

AMENDED IN SENATE MAY 21, 2014

AMENDED IN SENATE JULY 11, 2013

AMENDED IN ASSEMBLY MAY 8, 2013

AMENDED IN ASSEMBLY MARCH 12, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 333

Introduced by Assembly Member Wieckowski

February 13, 2013

An act to amend Sections *117605, 117665, 117695, 117700, 117710, 117725, 117747, 117765, 117775, 117805, 117820, 117835, 117885, 117890, 117900, 117903, 117904, 117918, 117920, 117924, 117935, 117938, 117940, 117943, 117945, 117950, 117960, 117970, 117990, 118000, 118025, 118027, and 118029, 118032, 118045, 118135, 118150, 118155, 118160, 118205, 118215, 118220, 118222, 118240, 118245, 118275, 118280, 118286, 118307, 118321.1, 118321.5, 118335, and 118345* of, to add Sections *117636, 117647, 117663, 117664, 117946 and, 117967, and 117976* to, to repeal Sections *117620, 117635, 117748, 117755, 117777, 117895, 117915, 117933, 117955, 117980, 117985, 118005, 118030, and 118040* of, and to repeal and add Sections *117630, 117662, 117690, 117750, 117770, 117780, and 117975* of, the Health and Safety Code, relating to medical waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 333, as amended, Wieckowski. Medical waste.

(1) Existing law, the Medical Waste Management Act, regulates the disposal of medical waste, including requiring specified biohazard materials to be disposed of in biohazard bags and requiring specified

treatment for medical waste. Transportation, storage, treatment, or disposal of medical waste in a manner not authorized by the act is a crime. Existing law defines specified terms for purposes of the Medical Waste Management Act, including “biohazard bag,” “medical waste management plan,” “health care professional,” “sharps container,” “shipping document,” and “treatment.” Under existing law, health care professionals who generate medical waste are generally required to have medical waste transported by a registered hazardous waste transporter. Under existing law, a health care professional is a person licensed under specified provisions, including dentists and physicians and surgeons.

This bill would *specify that the United States Department of Transportation has responsibility for the transportation of medical waste on public roads and highways and that the United States Postal Service has responsibility for the transportation of medical waste through the mail. The bill would remove and recast provisions of the act that are inconsistent with that authority. The bill would also redefine the above-referenced specified terms for purposes of the Medical Waste Management Act, including those above, add definitions of terms, including a chemotherapeutic agent, and expand the scope of a health care professional to include any person who generates medical waste in a health care setting or in the course of providing health care services. The bill would include all subsets of waste in the definition of treatment. The bill would also authorize the color coding of sharps containers to segregate the waste stream if designated in the medical waste management plan.*

(2) *Existing law authorizes a local agency to adopt a medical waste management program to, among other things, issue medical waste registrations and permits and inspect medical waste generators and treatment facilities, and requires the local agency, if it elects to do so, to notify the department. Under existing law, if the local agency chooses not to adopt a medical waste management program or if the department withdraws its designation, then the department is the enforcement agency.*

Existing law, requires the department to impose and cause to be collected an annual medical waste generator fee, as specified. Existing law authorizes the department to contract with a medical waste transporter or provider of medical waste mail-back systems for the collection of these fees and authorizes the collecting body to recover not more than 5% of the fees as administrative costs.

This bill would remove the ability of the department to use medical waste mail-back systems for the collection of these fees and would authorize medical waste transporters that collect these fees to recover up to 7.5% as administrative costs.

(2)

(3) Under the Medical Waste Management Act, medical waste generators, including large quantity generators and small quantity generators, are subject to various requirements relating to registration, record retention, and transportation of medical waste.

This bill would revise the registration procedures and the record requirements for large quantity and small quantity generators. *The bill would require large and small quantity generators that operate treatment equipment to receive annual training to operate the equipment.* The bill would exempt from regulation as a hazardous waste hauler a small quantity generator or large quantity generator that meets specified requirements, including retaining specified documentation and complying with certain federal requirements relating to a materials of trade exception.

The bill would make technical, conforming, and clarifying changes relating to these provisions.

Existing law prohibits a large quantity generator from generating medical waste unless the large quantity generator is registered with the enforcement agency.

This bill would authorize a large quantity medical waste generator who is registered with the enforcement agency to generate medical waste at a temporary event, including vaccination clinics, and would require the large quantity generator to notify the enforcement agency of its participation at such an event.

(4) *Existing law requires that all medical waste be hauled by either a registered hazardous waste hauler or by a person with an approved limited-quantity exemption granted pursuant to specified provisions of law. Existing law also specifies treatment methods and processes that medical waste treatment facilities are required to use, including requiring heat sensitive tape to show that materials went through a heat process, and requires a medical waste treatment facility to be permitted by the department.*

This bill would make specified changes to the provisions relating to medical waste haulers, including removing provisions that conflict with the United States Department of Transportation regulation of those entities and making changes to the information medical waste haulers

are required to provide to the department annually. This bill would also make various changes to the provisions relating to medical waste treatment facilities, including specifying the decontamination methods for a closure plan, lowering the time period for which records are maintained from 3 to 2 years, and authorizing the use of electronic information for operating records and shipping documents.

(3)

(5) Existing law exempts from specified provisions of the Medical Waste Management Act a person who is authorized to collect solid waste and who unknowingly transports medical waste to a solid waste facility, incidental to the collection of solid waste.

This bill would exempt those persons from the entire act, with regard to that waste, and would require the solid waste transporter to contact the originating generator of the medical waste to respond to the facility to provide ultimate proper disposal of the medical waste.

(4)

(6) Existing law requires that animals that die of infectious diseases be treated as medical waste, as specified, if, in the opinion of the attending veterinarian or local health officer, the carcass presents a danger of infection to humans.

This bill would require the carcasses of animals that have died of infectious diseases or that have been euthanized because of suspected exposure to infectious disease to be treated with a treatment technology approved by the department if, in the opinion of the attending veterinarian or local health officer, the carcass presents a danger of infection to humans. By expanding the definition of a crime, this bill would create 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 117605 of the Health and Safety Code is
2 amended to read:

1 117605. ~~This part~~ (a) *The United States Department of*
2 *Transportation (USDOT) is responsible for the transportation of*
3 *medical waste on public roads and highways. The United States*
4 *Postal Service (USPS) is responsible for the transportation of*
5 *medical waste through the mail and approves medical waste*
6 *mail-back systems. The standards USDOT enforces are found in*
7 *Title 49 of the Code of Federal Regulations. The standards USPS*
8 *enforces are found in Domestic Mail Manual 601.10.17.5*
9 *(Mailability: Hazardous Materials: Sharps and Other Mailable*
10 *Regulated Medical Waste). The USDOT and USPS regulations*
11 *preempt state laws.*

12 (b) *The Medical Waste Management Act* does not preempt any
13 local ordinance regulating infectious waste, as that term was
14 defined by Section 25117.5 as it read on December 31, 1990, if
15 the ordinance was in effect on January 1, 1990, and regulated both
16 large and small quantity generators. Any ordinance may be
17 amended in a manner that is consistent with this part.

18 *SEC. 2. Section 117620 of the Health and Safety Code is*
19 *repealed.*

20 ~~117620. The department and any local enforcement agency~~
21 ~~initially electing to implement a medical waste management~~
22 ~~program pursuant to this part shall initiate that program and begin~~
23 ~~enforcement of its provisions on or before April 1, 1991, except~~
24 ~~for medical waste programs operating under Section 117605.~~

25 ~~SECTION 1.~~

26 *SEC. 3. Section 117630 of the Health and Safety Code is*
27 *repealed.*

28 ~~SEC. 2.~~

29 *SEC. 4. Section 117630 is added to the Health and Safety Code,*
30 *to read:*

31 117630. “Biohazard bag” means a disposable film bag that is
32 impervious to moisture. The film bags that are used for transport
33 shall be marked and certified by the manufacturer as having passed
34 the tests prescribed for tear resistance in the American Society for
35 Testing Materials (ASTM) D1922, “Standard Test Method for
36 Propagation Tear Resistance of Plastic Film and Thin Sheeting by
37 Pendulum Method” and for impact resistance in ASTM D 1709,
38 “Standard Test Methods for Impact Resistance of Plastic Film by
39 the Free-Falling Dart Method,” as those documents are published
40 on January 1, 2014. The film bag shall meet an impact resistance

1 of 165 grams and a tearing resistance of 480 grams in both parallel
2 and perpendicular planes with respect to the length of the bag. The
3 color of the bag shall be red, except when other colors are used to
4 further segregate the waste stream, including for trace
5 chemotherapy wastes, laboratory wastes, and other subsets of the
6 waste stream. If additional colors are used other than the standard
7 red bag, the color assignments shall be designated in the facility's
8 medical waste management plan.

