

1 **State of Arkansas**
2 **78th General Assembly**
3 **First Extraordinary Session, 1992**
4 **By: Representatives Flanagin, Jones, Capps, S. Miller, McGinnis, Walker, Thurman, and**
5 **Wyrick**

A Bill ACT 41 OF 1992

HOUSE BILL 1030

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8 **For An Act To Be Entitled**

9 "AN ACT TO AUTHORIZE THE DEPARTMENT OF HEALTH TO REGULATE
10 THE SEGREGATION, PACKAGING, STORAGE, TRANSPORTATION,
11 TREATMENT AND DISPOSAL OF COMMERCIAL MEDICAL WASTE; TO
12 AUTHORIZE THE ARKANSAS STATE POLICE AND THE HIGHWAY POLICE
13 DIVISION OF THE STATE HIGHWAY AND TRANSPORTATION
14 DEPARTMENT TO ENFORCE ALL LAWS AND REGULATIONS REGARDING
15 THE TRANSPORTING OF COMMERCIAL MEDICAL WASTE; AND FOR
16 OTHER PURPOSES."

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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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20 SECTION 1. Definitions.

21 (a) "Commercial medical waste" means any medical waste transported from
22 a generator to an off-site facility for disposal and such off-site disposal
23 facility is engaged in medical waste disposal for profit.

24 (b) "Department" means the Arkansas Department of Health.

25 (c) "Facility" means all contiguous land and structures, other
26 appurtenances, and improvements on the land, used for treating, destroying,
27 storing, or disposing of infectious waste. A facility may consist of several
28 treatment, destruction, storage, or disposal operational units.

29 (d) "Generator" means any person producing medical waste.

30 (e) "Medical waste" means a waste from health care related facilities
31 which if improperly treated, handled or disposed of may serve to transmit an
32 infectious disease(s) and which includes the following:

33 (1) pathological wastes - all human unfixed tissues, organs, and
34 anatomical parts (other than intact skin) which emanate from surgery,
35 obstetrical procedures, dental procedures, autopsy and laboratory. Such waste
36 shall be exclusive of bulk formaldehyde and other preservative agents.

1 (2) liquid or semiliquid blood such as human blood, human blood
2 components and products (e.g. serum, plasma) made from human blood and other
3 potentially infectious materials to include regulated human body fluids such
4 as semen, vaginal secretion, cerebrospinal fluid, pleural fluid, pericardeal
5 fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body
6 fluid that is visibly contaminated with blood and all body fluid where it is
7 difficult or impossible to differentiate between body fluids, not to include
8 urine or feces, which cannot be discharged into the collection system of a
9 publicly owned treatment works within the generating facility.

10 (3) contaminated items to include dressings, bandages, packings,
11 gauze, sponges, wipes, cotton rolls and balls, etc., which cannot be laundered
12 and from which blood, blood components, or regulated body fluids drip freely,
13 or that would release blood or regulated body fluids in a liquid or semi-
14 liquid state if compressed or that are caked with dried blood or regulated
15 body fluids and are capable of releasing these materials during handling:

16 (A) disposable (single use) gloves such as surgical or
17 examination gloves shall not be washed or decontaminated for reuse and are
18 handled as a contaminated item.

19 (B) protective coverings such as plastic wrap and aluminum
20 foil used to cover equipment and environmental surfaces when removed following
21 their contamination are considered a contaminated item.

22 (4) microbiological waste - includes, but is not limited to,
23 cells and tissue cultures, culture medium or other solution and stocks of
24 infectious agents, organ cultures, cultures dishes, devices used to transfer,
25 inoculate and mix cultures, paper and cloth which has come in contact with
26 specimens or cultures and discarded live vaccines.

27 (5) contaminated sharps - includes, but is not limited to,
28 hypodermic needles, IV tubing with needles attached, syringes with attached
29 needles, razor blades used in surgery, scalpel blades, pasteur pipettes,
30 broken glass from laboratories and dental wires.

31 (f) "Off-site" means any facility which is not on site.

32 (g) (1) "On-site" means a facility on the same or adjacent property

33 (2) "Adjacent" as used in subdivision (1) means real property
34 within four hundred (400) yards from the property boundary of the existing
35 facility.

36 (h) "Person" means an individual or any legal entity.

