

1 **State of Arkansas**

Call Item 12

2 **78th General Assembly**

A Bill

3 **First Extraordinary Session, 1992**

HOUSE BILL 1030

4 **By: Representatives Flanagin, Jones, Capps, S. Miller, McGinnis, Walker, Thurman, and**
5 **Wyrick**

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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

1 shall be exclusive of bulk formaldehyde and other preservative agents.

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

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

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

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

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

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

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

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

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

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

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

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

8 (b) These regulations shall include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 8. The Arkansas State Police and the enforcement officers of the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department are hereby authorized to stop vehicles suspected of

1 transporting commercial medical waste to assure that all required permits for
2 transporting the commercial medical waste have been obtained and to enforce
3 all laws and regulations relating to the transportation of commercial medical
4 waste.

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

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

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

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19 */s/Pat Flanagan, et al*

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