9 *SEC. 5. Section 117635 of the Health and Safety Code is*
10 *repealed.*

11 117635. "Biohazardous waste" means any of the following:

12 ~~(a) Laboratory waste, including, but not limited to, all of the~~
13 ~~following:~~

14 ~~(1) Human or animal specimen cultures from medical and~~
15 ~~pathology laboratories.~~

16 ~~(2) Cultures and stocks of infectious agents from research and~~
17 ~~industrial laboratories.~~

18 ~~(3) Wastes from the production of bacteria, viruses, spores,~~
19 ~~discarded live and attenuated vaccines used in human health care~~
20 ~~or research, discarded animal vaccines, including Brucellosis and~~
21 ~~Contagious Ecthyma, as identified by the department, and culture~~
22 ~~dishes and devices used to transfer, inoculate, and mix cultures.~~

23 ~~(b) Human surgery specimens or tissues removed at surgery or~~
24 ~~autopsy, which are suspected by the attending physician and~~
25 ~~surgeon or dentist of being contaminated with infectious agents~~
26 ~~known to be contagious to humans.~~

27 ~~(c) Animal parts, tissues, fluids, or carcasses suspected by the~~
28 ~~attending veterinarian of being contaminated with infectious agents~~
29 ~~known to be contagious to humans.~~

30 ~~(d) Waste, which at the point of transport from the generator's~~
31 ~~site, at the point of disposal, or thereafter, contains recognizable~~
32 ~~fluid blood, fluid blood products, containers or equipment~~
33 ~~containing blood that is fluid, or blood from animals known to be~~
34 ~~infected with diseases which are highly communicable to humans.~~

35 ~~(e) Waste containing discarded materials contaminated with~~
36 ~~excretion, exudate, or secretions from humans or animals that are~~
37 ~~required to be isolated by the infection control staff, the attending~~
38 ~~physician and surgeon, the attending veterinarian, or the local~~
39 ~~health officer, to protect others from highly communicable diseases~~
40 ~~or diseases of animals that are highly communicable to humans.~~

1 ~~(f)(1) Waste which is hazardous only because it is comprised~~
2 ~~of human surgery specimens or tissues which have been fixed in~~
3 ~~formaldehyde or other fixatives, or only because the waste is~~
4 ~~contaminated through contact with, or having previously contained,~~
5 ~~chemotherapeutic agents, including, but not limited to, gloves,~~
6 ~~disposable gowns, towels, and intravenous solution bags and~~
7 ~~attached tubing which are empty. A biohazardous waste which~~
8 ~~meets the conditions of this paragraph is not subject to Chapter~~
9 ~~6.5 (commencing with Section 25100) of Division 20.~~

10 ~~(2) For purposes of this subdivision, “chemotherapeutic agent”~~
11 ~~means an agent that kills or prevents the reproduction of malignant~~
12 ~~cells.~~

13 ~~(3) For purposes of this subdivision, a container, or inner liner~~
14 ~~removed from a container, which previously contained a~~
15 ~~chemotherapeutic agent, is empty if the container or inner liner~~
16 ~~removed from the container has been emptied by the generator as~~
17 ~~much as possible, using methods commonly employed to remove~~
18 ~~waste or material from containers or liners, so that the following~~
19 ~~conditions are met:~~

20 ~~(A) If the material which the container or inner liner held is~~
21 ~~pourable, no material can be poured or drained from the container~~
22 ~~or inner liner when held in any orientation, including, but not~~
23 ~~limited to, when tilted or inverted.~~

24 ~~(B) If the material which the container or inner liner held is not~~
25 ~~pourable, no material or waste remains in the container or inner~~
26 ~~liner that can feasibly be removed by scraping.~~

27 ~~(g) Waste that is hazardous only because it is comprised of~~
28 ~~pharmaceuticals, as defined in Section 117747. Notwithstanding~~
29 ~~subdivision (a) of Section 117690, medical waste includes~~
30 ~~biohazardous waste that meets the conditions of this subdivision.~~
31 ~~Biohazardous waste that meets the conditions of this subdivision~~
32 ~~is not subject to Chapter 6.5 (commencing with Section 25100) of~~
33 ~~Division 20.~~

34 *SEC. 6. Section 117636 is added to the Health and Safety Code,*
35 *to read:*

36 *117636. “Chemotherapeutic agent” means an agent that kills*
37 *or prevents the reproduction of malignant cells. Chemotherapeutic*
38 *agent excludes anti-inflammatory and antibiotic medications used*
39 *to treat malignant cells in the practice of veterinary medicine.*

1 *SEC. 7. Section 117647 is added to the Health and Safety Code,*
2 *to read:*

3 117647. “Empty tubing or container” means a condition
4 achieved when tubing, a container, or inner liner removed from
5 a container that previously contained liquid or solid material,
6 including, but not limited to, a chemotherapeutic agent, is
7 considered empty. The tubing, container, or inner liner removed
8 from the container shall be considered empty if it has been emptied
9 by the generator as much as possible, using methods commonly
10 employed to remove waste material from tubing, containers, or
11 liners, so that the following conditions are met:

12 (a) If the material that the tubing, container, or inner liner held
13 is pourable, no material can be poured or drained from the tubing,
14 container, or inner liner when held in any orientation, including,
15 but not limited to, when tilted or inverted.

16 (b) If the material that the tubing, container, or inner liner held
17 is not pourable, no material or waste remains in the container or
18 inner liner that can feasibly be removed by scraping.

19 ~~SEC. 3.~~

20 *SEC. 8. Section 117662 of the Health and Safety Code is*
21 *repealed.*

22 ~~SEC. 4.~~

23 *SEC. 9. Section 117662 is added to the Health and Safety Code,*
24 *to read:*

25 117662. “Health care professional” means any person who
26 generates medical waste in a health care setting or in the course
27 of providing a health care service.

28 *SEC. 10. Section 117663 is added to the Health and Safety*
29 *Code, to read:*

30 117663. “Health care and veterinary services” means services
31 organized, delivered, and maintained for the diagnosis, care,
32 immunization, prevention, and treatment of human and animal
33 illness.

34 *SEC. 11. Section 117664 is added to the Health and Safety*
35 *Code, to read:*

36 117664. “Health care and veterinary settings” means a facility,
37 location, place, or building that is organized, maintained, and
38 operated, in whole or in part, fixed or mobile, for the diagnosis,
39 care, prevention, and treatment of human and animal illness.

1 ~~SEC. 12. Section 117665 of the Health and Safety Code is~~
2 ~~amended to read:~~

3 ~~117665. “Highly communicable diseases” means diseases,~~
4 ~~such as those caused by organisms classified by the federal Centers~~
5 ~~for Disease Control and Prevention as Biosafety Level IV risk~~
6 ~~group 3 organisms, that, in the opinion of the infection control~~
7 ~~staff, the department, local health officer, attending physician and~~
8 ~~surgeon, or attending veterinarian, merit special precautions to~~
9 ~~protect staff, patients, and other persons from infection or higher.~~

10 ~~“Highly communicable diseases” does not include diseases such~~
11 ~~as the common cold, influenza, or other diseases not representing~~
12 ~~a significant danger to nonimmunocompromised persons.~~

13 ~~SEC. 13. Section 117690 of the Health and Safety Code is~~
14 ~~repealed.~~

15 ~~117690. (a) “Medical waste” means waste that meets both of~~
16 ~~the following requirements:~~

17 ~~(1) The waste is composed of waste that is generated or~~
18 ~~produced as a result of any of the following actions:~~

19 ~~(A) Diagnosis, treatment, or immunization of human beings or~~
20 ~~animals.~~

21 ~~(B) Research pertaining to the activities specified in~~
22 ~~subparagraph (A).~~

23 ~~(C) The production or testing of biologicals.~~

24 ~~(D) The accumulation of properly contained home-generated~~
25 ~~sharps waste that is brought by a patient, a member of the patient’s~~
26 ~~family, or by a person authorized by the enforcement agency, to~~
27 ~~a point of consolidation approved by the enforcement agency~~
28 ~~pursuant to Section 117904 or authorized pursuant to Section~~
29 ~~118147.~~

30 ~~(E) Removal of a regulated waste, as defined in Section 5193~~
31 ~~of Title 8 of the California Code of Regulations, from a trauma~~
32 ~~scene by a trauma scene waste management practitioner.~~

33 ~~(2) The waste is either of the following:~~

34 ~~(A) Biohazardous waste.~~

35 ~~(B) Sharps waste.~~

36 ~~(b) For purposes of this section, “biologicals” means medicinal~~
37 ~~preparations made from living organisms and their products,~~
38 ~~including, but not limited to, serums, vaccines, antigens, and~~
39 ~~antitoxins.~~

40 ~~(c) Medical waste includes trauma scene waste.~~

1 SEC. 14. Section 117690 is added to the Health and Safety
2 Code, to read:

3 117690. (a) “Medical waste” means any biohazardous,
4 pathology, pharmaceutical, trace or bulk chemotherapy waste not
5 regulated by the federal Resource Conservation and Recovery Act
6 of 1976 (Public Law 94-580), as amended; sharps and trace
7 chemotherapy wastes generated in a health care setting in the
8 diagnosis, treatment, immunization, or care of humans or animals;
9 waste generated in autopsy or necropsy; waste generated during
10 preparation of a body for final disposition such as cremation or
11 interment; waste generated in research pertaining to the production
12 or testing of microbiologicals; waste generated in research using
13 human or animal pathogens; sharps and laboratory waste that
14 poses a potential risk of infection to humans generated in the
15 inoculation of animals in commercial farming operations; waste
16 generated from the consolidation of home-generated sharps; and
17 waste generated in the clean up of trauma scenes. Biohazardous,
18 pathology, pharmaceutical, sharps, and trace chemotherapy wastes
19 that are classified as medical wastes shall not be subject to any
20 of the hazardous waste requirements found in Chapter 6.5
21 (commencing with Section 25100) of Division 20.

22 (b) For purposes of this part the following definitions apply:

23 (1) “Biohazardous waste” includes all of the following:

24 (A) (i) Regulated medical waste, clinical waste, or biomedical
25 waste that is a waste or reusable material derived from the medical
26 treatment of a human or from an animal that is suspected by the
27 attending veterinarian of being infected with a pathogen that is
28 also infectious to humans, which includes diagnosis and
29 immunization; or from biomedical research, which includes the
30 production and testing of biological products.

31 (ii) Regulated medical waste or clinical waste or biomedical
32 waste suspected of containing a highly communicable disease.