1 (i) "Transport" means the movement of medical waste from the generator
2 to any intermediate point and finally to the point of treatment or disposal.

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4 SECTION 2. (a) The Arkansas Department of Health is authorized to
5 regulate the segregation, packaging, storage, transportation, treatment, and
6 disposal of commercial medical waste from health care related facilities.

7 (b) These regulations shall include:

8 (1) criteria for issuing permits to transporters of commercial
9 medical waste;

10 (2) developing a system for record keeping by any person
11 generating, transporting, receiving, treating, or disposing of commercial
12 medical waste;

13 (3) acceptable methods of treatment and disposal of commercial
14 medical waste;

15 (4) requirements for the segregation, packaging, and storage of
16 commercial medical waste;

17 (5) criteria for the development of an operation plan for the
18 handling and disposal of commercial medical waste; and

19 (6) requirements for the inspection of any facility generating,
20 storing, incinerating, or disposing of commercial medical waste.

21
22 SECTION 3. (a) No person may transport commercial medical waste without
23 first obtaining a permit from the department.

24 (b) The transporter shall submit an application for a permit and an
25 application fee of two hundred-fifty dollars (\$250.00).

26 (c) Upon issuance of the permit, the transporter shall pay a permit fee
27 of no more than five dollars (\$5.00) per ton.

28 (d) The department shall issue permits for a period of one (1) year.

29 (e) (1) If the transporter has a history of noncompliance with any law or
30 regulation of this state or any other jurisdiction, particularly those laws or
31 regulations pertaining to the environment and the protection of the health and
32 safety of the public, the department may refuse to issue a permit.

33 (2) If a history of noncompliance is discovered after the permit
34 has been issued, the department may revoke the permit.

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1 SECTION 4. A health care facility accepting medical waste for disposal
2 from the physicians and surgeons who are on the staff of the health care
3 facility shall be classified as an on-site facility and shall not be subject
4 to the provisions of this act.

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6 SECTION 5. (a) Any person who violates any provision of this act shall
7 be guilty of a felony. Upon conviction, that person shall be subject to
8 imprisonment for not more than one (1) year or a fine of not more than twenty-
9 five thousand dollars (\$25,000) or both.

10 (b) In addition, any person who violates any provision of this act may
11 be subject to a civil penalty by the board. The penalty shall not exceed ten
12 thousand dollars (\$10,000) for each violation.

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14 SECTION 6. (a) All fees and fines levied and collected under the
15 provisions of Section 3 and Section 4 of this act are declared to be special
16 revenues and shall be deposited in the State Treasury and credited to the
17 Public Health Fund to be used exclusively for the enforcement of laws and
18 regulations pertaining to the segregation, packaging, storage, transportation,
19 treatment and disposal of medical waste.

20 (b) Subject to such rules and regulations as may be implemented by the
21 Chief Fiscal Officer of the State, the disbursing officer for the Department
22 of Health is authorized to transfer all unexpended funds relative to the
23 regulation of commercial medical waste that pertain to fees and fines
24 collected, as certified by the Chief Fiscal Officer of the State, to be
25 carried forward and made available for expenditures for the same purpose for
26 any following fiscal year.

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28 SECTION 7. All rules and regulations promulgated pursuant to this act
29 shall be reviewed by the Joint Interim Committee on Public Health, Welfare and
30 Labor or an appropriate subcommittee thereof.

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32 SECTION 8. The Arkansas State Police and the enforcement officers of
33 the Arkansas Highway Police Division of the Arkansas State Highway and
34 Transportation Department are hereby authorized to stop vehicles suspected of
35 transporting commercial medical waste to assure that all required permits for

1 transporting the commercial medical waste have been obtained and to enforce
2 all laws and regulations relating to the transportation of commercial medical
3 waste.

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5 SECTION 9. All provisions of this act of a general and permanent nature
6 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
7 Revision Commission shall incorporate the same in the Code.

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9 SECTION 10. If any provision of this act or the application thereof to
10 any person or circumstance is held invalid, such invalidity shall not affect
11 other provisions or applications of the act which can be given effect without
12 the invalid provision or application, and to this end the provisions of this
13 act are declared to be severable.

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15 SECTION 11. All laws and parts of laws in conflict with this act are
16 hereby repealed.

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18 */s/Pat Flanagan, et al*

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20 APPROVED: 3-17-92

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