

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 762

Introduced by Assembly Member Smyth

February 17, 2011

An act to amend Section ~~118240~~ 118275 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 762, as amended, Smyth. Public health: medical waste.

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.

The act authorizes the consolidation into a common container specified medical waste, biohazardous waste, and sharps waste, if the consolidated waste is treated by an approved extremely high heat technology, as specified.

This bill would authorize the reuse of a common container and require the consolidated waste to be treated by either incineration at a permitted medical waste treatment facility or with an alternative technology, as specified.

This bill would make technical, nonsubstantive changes to these provisions.

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

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

1 SECTION 1. Section 118275 of the Health and Safety Code is
2 amended to read:

3 118275. To containerize or store medical waste, a person shall
4 do all of the following:

5 (a) Medical waste shall be contained separately from other waste
6 at the point of origin in the producing facility. Sharps containers
7 may be placed in biohazard bags or in containers with biohazard
8 bags.

9 (b) Biohazardous waste, except biohazardous waste as defined
10 in subdivision (g) of Section 117635, shall be placed in a red
11 biohazard bag conspicuously labeled with the words "Biohazardous
12 Waste" or with the international biohazard symbol and the word
13 "BIOHAZARD."

14 (c) Sharps waste shall be contained in a sharps container
15 pursuant to Section 118285.

16 (d) (1) Biohazardous waste, which meets the conditions of
17 subdivision (f) of Section 117635 because it is contaminated
18 through contact with, or having previously contained,
19 chemotherapeutic agents, shall be segregated for storage, and,
20 when placed in a secondary container, that container shall be
21 labeled with the words "Chemotherapy Waste," "CHEMO," or
22 other label approved by the department on the lid and on the sides,
23 so as to be visible from any lateral direction, to ensure treatment
24 of the biohazardous waste pursuant to Section 118222.

25 (2) Biohazardous waste, which meets the conditions of
26 subdivision (f) of Section 117635 because it is comprised of human
27 surgery specimens or tissues which have been fixed in
28 formaldehyde or other fixatives, shall be segregated for storage
29 and, when placed in a secondary container, that container shall be
30 labeled with the words "Pathology Waste," "PATH," or other label
31 approved by the department on the lid and on the sides, so as to
32 be visible from any lateral direction, to ensure treatment of the
33 biohazardous waste pursuant to Section 118222.

34 (e) Sharps waste, which meets the conditions of subdivision (f)
35 of Section 117635, shall be placed in sharps containers labeled in
36 accordance with the industry standard with the words
37 "Chemotherapy Waste," "CHEMO," or other label approved by

1 the department, and segregated to ensure treatment of the sharps
2 waste pursuant to Section 118222.

3 (f) Biohazardous waste, which are recognizable human
4 anatomical parts, as specified in Section 118220, shall be
5 segregated for storage and, when placed in a secondary container
6 for treatment as pathology waste, that container shall be labeled
7 with the words “Pathology Waste,” “PATH,” or other label
8 approved by the department on the lid and on the sides, so as to
9 be visible from any lateral direction, to ensure treatment of the
10 biohazardous waste pursuant to Section 118222.

11 (g) Biohazardous waste, which meets the conditions specified
12 in subdivision (g) of Section 117635, shall be segregated for
13 storage and, when placed in a container or secondary container,
14 that container shall be labeled with the words “INCINERATION
15 ONLY” or other label approved by the department on the lid and
16 on the sides, so as to be visible from any lateral direction, to ensure
17 treatment of the biohazardous waste pursuant to Section 118222.

18 (h) A person may consolidate into a common container, *which*
19 *may be reusable*, all of the wastes in this section provided that the
20 consolidated waste is treated by an extremely high heat technology
21 approved pursuant to ~~subparagraph (B)~~ of paragraph (1) of
22 subdivision (a) of Section 118215. The container shall be labeled
23 with the biohazardous waste symbol and the words “HIGH HEAT
24 ONLY” or other label approved by the department on the lid and
25 on the sides, so as to be visible from any lateral direction, to ensure
26 treatment of the biohazardous waste pursuant to this subdivision.

27 ~~SECTION 1. Section 118240 of the Health and Safety Code~~
28 ~~is amended to read:~~

29 ~~118240. Notwithstanding Section 9141 of the Food and~~
30 ~~Agricultural Code, an animal that dies from infectious disease shall~~
31 ~~be treated in accordance with Section 118215 if, in the opinion of~~
32 ~~the attending veterinarian or local health officer, the carcass~~
33 ~~presents a danger of infection to humans.~~