33 (B) Laboratory waste such as human specimen cultures or
34 animal specimen cultures that are infected with pathogens that
35 are also infectious to humans; cultures and stocks of infectious
36 agents from research; wastes from the production of bacteria,
37 viruses, spores, discarded live and attenuated vaccines used in
38 human health care or research, discarded animal vaccines,
39 including Brucellosis and Contagious Ecthyma, as defined by the
40 department; culture dishes, devices used to transfer, inoculate,

1 *and mix cultures; and wastes identified by Section 173.134 of Title*
2 *49 of the Code of Federal Regulations as Category B “once*
3 *wasted” for laboratory wastes.*

4 *(C) Waste that, at the point of transport from the generator’s*
5 *site or at the point of disposal contains recognizable fluid human*
6 *blood, fluid human blood products, containers, or equipment*
7 *containing human blood that is fluid, or blood from animals known*
8 *to be infected with highly communicable diseases.*

9 *(D) Waste containing discarded materials contaminated with*
10 *excretion, exudate, or secretions from humans or animals that are*
11 *required to be isolated by the infection control staff, the attending*
12 *physician and surgeon, the attending veterinarian, or the local*
13 *health officer, to protect others from highly communicable diseases*
14 *or diseases of animals that are communicable to humans.*

15 *(2) Pathology waste includes both of the following:*

16 *(A) Human body parts, with the exception of teeth, removed at*
17 *surgery and surgery specimens or tissues removed at surgery or*
18 *autopsy that are suspected by the health care professional of being*
19 *contaminated with infectious agents known to be contagious to*
20 *humans or having been fixed in formaldehyde or another fixative.*

21 *(B) Animal parts, tissues, fluids, or carcasses suspected by the*
22 *attending veterinarian of being contaminated with infectious agents*
23 *known to be contagious to humans.*

24 *(3) “Pharmaceutical waste” means a pharmaceutical, as defined*
25 *in Section 117747, that is a waste, as defined in Section 25124.*
26 *For purposes of this part, “pharmaceutical waste” does not include*
27 *a pharmaceutical that meets either of the following criteria:*

28 *(A) The pharmaceutical is being sent out of the state to a reverse*
29 *distributor, as defined in Section 4040.5 of the Business and*
30 *Professions Code, that is licensed as a wholesaler of dangerous*
31 *drugs by the California State Board of Pharmacy pursuant to*
32 *Section 4161 of the Business and Professions Code.*

33 *(B) The pharmaceutical is being sent by a reverse distributor,*
34 *as defined in Section 4040.5 of the Business and Professions Code,*
35 *offsite for treatment and disposal in accordance with applicable*
36 *laws, or to a reverse distributor that is licensed as a wholesaler*
37 *of dangerous drugs by the California State Board of Pharmacy*
38 *pursuant to Section 4160 of the Business and Professions Code*
39 *and as a permitted transfer station if the reverse distributor is*
40 *located within the state.*

1 (4) “Sharps waste” means a device contaminated with
2 biohazardous waste that has acute rigid corners, edges, or
3 protuberances capable of cutting or piercing, including, but not
4 limited to, hypodermic needles, hypodermic needles with syringes,
5 blades, needles with attached tubing, acupuncture needles, root
6 canal files, broken glass items used in health care such as Pasteur
7 pipettes and blood vials contaminated with biohazardous waste,
8 and any item capable of cutting or piercing from trauma scene
9 waste.

10 (5) “Trace chemotherapeutic waste” means waste that is
11 contaminated through contact with, or having previously contained,
12 chemotherapeutic agents, including, but not limited to, gloves,
13 disposable gowns, towels, and intravenous solution bags and
14 attached tubing that are empty. A biohazardous waste that meets
15 the conditions of this paragraph is not subject to the hazardous
16 waste requirements of the Department of Toxic Substances Control.

17 (6) “Trauma scene waste” means waste that is a regulated
18 waste, as defined in Section 5193 of Title 8 of the California Code
19 of Regulations, and that has been removed, is to be removed, or
20 is in the process of being removed, from a trauma scene by a
21 trauma scene waste management practitioner.

22 ~~SEC. 5.~~

23 *SEC. 15.* Section 117695 of the Health and Safety Code is
24 amended to read:

25 117695. Medical waste that has been treated in accordance
26 with the provisions of the Medical Waste Management Act,
27 Chapter 8 (commencing with Section 118215), and that is not
28 otherwise hazardous, shall thereafter be considered solid waste as
29 defined in Section 40191 of the Public Resources Code and not
30 medical waste.

31 *SEC. 16.* Section 117700 of the Health and Safety Code is
32 amended to read:

33 117700. Medical waste does not include any of the following:

34 (a) Waste generated in food processing or biotechnology that
35 does not contain an infectious agent as defined in Section 117675
36 or an agent capable of causing an infection that is highly
37 communicable.

38 (b) Waste generated in biotechnology that does not contain
39 human blood or blood products or animal blood or blood products

1 suspected of being contaminated with infectious agents known to
2 be communicable to humans *or a highly communicable disease*.

3 (c) Urine, feces, saliva, sputum, nasal secretions, sweat, tears,
4 or vomitus, unless it contains *visible* fluid blood, ~~as provided in~~
5 ~~subdivision (d) of Section 117635.~~

6 (d) Waste which is not biohazardous, such as paper towels,
7 paper products, articles containing nonfluid blood, and other
8 medical solid waste products commonly found in the facilities of
9 medical waste generators.

10 (e) Hazardous waste, radioactive waste, or household waste,
11 including, but not limited to, home-generated sharps waste, as
12 defined in Section 117671.

13 (f) Waste generated from normal and legal veterinarian,
14 agricultural, and animal livestock management practices on a
15 *noncommercial* farm or ranch *unless otherwise specified in law*.

16 ~~SEC. 6.~~

17 *SEC. 17.* Section 117710 of the Health and Safety Code is
18 amended to read:

19 117710. “Medical waste management plan” means a document
20 that is completed by generators of medical waste that describes
21 how the medical waste generated at their facility shall be
22 segregated, handled, stored, packaged, treated, or shipped for
23 treatment, as applicable, pursuant to Section 117935 for small
24 quantity generators and Section 117960 for large quantity
25 generators, on forms prepared by the enforcement agency, if those
26 forms are provided by the enforcement agency.

27 *SEC. 18.* *Section 117725 of the Health and Safety Code is*
28 *amended to read:*

29 117725. ~~(a)~~—“Medical waste treatment facility” means all
30 ~~adjacent~~ land and structures, and other appurtenances or
31 improvements on the land, used for treating medical waste ~~or for~~
32 *offsite from a medical waste generator, including all* associated
33 handling and storage of medical waste *as permitted by the*
34 *department.* ~~Medical waste treatment facilities are those facilities~~
35 ~~treating waste pursuant to subdivision (a) or (c) of Section 118215.~~
36 ~~A medical waste treatment method approved pursuant to~~
37 ~~subdivision (d) of Section 118215 may be designated as a medical~~
38 ~~waste treatment facility by the department.~~

1 (b) ~~“Adjacent,” for purposes of subdivision (a), means real~~
2 ~~property within 400 yards from the property boundary of the~~
3 ~~existing medical waste treatment facility.~~

4 *SEC. 19. Section 117747 of the Health and Safety Code is*
5 *amended to read:*

6 117747. (a) “Pharmaceutical” means a prescription or
7 over-the-counter human or veterinary drug, including, but not
8 limited to, a drug as defined in Section 109925 or the Federal Food,
9 Drug, and Cosmetic Act, as amended, (21 U.S.C.A. Sec. 321(g)(1)).

10 (b) For purposes of this part, “pharmaceutical” does not include
11 any pharmaceutical that is regulated pursuant to either of the
12 following:

13 (1) The federal Resource Conservation and Recovery Act of
14 1976, as amended (42 U.S.C.A. Sec. 6901 et seq.). *This waste*
15 *stream shall be handled as a hazardous waste under the authority*
16 *of the Department of Toxic Substances Control.*

17 (2) The Radiation Control Law (Chapter 8 (commencing with
18 Section 114960) of Part 9).

19 *SEC. 20. Section 117748 of the Health and Safety Code is*
20 *repealed.*

21 ~~117748. (a) “Pharmaceutical waste” means any pharmaceutical,~~
22 ~~as defined in Section 117747, that is a waste, as defined in Section~~
23 ~~25124.~~

24 ~~(b) For purposes of this part, “pharmaceutical waste” does not~~
25 ~~include any pharmaceutical that meets either of the following~~
26 ~~criteria:~~

27 ~~(1) The pharmaceutical is being sent out of the State of~~
28 ~~California to a reverse distributor, as defined in Section 4040.5 of~~
29 ~~the Business and Professions Code, that is licensed as a wholesaler~~
30 ~~of dangerous drugs by the California State Board of Pharmacy~~
31 ~~pursuant to Section 4161 of the Business and Professions Code.~~

32 ~~(2) The pharmaceutical is being sent by a reverse distributor,~~
33 ~~as defined in Section 4040.5 of the Business and Professions Code,~~
34 ~~offsite for treatment and disposal in accordance with applicable~~
35 ~~laws, or to a reverse distributor that is licensed as a wholesaler of~~
36 ~~dangerous drugs by the California State Board of Pharmacy~~
37 ~~pursuant to Section 4160 of the Business and Professions Code~~
38 ~~and as a permitted transfer station if the reverse distributor is~~
39 ~~located within the State of California.~~

1 ~~SEC. 7.~~

2 *SEC. 21.* Section 117750 of the Health and Safety Code is
3 repealed.

