

**ASSEMBLY BILL**

**No. 1147**

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**Introduced by Assembly Member Arambula**

February 27, 2009

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An act to add Section 117611 to the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1147, as introduced, Arambula. Medical waste: treatment, containment, and storage.

Existing law establishes various programs for the prevention of disease and the promotion of health to be administered by the State Department of Public Health, including, but not limited to, administration of the Medical Waste Management Act relating to the regulation of medical waste, including, but not limited to, provisions related to the treatment, containment, and storage of medical waste. Violation of certain orders pursuant to these provisions is a crime.

This bill would authorize the department to grant a treatment facility or large generator a variance to these waste management and treatment requirements if the department determines that the variance provides at least the same level of public health protection as provided under those provisions. By changing the definition of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 117611 is added to the Health and Safety
- 2 Code, to read:
- 3 117611. The department may grant a treatment facility or large
- 4 generator a variance to the waste management treatment,
- 5 containment, and storage requirements in Chapter 8 (commencing
- 6 with Section 118215) and Chapter 9 (commencing with Section
- 7 118275) if the department determines that the variance provides
- 8 at least the same level of public health protection as provided under
- 9 those statutory provisions.
- 10 SEC. 2. No reimbursement is required by this act pursuant to
- 11 Section 6 of Article XIII B of the California Constitution because
- 12 the only costs that may be incurred by a local agency or school
- 13 district will be incurred because this act creates a new crime or
- 14 infraction, eliminates a crime or infraction, or changes the penalty
- 15 for a crime or infraction, within the meaning of Section 17556 of
- 16 the Government Code, or changes the definition of a crime within
- 17 the meaning of Section 6 of Article XIII B of the California
- 18 Constitution.