNT EQUAL TO ALL OF THE
10 FOLLOWING:

11 (A) COSTS TO CONTAIN OR REMOVE MEDICAL WASTE OR TAKE ACTION
12 NECESSARY TO PROTECT PUBLIC HEALTH, SAFETY, OR WELFARE OR THE
13 ENVIRONMENT INCURRED BY THIS STATE OR A LOCAL UNIT OF GOVERNMENT AS
14 A RESULT OF THE VIOLATION.

15 (B) COSTS OF SURVEILLANCE OR ENFORCEMENT INCURRED BY THIS
16 STATE OR A LOCAL UNIT OF GOVERNMENT AS A RESULT OF THE VIOLATION.

17 (C) THE FULL VALUE OF DAMAGE DONE TO THE NATURAL RESOURCES OF
18 THIS STATE.

19 (4) MONEY COLLECTED UNDER SUBSECTION (2) SHALL BE DEPOSITED IN
20 THE STATE GENERAL FUND. MONEY COLLECTED UNDER SUBSECTION (3) SHALL
21 BE DEPOSITED IN THE FUND. HOWEVER, IF A LOCAL UNIT OF GOVERNMENT
22 INCURRED COSTS DESCRIBED IN SUBSECTION (3) (A) OR (B), THE COURT MAY
23 ORDER THAT MONEY COLLECTED UNDER SUBSECTION (3) (A) OR (B),
24 RESPECTIVELY, IN AN AMOUNT NOT EXCEEDING THE COSTS INCURRED BY THE
25 LOCAL UNIT OF GOVERNMENT UNDER SUBSECTION (3) (A) OR (B),
26 RESPECTIVELY, INSTEAD BE FORWARDED TO THAT LOCAL UNIT OF
27 GOVERNMENT.

1 SEC. 13832. THE DEPARTMENT MAY ISSUE A CEASE AND DESIST ORDER
2 TO CORRECT A VIOLATION OF THIS PART OR A RULE PROMULGATED UNDER
3 THIS PART IF THE VIOLATION IS CAUSING AN IMMINENT PUBLIC HEALTH
4 HAZARD OR THREAT TO THE ENVIRONMENT.

5 SEC. 13833. A PERSON WHO VIOLATES THIS PART, A RULE
6 PROMULGATED UNDER THIS PART, OR A FINAL ORDER PURSUANT TO THIS PART
7 IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
8 THAN 6 MONTHS OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH, PLUS
9 ANY PAYMENT ORDERED UNDER SECTION 13831(3). EACH DAY UPON WHICH A
10 VIOLATION DESCRIBED IN THIS SECTION OCCURS IS A SEPARATE OFFENSE.

11 Enacting section 1. This amendatory act does not take effect
12 unless Senate Bill No.____ or House Bill No. 4458(request no.
13 01500'09) of the 95th Legislature is enacted into law.