4 ~~SEC. 8.~~

5 *SEC. 22.* Section 117750 is added to the Health and Safety
6 Code, to read:

7 117750. (a) “Sharps container” means a rigid puncture-resistant
8 container used in patient care or research activities meeting the
9 standards of, and receiving approval from, the ~~federal~~ *United States*
10 Food and Drug Administration as a medical device used for the
11 collection of discarded medical needles, other sharps, or, except
12 as specified in subdivision (b), other waste.

13 (b) For purposes of subdivision (a), “other waste” does not
14 include any waste that is regulated pursuant to either of the
15 following:

16 (1) The federal Resource Conservation and Recovery Act of
17 1976, as amended (42 U.S.C. Sec. 6901 et seq.).

18 (2) The Radiation Control Law (Chapter 8 (commencing with
19 Section 114960) of Part 9).

20 (c) *No specific color of the sharps container is required. If*
21 *multiple colored containers are used to segregate the waste stream,*
22 *including for trace chemotherapy waste, laboratory waste, and*
23 *other subsets of the waste stream, the color assignments for the*
24 *sharps containers shall be designated in the generator’s medical*
25 *waste management plan.*

26 (d) *Sharps containers, including those used to containerize trace*
27 *chemotherapeutic wastes, are not required to be lined with a plastic*
28 *bag or inner liner.*

29 *SEC. 23.* Section 117755 of the Health and Safety Code is
30 repealed.

31 ~~117755.~~ “Sharps waste” means ~~any device having acute rigid~~
32 ~~corners, edges, or protuberances capable of cutting or piercing,~~
33 ~~including, but not limited to, all of the following:~~

34 (a) ~~Hypodermic needles, hypodermic needles with syringes,~~
35 ~~blades, needles with attached tubing, syringes contaminated with~~
36 ~~biohazardous waste, acupuncture needles, and root canal files.~~

37 (b) ~~Broken glass items, such as Pasteur pipettes and blood vials~~
38 ~~contaminated with biohazardous waste.~~

39 (c) ~~Any item capable of cutting or piercing that is contaminated~~
40 ~~with trauma scene waste.~~

1 ~~SEC. 9.~~

2 ~~SEC. 24.~~ Section 117765 of the Health and Safety Code is
3 amended to read:

4 117765. “Storage” means the holding of medical wastes, in
5 compliance with the Medical Waste Management Act, including
6 Chapter 9 (commencing with Section 118275), at a designated
7 accumulation area, offsite point of consolidation, transfer station,
8 other registered facility, or in a vehicle detached from its means
9 of locomotion.

10 ~~SEC. 10.~~

11 ~~SEC. 25.~~ Section 117770 of the Health and Safety Code is
12 repealed.

13 ~~SEC. 11.~~

14 ~~SEC. 26.~~ Section 117770 is added to the Health and Safety
15 Code, to read:

16 117770. “Shipping document” means the medical waste
17 shipping document required by the ~~federal~~ *United States*
18 Department of Transportation pursuant to Section 172.200 et seq.
19 of Title 49 of the Code of Federal Regulations *or the document*
20 *required by the United States Postal Service pursuant to Domestic*
21 *Mail Manual 601.10.17.5 (Mailability: Hazardous Materials:*
22 *Sharps and Other Mailable Regulated Medical Waste).*

23 ~~SEC. 27.~~ Section 117775 of the Health and Safety Code is
24 amended to read:

25 117775. (a) “Transfer station” means ~~any~~ *an* offsite location
26 *permitted by the department* where medical waste is loaded,
27 unloaded, stored, or consolidated by a registered hazardous waste
28 hauler, ~~or a holder of a limited quantity hauling exemption granted~~
29 ~~pursuant to Section 118030~~, during the normal course of
30 transportation of the medical waste.

31 (b) “Transfer station” does not include any onsite facility,
32 including, but not limited to, common storage facilities, facilities
33 of medical waste generators employed for the purpose of
34 consolidation, or onsite treatment facilities.

35 ~~SEC. 28.~~ Section 117777 of the Health and Safety Code is
36 repealed.

37 ~~117777.~~ “Trauma scene waste” means ~~waste that is a regulated~~
38 ~~waste, as defined in Section 5193 of Title 8 of the California Code~~
39 ~~of Regulations, and that has been removed, is to be removed, or~~

1 is in the process of being removed, from a trauma scene by a
2 trauma scene waste management practitioner.

3 ~~SEC. 12.~~

4 *SEC. 29.* Section 117780 of the Health and Safety Code is
5 repealed.

6 ~~SEC. 13.~~

7 *SEC. 30.* Section 117780 is added to the Health and Safety
8 Code, to read:

9 117780. "Treatment" includes any of the following:

10 (a) Treatment for biohazardous waste is any method, technique,
11 or process designed to change the biological character or
12 composition of any biohazardous medical waste so as to eliminate
13 its potential for causing disease.

14 (b) *Treatment of pathology waste is any method, technique, or*
15 *process to destroy the biological character or composition of any*
16 *pathology medical waste so as to eliminate its potential for creating*
17 *public or environmental health harm.*

18 ~~(b)~~

19 (c) Treatment for pharmaceutical waste is any method,
20 technique, or process designed to destroy the character or
21 composition of any pharmaceutical medical waste so as to eliminate
22 its potential for creating public or environmental health harm.

23 ~~(e)~~

24 (d) Treatment for sharps waste is any method, technique, or
25 process designed to change the biological character or composition
26 of any biohazardous material found on the sharp so as to eliminate
27 its potential for causing disease.

28 (e) *Treatment for trace chemotherapeutic waste is any method,*
29 *technique, or process designed to destroy the character or*
30 *composition of any trace chemotherapeutic medical waste so as*
31 *to eliminate its potential for creating public or environmental*
32 *health harm.*

33 (f) *Treatment for trauma scene waste is any method, technique,*
34 *or process designed to change the biological character or*
35 *composition of trauma scene medical waste so as to eliminate its*
36 *potential for causing disease.*

37 *SEC. 31.* Section 117805 of the Health and Safety Code is
38 amended to read:

39 117805. ~~Except as provided in subdivision (a) of Section~~
40 ~~117810,~~ a local agency that elects to implement a medical waste

1 management program shall notify the department ~~within 90 days~~
2 ~~from the effective date of the act enacting this part of its intent to~~
3 ~~do so.~~

4 *SEC. 32. Section 117820 of the Health and Safety Code is*
5 *amended to read:*

6 117820. A medical waste management program shall include,
7 but not be limited to, all of the following:

8 (a) Issuing medical waste registrations ~~pursuant to Chapter 5~~
9 ~~(commencing with Section 117950)~~ and permits pursuant to
10 ~~Chapter 7 (commencing with Section 118130)~~ *the Medical Waste*
11 *Management Act.*

12 (b) Processing and reviewing the medical waste management
13 plans and inspecting onsite treatment facilities in accordance with
14 Chapter 4 (commencing with Section 117925) for all small quantity
15 medical waste generators required to be registered.

16 (c) Conducting an evaluation, inspection, or records review for
17 all facilities or persons issued a large quantity medical waste
18 registration pursuant to Chapter 5 (commencing with Section
19 117950) or issued a permit for an *offsite or* onsite medical waste
20 treatment facility pursuant to *Chapter 7 (commencing with Section*
21 ~~118130~~ *118130).*

22 (d) Inspecting medical waste generators in response to
23 complaints or emergency incidents, or as part of an investigation
24 or evaluation of the implementation of the medical waste
25 management plan.

26 (e) Inspecting medical waste treatment facilities in response to
27 a complaint or as part of an investigation or emergency incident.

28 (f) Taking enforcement action for the suspension or revocation
29 of medical waste permits issued by the local agency pursuant to
30 this part.

31 (g) Referring or initiating proceedings for civil or criminal
32 prosecution of violations specified in Chapter 10 (commencing
33 with Section 118335).

34 (h) Reporting in a manner determined by the department so that
35 the statewide effectiveness of the program can be determined.

36 *SEC. 33. Section 117835 of the Health and Safety Code is*
37 *amended to read:*

38 117835. The department shall establish and maintain a ~~data~~
39 ~~base~~ *database* of persons registered ~~under Chapter 4 (commencing~~
40 ~~with Section 117925)~~ and persons registered ~~under Chapter 5~~

1 ~~(commencing with Section 117950)~~ as small quantity generators
2 and as large quantity generators for whom the department is the
3 enforcement agency.

4 SEC. 34. Section 117885 of the Health and Safety Code is
5 amended to read:

6 117885. (a) There is in the State Treasury the Medical Waste
7 Management Fund, that shall be administered by the director.
8 Money deposited in the fund shall be available to the department,
9 upon appropriation by the Legislature, for the purposes of this part.

10 (b) In addition to any other funds transferred by the Legislature
11 to the Medical Waste Management Fund, the following shall be
12 deposited in the fund:

13 (1) Fees, penalties, interest earned, and fines collected by, or
14 on behalf of, the department pursuant to this part.

15 (2) Funds granted by the federal government for purposes of
16 carrying out this part.

17 ~~(e) This section shall become operative on July 1, 1993.~~

18 SEC. 35. Section 117890 of the Health and Safety Code is
19 amended to read:

20 117890. (a) No large quantity generator shall generate medical
21 waste unless the large quantity generator is registered with the
22 enforcement agency pursuant to this part.

23 (b) Registration pursuant to this part shall also allow the large
24 quantity generator to generate medical waste at temporary events,
25 including, but not limited to, health fairs, vaccination clinics, and
26 veteran stand downs, without further registration or permitting
27 required. The large quantity generator shall notify the local
28 enforcement agency of their intended participation in a temporary
29 event.

30 SEC. 36. Section 117895 of the Health and Safety Code is
31 repealed.

32 ~~117895. A small quantity generator that treats medical waste
33 onsite by steam sterilization, incineration, or microwave technology
34 shall register with the enforcement agency pursuant to this part.~~

35 SEC. 37. Section 117900 of the Health and Safety Code is
36 amended to read:

37 117900. No person shall haul medical waste unless the person
38 meets either is one of the following requirements:

39 (a) ~~The person is registered pursuant to Article 6 (commencing
40 with Section 25160) and Article 6.5 (commencing with Section~~

1 ~~25167.1) of Chapter 6.5 of Division 20 and Chapter 30~~
2 ~~(commencing with Section 66001) of Division 4 of Title 22 of the~~
3 ~~California Code of Regulations.~~

4 ~~(b) The person has an approved limited-quantity exemption~~
5 ~~granted pursuant to Section 118030.~~

6 ~~(a) A registered hazardous waste hauler pursuant to the~~
7 ~~requirements of the Department of Toxic Substances Control.~~

8 ~~(b) A mail-back system approved by the United States Postal~~
9 ~~Service.~~

10 ~~(c) A common carrier allowed to haul pharmaceutical waste~~
11 ~~pursuant to Section 118029 or 118032.~~

12 ~~(d) A small quantity generator or a large quantity generator~~
13 ~~that has an exemption granted pursuant to either Section 117946~~
14 ~~or Section 117976, respectively.~~

15 ~~SEC. 14.~~

16 ~~SEC. 38.~~ Section 117903 of the Health and Safety Code is
17 amended to read:

18 117903. No person shall treat medical waste unless the person
19 is permitted by the enforcement agency as required by this part or
20 unless the treatment is performed by a medical waste generator
21 and is a treatment method approved pursuant to Chapter 8
22 (commencing with Section 118215).

23 ~~SEC. 39.~~ *Section 117904 of the Health and Safety Code is*
24 *amended to read:*

25 117904. (a) In addition to the consolidation points authorized
26 pursuant to Section 118147, the enforcement agency may approve
27 a location as a point of consolidation for the collection of
28 home-generated sharps waste, which, after collection, shall be
29 transported and treated as medical waste.

30 (b) A consolidation location approved pursuant to this section
31 shall be known as a “home-generated sharps consolidation point.”

32 (c) A home-generated sharps consolidation point is not subject
33 to the requirements of Chapter 9 (commencing with Section
34 118275), to the permit or registration requirements of this part, or
35 to any permit or registration fees, with regard to the activity of
36 consolidating home-generated sharps waste pursuant to this section.

37 (d) A home-generated sharps consolidation point shall comply
38 with all of the following requirements:

39 (1) All sharps waste shall be placed in sharps containers.

1 (2) Sharps containers ready for disposal shall not be held for
2 more than seven days without the written approval of the
3 enforcement agency.

4 (e) An operator of a home-generated sharps consolidation point
5 approved pursuant to this section shall not be considered the
6 generator of that waste, *but shall be listed on the shipping document*
7 *in compliance with United States Department of Transportation*
8 *and United States Postal Service requirements.*

9 (f) The medical waste treatment facility which treats the sharps
10 waste subject to this section shall maintain the ~~tracking~~ *shipping*
11 documents required by ~~Sections 118040 and~~ *Section 118165* with
12 regard to that sharps waste.

13 *SEC. 40. Section 117915 of the Health and Safety Code is*
14 *repealed.*

15 ~~117915. Containment and storage of medical waste shall be in~~
16 ~~accordance with Chapter 9 (commencing with Section 118275).~~

17 ~~SEC. 15.~~

18 *SEC. 41. Section 117918 of the Health and Safety Code is*
19 *amended to read:*

20 117918. Medical waste shall be treated using treatment
21 technologies approved by the department in accordance with
22 Chapter 8 (commencing with Section 118215).

23 *SEC. 42. Section 117920 of the Health and Safety Code is*
24 *amended to read:*

25 117920. The fee schedule specified in Section 117923 shall be
26 for the issuance of medical waste registrations and for conducting
27 inspections pursuant to this chapter when the department serves
28 as the enforcement agency for small quantity generators. This fee
29 schedule shall be adjusted annually in accordance with Section
30 ~~100425. On or before January 1, 1993, the department may adjust~~
31 ~~by regulation the fees specified in Section 117923 100425~~ to reflect
32 the actual costs of implementing this chapter. Local enforcement
33 agencies shall set fees that shall be sufficient to cover their costs
34 in implementing this part with regard to small quantity generators
35 required to be registered pursuant to Section 117925.

36 *SEC. 43. Section 117924 of the Health and Safety Code is*
37 *amended to read:*

38 117924. (a) When the department is the enforcement agency,
39 the department shall impose and cause the collection of an annual
40 medical waste generator fee in an amount not to exceed twenty-five

1 dollars (\$25) on small quantity generators of medical waste, except
2 for those small quantity generators that are required to register
3 pursuant to Section 117925 and those generators generating only
4 ~~biohazardous pharmaceutical~~ waste as defined in subdivision ~~(g)~~
5 ~~(c)~~ of Section ~~117635~~ 117690. Nothing in this part shall prevent
6 the department from contracting with entities other than the
7 department for these fee collection activities or from entering into
8 agreements with medical waste transporters ~~or providers of medical~~
9 ~~waste mail-back systems~~ for the collection of these fees, if the
10 department determines that such a fee collection arrangement
11 would be cost-effective.

12 (b) If the department determines to enter into a contract with a
13 medical waste transporter ~~or provider of medical waste mail-back~~
14 ~~systems~~ for the collection of the fees, the department shall do all
15 of the following:

16 (1) Establish that not more than ~~5~~ 7.5 percent of the fees
17 collected may be recovered by the medical waste transporter ~~or~~
18 ~~provider of medical waste mail-back systems~~ as administrative
19 costs for the collection of those fees.

20 (2) Establish that the administrative costs for the collection of
21 the fees shall be the same for all medical waste transporters ~~and~~
22 ~~providers of medical waste mail-back systems~~.

23 (3) Prohibit any medical waste transporter ~~or provider of medical~~
24 ~~waste mail-back systems~~ from waiving the generator fee without
25 the written approval of the department and only if the medical
26 waste generator has made a written request for the waiver.

27 (4) Require the medical waste transporter ~~or provider of medical~~
28 ~~waste mail-back systems~~ to report the fees collected pursuant to
29 subdivision (a) to the department.

30 (5) Prohibit the medical waste transporter ~~or provider of medical~~
31 ~~waste mail-back systems~~ from assuming the role of the department
32 as an enforcement agent for purposes of collecting the medical
33 waste generator fees.

34 (6) Require medical waste transporters ~~or providers of medical~~
35 ~~waste mail-back systems~~ to include the following language in at
36 least 12-point type on their invoices to medical waste generators.

37 “Pursuant to Section 117924 of the California Health and Safety
38 Code, the State Department of *Public Health Services* has
39 contracted with us to collect your annual medical waste generator
40 fee. The department may offset our costs of collection and

1 administration in an amount that may not exceed ~~5~~ 7.5 percent of
2 the fee collected. We may not waive the fee without written
3 approval of the department, and only if you have made a written
4 request for the waiver.”

5 (7) *Ensure that generators subject to this section are required*
6 *to pay the fee only once per year.*

7 *SEC. 44. Section 117933 of the Health and Safety Code is*
8 *repealed.*

9 ~~117933. Common storage facilities subject to Section 117928~~
10 ~~shall obtain a permit from the enforcement agency on or before~~
11 ~~April 1, 1991, where the storage of medical waste in the common~~
12 ~~storage facility began prior to that date.~~

13 ~~In those cases where the storage of medical waste begins after~~
14 ~~April 1, 1991, permits shall be obtained pursuant to this chapter~~
15 ~~prior to commencement of storage of medical waste in the common~~
16 ~~storage facility.~~

17 ~~SEC. 16.~~

18 *SEC. 45. Section 117935 of the Health and Safety Code is*
19 *amended to read:*

20 117935. Any small quantity generator required to register with
21 the enforcement agency pursuant to Section 117930 shall file with
22 the enforcement agency a medical waste management plan,
23 containing, but not limited to, all of the following that apply:

24 (a) The name of the person.

25 (b) The business address of the person.

26 (c) The type of business.

27 (d) The types, and the estimated average monthly quantity, of
28 medical waste generated.

29 (e) The type of treatment used onsite.

30 (f) The name and business address of the registered hazardous
31 waste hauler used by the generator for backup treatment and
32 disposal, for waste when the onsite treatment method is not
33 appropriate due to the hazardous or radioactive characteristics of
34 the waste.

35 (g) The name of the registered hazardous waste hauler used by
36 the generator to have untreated medical waste removed for
37 treatment and disposal.

38 (h) The name of the common carrier used by the generator to
39 transport pharmaceutical waste offsite for treatment and disposal
40 pursuant to Section 118032.

1 (i) The steps taken to categorize the pharmaceutical wastes
2 generated at the facility to ensure that the wastes are properly
3 disposed of as follows:

4 (1) Pharmaceutical wastes classified by the federal Drug
5 Enforcement Agency (DEA) as “controlled substances” are
6 disposed of in compliance with DEA requirements.

7 (2) The name and business address of the hazardous waste hauler
8 used by the generator to have wastes that are not regulated pursuant
9 to the federal Resource Conservation and Recovery Act of 1976
10 and nonradioactive pharmaceutical wastes regulated as medical
11 waste safely removed for treatment in compliance with subdivision
12 (b) of Section 118222 as waste requiring specific methods.

13 (j) A closure plan for the termination of treatment at the facility.

14 (k) A statement certifying that the information provided is
15 complete and accurate.

16 *SEC. 46. Section 117938 of the Health and Safety Code is*
17 *amended to read:*

18 117938. (a) Small quantity generators using onsite steam
19 sterilization, incineration, or microwave technology to treat medical
20 waste are subject to biennial inspection of that onsite treatment
21 facility by the enforcement agency and may be subject to the
22 permitting requirements for onsite medical waste treatment
23 facilities as determined by the enforcement agency.

24 (b) ~~The inspection and~~ permitting requirements of subdivision
25 (a) do not apply when onsite steam sterilization is not used for the
26 treatment or disposal of medical waste.

27 (c) *The operators of the treatment equipment specified in*
28 *subdivision (a) shall be required to receive training in the*
29 *operation of the treatment equipment, proper protective equipment*
30 *to wear, if any, how to clean up spills, and other information*
31 *required to operate the treatment equipment in a safe and effective*
32 *manner. Annual refresher training for the operators shall be*
33 *provided after the initial training has been completed. The training*
34 *shall be documented for each treatment operator and retained on*
35 *file at the generator facility for a minimum of two years.*

36 *SEC. 47. Section 117940 of the Health and Safety Code is*
37 *amended to read:*

38 117940. (a) Each enforcement agency shall follow procedures
39 consistent with this chapter in registering medical waste generators.

1 (b) Each medical waste generator registration *for small quantity*
2 *generators* issued by the enforcement agency shall be valid for
3 two years.

4 (c) An application for renewal of the registration *for small*
5 *quantity generators* shall be filed with the enforcement agency on
6 or before the expiration date.

7 (d) Generators shall submit within 30 days an updated
8 application form when any of the information specified in
9 subdivisions (a) to (i), inclusive, of Section 117935 *their medical*
10 *waste management plan* changes.

11 ~~SEC. 17.~~

12 *SEC. 48.* Section 117943 of the Health and Safety Code is
13 amended to read:

14 117943. A medical waste generator required to register pursuant
15 to this chapter shall maintain for a minimum of two years
16 individual treatment operating records, and if applicable, shipping
17 documents for all untreated medical waste shipped offsite for
18 treatment, and shall report or submit to the enforcement agency,
19 upon request, all of the following:

20 (a) Treatment operating records. Operating records shall be
21 maintained in written or electronic form.

22 (b) An emergency action plan complying with regulations
23 adopted by the department.

24 (c) Shipping documents or electronically archived shipping
25 documents maintained by the facility or medical waste hauler of
26 all untreated medical waste shipped offsite for treatment.

27 (d) Documentation shall be made available to the enforcement
28 agency onsite as soon as feasible, but no more than two business
29 days following the request.

30 ~~SEC. 18.~~

31 *SEC. 49.* Section 117945 of the Health and Safety Code is
32 amended to read:

33 117945. Small quantity generators who are not required to
34 register pursuant to this chapter shall maintain on file in their office
35 all of following:

36 (a) An information document stating how the generator contains,
37 stores, treats, and disposes of any medical waste generated through
38 any act or process of the generator.

39 (b) Records required by the ~~federal~~ *United States* Department
40 of Transportation *or the United States Postal Service* of any

1 medical waste shipped offsite for treatment and disposal. The small
 2 quantity generator shall maintain, or have available electronically
 3 at the facility or from the medical waste hauler or common carrier,
 4 these records, for not less than two years.

5 (c) Documentation shall be made available to the enforcement
 6 agency onsite as soon as feasible, but no more than two days
 7 following the request.

8 ~~SEC. 19:~~

9 *SEC. 50.* Section 117946 is added to the Health and Safety
 10 Code, to read:

11 117946. (a) A small quantity medical waste generator or parent
 12 organization that employs health care professionals who generate
 13 medical waste may transport medical waste generated in limited
 14 quantities to the central location of accumulation, provided that
 15 all of the following are met:

16 (1) The principal business of the generator is not to transport
 17 or treat regulated medical waste.

18 (2) The generator shall adhere to the conditions and requirements
 19 set forth in the materials of trade exception, as specified in Section
 20 173.6 of Title 49 of the Code of Federal Regulations.

21 (3) A person transporting medical waste pursuant to this section
 22 shall provide a form or log to the receiving facility, and the
 23 receiving facility shall maintain the form or log for a period of two
 24 years, containing all of the following information:

25 (A) The name of the person transporting the medical waste.

26 (B) The number of containers of medical waste transported.

27 (C) The date the medical waste was transported.

28 (b) A generator transporting medical waste pursuant to this
 29 section shall not be regulated as a hazardous waste hauler pursuant
 30 to Section 117660.

31 ~~SEC. 20:~~

32 *SEC. 51.* Section 117950 of the Health and Safety Code is
 33 amended to read:

34 117950. (a) Each large quantity generator, except as specified
 35 in subdivisions (b) and (c), shall register with the enforcement
 36 agency prior to commencement of the generation of medical waste.

37 (b) Large quantity generators operating as a business in the same
 38 building, or that are associated with a group practice in the same
 39 building, may register as one generator.

1 (c) Large quantity generators as specified in subdivision (a),
2 operating in different buildings on the same or adjacent property,
3 or as approved by the enforcement agency, may register as one
4 generator.

5 (d) "Adjacent," for purposes of subdivision (c), means real
6 property within 400 yards from the property boundary of the
7 primary registration site. All federal transportation requirements
8 specified in Section 173.6 of Part 49 of the Code of Federal
9 Regulations shall apply for purposes of transporting medical waste
10 from adjacent properties.

11 *SEC. 52. Section 117955 of the Health and Safety Code is*
12 *repealed.*

13 ~~117955. Large quantity generators subject to Section 117950~~
14 ~~shall register with the enforcement agency on or before April 1,~~
15 ~~1991, if the generation of medical waste began prior to that date.~~
16 ~~In those cases where the generation of medical waste begins after~~
17 ~~April 1, 1991, registration shall be completed pursuant to this~~
18 ~~chapter prior to commencement of the generation of medical waste.~~

19 ~~SEC. 21.~~

20 *SEC. 53. Section 117960 of the Health and Safety Code is*
21 *amended to read:*

22 117960. Any large quantity generator required to register with
23 the enforcement agency shall file with the enforcement agency a
24 medical waste management plan containing, but not limited to, all
25 of the following:

- 26 (a) The name of the person.
- 27 (b) The business address of the person.
- 28 (c) The type of business.
- 29 (d) The types, and the estimated average monthly quantity, of
30 medical waste generated.
- 31 (e) The type of treatment used onsite, if applicable. For
32 generators with onsite medical waste treatment facilities, the
33 treatment capacity of the onsite treatment facility.
- 34 (f) The name and business address of the registered hazardous
35 waste hauler used by the generator to have untreated medical waste
36 removed for treatment, if applicable, and, if applicable, the name
37 and business address of the common carrier transporting
38 pharmaceutical waste pursuant to Section 118032.

1 (g) The name and business address of the offsite medical waste
2 treatment facility to which the medical waste is being hauled, if
3 applicable.

4 (h) An emergency action plan complying with regulations
5 adopted by the department.

6 (i) If applicable, the steps taken to categorize the pharmaceutical
7 wastes generated at the facility to ensure that the wastes are
8 properly disposed of as follows:

9 (1) Pharmaceutical wastes classified by the federal Drug
10 Enforcement Agency (DEA) as “controlled substances” are
11 disposed of in compliance with DEA requirements.

12 (2) The name and business address of the hazardous waste hauler
13 used by the generator to have wastes that are not regulated pursuant
14 to the federal Resource Conservation and Recovery Act of 1976
15 and nonradioactive pharmaceutical wastes regulated as medical
16 wastes safely removed for treatment in compliance with subdivision
17 (b) of Section 118222, as waste requiring specific methods.

18 (j) A closure plan for the termination of treatment at the facility.

19 (k) A statement certifying that the information provided is
20 complete and accurate.

21 *SEC. 54. Section 117967 is added to the Health and Safety*
22 *Code, to read:*

23 *117967. Large quantity generators that treat medical waste*
24 *onsite using steam sterilization, incineration, microwave*
25 *technology, or other department approved treatment technology*
26 *to treat medical waste shall train the operators of the equipment*
27 *in its use, proper protective equipment to wear, if necessary, and*
28 *how to clean up spills to ensure that the equipment is being*
29 *operated in a safe and effective manner. Annual refresher training*
30 *for the operators shall be provided after the initial training has*
31 *been completed. The training shall be documented and the*
32 *documentation shall be retained at the facility for a minimum of*
33 *two years.*

34 ~~SEC. 22.~~

35 *SEC. 55. Section 117970 of the Health and Safety Code is*
36 *amended to read:*

37 117970. (a) Each enforcement agency shall follow procedures
38 consistent with this chapter in registering medical waste generators.

39 (b) Each medical waste registration issued by the enforcement
40 agency for large quantity generators shall be valid for one year.

1 (c) An application for renewal of the registration shall be filed
2 with the enforcement agency not less than 90 days prior to the
3 expiration date. Failure to meet this requirement shall result in an
4 assessment of a late fee.

5 (d) Generators shall update their medical waste management
6 plan within 30 days when any of the information in their medical
7 waste management plan changes and shall have the plan on file
8 for review during an inspection or upon request.

9 ~~SEC. 23.~~

10 *SEC. 56.* Section 117975 of the Health and Safety Code is
11 repealed.

12 ~~SEC. 24.~~

13 *SEC. 57.* Section 117975 is added to the Health and Safety
14 Code, to read:

15 117975. (a) A large quantity medical waste generator required
16 to register pursuant to this chapter shall maintain for a minimum
17 of two years individual treatment records and shipping documents
18 for all untreated medical waste shipped offsite for treatment. The
19 generator shall report or submit to the enforcement agency, upon
20 request, all of the following:

21 (1) Treatment operating records. Operating records shall be
22 maintained in written or electronic form.

23 (2) An emergency action plan in accordance with regulations
24 adopted by the department.

25 (3) Shipping documents or electronically archived shipping
26 documents maintained by the facility or medical waste hauler of
27 all untreated medical wastes shipped offsite for treatment.

28 (b) Documentation shall be made available to the enforcement
29 agency onsite as soon as feasible, but no more than two business
30 days following the request.

31 ~~SEC. 25.~~

32 *SEC. 58.* Section 117976 is added to the Health and Safety
33 Code, to read:

34 117976. (a) A large quantity medical waste generator or parent
35 organization that employs health care professionals who generate
36 medical waste may transport medical waste generated in limited
37 quantities to the central location of accumulation, provided that
38 all of the following are met:

39 (1) The principal business of the generator is not to transport
40 or treat regulated medical waste.

1 (2) The generator shall adhere to the conditions and requirements
2 set forth in the materials of trade exception, as specified in Section
3 173.6 of Title 49 of the Code of Federal Regulations.

4 (3) A person transporting medical waste pursuant to this section
5 shall provide a form or log to the receiving facility, and the
6 receiving facility shall maintain the form or log for a period of two
7 years, containing all of the following information:

8 (A) The name of the person transporting the medical waste.

9 (B) The number of containers of medical waste transported.

10 (C) The date the medical waste was transported.

11 (b) A generator transporting medical waste pursuant to this
12 section shall not be regulated as a hazardous waste hauler pursuant
13 to Section 117660.

14 *SEC. 59. Section 117980 of the Health and Safety Code is*
15 *repealed.*

16 ~~117980. Containment and storage of medical waste shall be in~~
17 ~~accordance with Chapter 9 (commencing with Section 118275).~~

18 *SEC. 60. Section 117985 of the Health and Safety Code is*
19 *repealed.*

20 ~~117985. Treatment of medical waste shall be in accordance~~
21 ~~with Chapter 8 (commencing with Section 118215).~~

22 *SEC. 61. Section 117990 of the Health and Safety Code is*
23 *amended to read:*

24 117990. The fee schedule specified in Section 117995 shall be
25 for the issuance of medical waste registrations and onsite medical
26 waste treatment facility permits when the department serves as the
27 enforcement agency for large quantity generators. This fee schedule
28 shall be adjusted annually in accordance with Section 100425. ~~On~~
29 ~~or before January 1, 1993, the department may adjust by regulation~~
30 ~~the fees specified in Section 117995 to reflect the actual costs of~~
31 ~~implementing this chapter.~~ Local enforcement agencies shall set
32 fees that shall be sufficient to cover their costs in implementing
33 this part with regard to large quantity generators.

34 *SEC. 62. Section 118000 of the Health and Safety Code is*
35 *amended to read:*

36 ~~118000. (a) Except as otherwise exempted pursuant to Section~~
37 ~~118030 or 118032, all medical waste transported to an offsite~~
38 ~~medical waste treatment facility shall be transported in accordance~~
39 ~~with this chapter by a registered hazardous waste transporter issued~~
40 ~~a registration certificate pursuant to Chapter 6 (commencing with~~

1 ~~Section 118025) and Article 6.5 (commencing with Section~~
2 ~~25167.1) of Chapter 6.5 of Division 20. A hazardous waste~~
3 ~~transporter transporting medical waste shall have a copy of the~~
4 ~~transporter's valid hazardous waste transporter registration~~
5 ~~certificate in the transporter's possession while transporting~~
6 ~~medical waste. The transporter shall show the certificate, upon~~
7 ~~demand, to any enforcement agency personnel or authorized~~
8 ~~employee of the Department of the California Highway Patrol.~~

9 ~~(b) Except for small quantity generators transporting medical~~
10 ~~waste pursuant to Section 118030 or small quantity generators or~~
11 ~~common carriers transporting pharmaceutical waste pursuant to~~
12 ~~Section 118032, medical waste shall be transported to a permitted~~
13 ~~offsite medical waste treatment facility or a permitted transfer~~
14 ~~station in leak-resistant and fully enclosed rigid secondary~~
15 ~~containers that are then loaded into an enclosed cargo body.~~

16 ~~(c) A person shall not transport medical waste in the same~~
17 ~~vehicle with other waste unless the medical waste is separately~~
18 ~~contained in rigid containers or kept separate by barriers from~~
19 ~~other waste, or unless all of the waste is to be handled as medical~~
20 ~~waste in accordance with this part.~~

21 ~~(d)~~

22 ~~118000. (a) Medical waste shall only be transported to a~~
23 ~~permitted medical waste treatment facility, or to a transfer station~~
24 ~~or another registered generator for the purpose of consolidation~~
25 ~~before treatment and disposal, pursuant to this part.~~

26 ~~(e)~~

27 ~~(b) Facilities for the transfer of medical waste shall be annually~~
28 ~~inspected and issued permits in accordance with the regulations~~
29 ~~adopted pursuant to this part.~~

30 ~~(f) Any persons manually loading or unloading containers of~~
31 ~~medical waste shall be provided by their employer at the beginning~~
32 ~~of each shift with, and shall be required to wear, clean and~~
33 ~~protective gloves and coveralls, changeable lab coats, or other~~
34 ~~protective clothing. The department may require, by regulation,~~
35 ~~other protective devices appropriate to the type of medical waste~~
36 ~~being handled.~~

37 ~~(c) Medical waste transported out of state shall be consigned~~
38 ~~to a permitted medical waste treatment facility in the receiving~~
39 ~~state. If there is no permitted medical waste treatment facility in~~
40 ~~the receiving state or if the medical waste is crossing an~~

1 *international border, the medical waste shall be treated in*
2 *accordance with Chapter 8 (commencing with Section 118215)*
3 *prior to being transported out of the state.*

4 *SEC. 63. Section 118005 of the Health and Safety Code is*
5 *repealed.*

6 ~~118005. (a) Notwithstanding any other provision of this~~
7 ~~chapter, trauma scene waste may be transported by a trauma scene~~
8 ~~management practitioner registered pursuant to Section 118321.1.~~

9 ~~(b) The exemption specified in Section 118030 for limited~~
10 ~~quantity hauling shall not apply to the transportation of trauma~~
11 ~~scene waste.~~

12 ~~(c) (1) A business that has contracted with, or that currently~~
13 ~~employs, a person whose services may include the cleanup of~~
14 ~~trauma scene waste in the manner specified in Section 118321.6~~
15 ~~may apply, on forms provided by the department, to the department~~
16 ~~for an exemption from the requirements of Section 118321.1. This~~
17 ~~exemption shall be known as an incidental trauma scene waste~~
18 ~~hauling permit, and shall authorize the person to transport, by~~
19 ~~herself or himself, trauma scene waste that is collected in the~~
20 ~~manner specified in Section 118321.6 to a permitted medical waste~~
21 ~~transfer station or a permitted medical waste offsite treatment~~
22 ~~facility, or to a health care facility, previously designated by mutual~~
23 ~~agreement, for consolidation with the facility's existing medical~~
24 ~~waste stream.~~

25 ~~(2) An application for an incidental trauma scene waste hauling~~
26 ~~permit shall be accompanied by a fee of twenty-five dollars (\$25)~~
27 ~~and the incidental trauma scene waste hauling permit shall be valid~~
28 ~~for one cleanup event. The application shall identify any person~~
29 ~~who will transport trauma scene waste for the business pursuant~~
30 ~~to paragraph (1).~~

31 ~~SEC. 26.~~

32 *SEC. 64. Section 118025 of the Health and Safety Code is*
33 *amended to read:*

34 118025. All medical waste shall be hauled by a registered
35 hazardous waste hauler, *the United States Postal Service*, or by a
36 person with an exception granted pursuant to Section 117946 for
37 small quantity generators or pursuant to Section 117976 for large
38 quantity generators.

1 ~~SEC. 27.~~

2 *SEC. 65.* Section 118027 of the Health and Safety Code is
3 amended to read:

4 118027. A person who is authorized to collect solid waste, as
5 defined in Section 40191 of the Public Resources Code, who
6 unknowingly transports medical waste to a solid waste facility, as
7 defined in Section 40194 of the Public Resources Code, incidental
8 to the collection of solid waste, is exempt from the provisions of
9 the Medical Waste Management Act with regard to that waste. If
10 a solid waste transporter discovers that he or she has hauled
11 untreated medical waste to a landfill or materials recovery facility,
12 he or she shall contact the originating generator of the medical
13 waste to respond to the landfill or recovery facility to provide
14 ultimate proper disposal of the medical waste. *The solid waste*
15 *facility operator may, at its discretion and after contacting the*
16 *generator, make arrangements for the proper treatment and*
17 *disposal of the medical waste at a facility approved by the*
18 *department. Title to the waste remains with the generator.*
19 *Reimbursement costs for the proper management of discovered*
20 *waste shall be the originating generator's responsibility.*

21 *SEC. 66.* Section 118029 of the Health and Safety Code is
22 amended to read:

23 118029. (a) *Haulers of medical waste in California, with the*
24 *exception of those using a materials of trade exception as specified*
25 *in Sections 117946 and 117976, and United States Department of*
26 *Transportation licensed common carriers hauling pharmaceutical*
27 *waste, shall meet all United States Department of Transportation*
28 *requirements for transporting medical waste and shall be*
29 *hazardous waste haulers in California. On or before September*
30 ~~1, 1993, and each year thereafter~~ *on or before July 1, of each year,*
31 ~~a registered hazardous waste transporter which hauler that~~
32 *transports medical waste shall so notify the department, and*
33 *provide, in a format that conforms to the protocol requirements*
34 *for submission of data to the department, the following*
35 *information:*

- 36 (1) Business name, address, and telephone number.
- 37 (2) Name of owner, operator, and contact person.
- 38 (3) Hazardous waste transporter registration number.

1 ~~(4) Vehicle manufacturer name, vehicle model year, vehicle~~
2 ~~identification number, and the license plate number of each vehicle~~
3 ~~transporting medical waste.~~

4 ~~(4) The number of vehicles and trailers transporting medical~~
5 ~~waste within the state as of that date.~~

6 ~~(5) Types and quantities of medical waste collected, in pounds.~~

7 ~~(6) The names of the generators whose waste has been~~
8 ~~transported by the hauler and the amounts of medical waste~~
9 ~~transported, by waste type category.~~

10 ~~(b) For transporters that begin transporting medical waste after~~
11 ~~September 1, 1993, notification to the department, and provision~~
12 ~~of the information required by subdivision (a) shall be provided~~
13 ~~to the department prior to transporting medical waste.~~

14 ~~(e) On or before September 1, 1993, each~~

15 ~~(b) Each registered hazardous waste transporter, and each~~
16 ~~provider of medical waste mail back systems, as defined in~~
17 ~~subdivision (b) of Section 118245, hauler shall provide to the~~
18 ~~department a list of all medical waste generators serviced by that~~
19 ~~person during the previous 12 months. That list shall include the~~
20 ~~business name, business address, mailing address, telephone~~
21 ~~number, and other information as required by the department to~~
22 ~~collect annual fees pursuant to Section 117924. When the~~
23 ~~transportation of registered hazardous waste by a medical waste~~
24 ~~transporter or the provision of a medical waste mail back system~~
25 ~~begins after September 1, 1993, the initial~~ *The* ~~list shall be provided~~
26 ~~to the department within 10 days of the close of the earliest~~
27 ~~calendar quarter ending September 30, December 31, March 31,~~
28 ~~or June 30, or as otherwise required by the department.~~

29 ~~(d) Subsequent to providing the initial list pursuant to~~
30 ~~subdivision(e), registered hazardous waste transporters and~~
31 ~~providers of medical waste mail back systems shall submit to the~~
32 ~~department any changes made to the most recent list every three~~
33 ~~months, within 10 days of the close of the calendar quarters ending~~
34 ~~September 30, December 31, March 31, and June 30, or as~~
35 ~~otherwise required by the department.~~

36 *SEC. 67. Section 118030 of the Health and Safety Code is*
37 *repealed.*

38 ~~118030. (a) A medical waste generator or parent organization~~
39 ~~that employs health care professionals who generate medical waste~~
40 ~~may apply to the enforcement agency for a limited-quantity hauling~~

1 exemption, if the generator or health care professional meets all
2 of the following requirements:

3 (1) The generator or health care professional generates less
4 than 20 pounds of medical waste per week, transports less than 20
5 pounds of medical waste at any one time, and the generator or
6 parent organization has on file one of the following:

7 (A) If the generator or parent organization is a small quantity
8 generator required to register pursuant to Chapter 4 (commencing
9 with Section 117915), a medical waste management plan prepared
10 pursuant to Section 117935.

11 (B) If the generator or parent organization is a small quantity
12 generator not required to register pursuant to Chapter 4
13 (commencing with Section 117915), the information document
14 maintained pursuant to subdivision (a) of Section 117945.

15 (C) If the parent organization is a large quantity generator, a
16 medical waste management plan prepared pursuant to Section
17 117960.

18 (2) The generator or health care professional who generated
19 the medical waste transports the medical waste himself or herself,
20 or directs a member of his or her staff to transport the medical
21 waste, to a permitted medical waste treatment facility, a transfer
22 station, a parent organization, or another health care facility for
23 the purpose of consolidation before treatment and disposal.

24 (3) Except as provided in paragraph (4), the generator maintains
25 a tracking document, as specified in Section 118040.

26 (4) (A) Notwithstanding paragraph (3), if a health care
27 professional who generates medical waste returns the medical
28 waste to the parent organization, a single-page form or multiple
29 entry log may be substituted for the tracking document, if the form
30 or log contains all of the following information:

31 (i) The name of the person transporting the medical waste.

32 (ii) The number of containers and type of medical waste. This
33 subparagraph does not require any generator to maintain a separate
34 medical waste container for every patient or to maintain records
35 as to the specified source of the medical waste in any container.

36 (iii) The date that the medical waste was returned.

37 (B) This paragraph does not prohibit the use of a single
38 document to verify the return of more than one container over a
39 period of time, if the form or log is maintained in the files of the
40 parent organization once the page is completed.

1 ~~(b) The limited-quantity hauling exemption authorized by this~~
 2 ~~section is valid for a period of one year.~~

3 ~~(c) An application for an initial or a renewal of a~~
 4 ~~limited-quantity hauling exemption shall be accompanied by a fee~~
 5 ~~of twenty-five dollars (\$25). The application shall identify each~~
 6 ~~person who will transport medical waste for the transporter. If the~~
 7 ~~generator or parent organization identifies more than four persons~~
 8 ~~who will be transporting medical waste, the generator or parent~~
 9 ~~organization shall pay an additional fee of five dollars (\$5) for~~
 10 ~~each person, up to a maximum additional fee of twenty-five dollars~~
 11 ~~(\$25).~~

12 *SEC. 68. Section 118032 of the Health and Safety Code is*
 13 *amended to read:*

14 118032. A pharmaceutical waste generator or parent
 15 organization that employs health care professionals who generate
 16 pharmaceutical waste is exempt from the requirements of
 17 subdivision (a) of Section 118000 if all of the following
 18 requirements are met:

19 (a) The generator or parent organization has on file one of the
 20 following:

21 (1) If the generator or parent organization is a small quantity
 22 generator required to register pursuant to Chapter 4 (commencing
 23 with Section ~~117915~~ 117925), a medical waste management plan
 24 prepared pursuant to Section 117935.

25 (2) If the generator or parent organization is a small quantity
 26 generator not required to register pursuant to Chapter 4
 27 (commencing with Section ~~117915~~ 117925), the information
 28 document maintained pursuant to subdivision (a) of Section
 29 117945.

30 (3) If the generator or parent organization is a large quantity
 31 generator, a medical waste management plan prepared pursuant
 32 to Section 117960.

33 (b) The generator or health care professional who generated the
 34 pharmaceutical waste transports the pharmaceutical waste himself
 35 or herself, or directs a member of his or her staff to transport the
 36 pharmaceutical waste to a parent organization or another health
 37 care facility for the purpose of consolidation before treatment and
 38 disposal, or contracts with a common carrier to transport the
 39 pharmaceutical waste to a permitted medical waste treatment
 40 facility or transfer station.

1 (c) Except as provided in subdivision (d), all of the following
2 requirements are met:

3 (1) Prior to shipment of the pharmaceutical waste, the generator
4 notifies the intended destination facility that it is shipping
5 pharmaceutical waste to it and provides a copy of the ~~tracking~~
6 *shipping* document, as specified in Section ~~118040~~ 117770.

7 (2) The generator and the facility receiving the pharmaceutical
8 waste maintain the ~~tracking~~ *shipping* document, as specified in
9 Section ~~118040~~ 117770.

10 (3) The facility receiving the pharmaceutical waste notifies the
11 generator of the receipt of the pharmaceutical waste shipment and
12 any discrepancies between the items received and the ~~tracking~~
13 *shipping* document, as specified in Section ~~118040~~ 117770,
14 evidencing diversion of the pharmaceutical waste.

15 (4) The generator notifies the enforcement agency of any
16 discrepancies between the items received and the ~~tracking~~ *shipping*
17 document, as specified in Section ~~118040~~ 117770, evidencing
18 diversion of the pharmaceutical waste.

19 (d) (1) Notwithstanding subdivision (c), if a health care
20 professional who generates pharmaceutical waste returns the
21 pharmaceutical waste to the parent organization for the purpose
22 of consolidation before treatment and disposal over a period of
23 time, a single-page form or multiple entry log may be substituted
24 for the tracking document, if the form or log contains all of the
25 following information:

26 (A) The name of the person transporting the pharmaceutical
27 waste.

28 (B) The number of containers of pharmaceutical waste. This
29 clause does not require any generator to maintain a separate
30 pharmaceutical waste container for every patient or to maintain
31 records as to the specified source of the pharmaceutical waste in
32 any container.

33 (C) The date that the pharmaceutical waste was returned.

34 (2) The form or log described in paragraph (1) shall be
35 maintained in the files of the health care professional who generates
36 the pharmaceutical waste and the parent organization or another
37 health care facility that receives the pharmaceutical waste.

38 (3) This subdivision does not prohibit the use of a single
39 document to verify the return of more than one container to a parent

1 organization or another health care facility, provided the form or
2 log meets the requirements specified in paragraphs (1) and (2).

3 *SEC. 69. Section 118040 of the Health and Safety Code is*
4 *repealed.*

5 ~~118040. (a) Except with regard to sharps waste consolidated~~
6 ~~by a home-generated sharps consolidation point approved pursuant~~
7 ~~to Section 117904, a hazardous waste transporter or generator~~
8 ~~transporting medical waste shall maintain a completed tracking~~
9 ~~document of all medical waste removed for treatment or disposal.~~
10 ~~A hazardous waste transporter or generator who transports medical~~
11 ~~waste to a facility, other than the final medical waste treatment~~
12 ~~facility, shall also maintain tracking documents which show the~~
13 ~~name, address, and telephone number of the medical waste~~
14 ~~generator, for purposes of tracking the generator of medical waste~~
15 ~~when the waste is transported to the final medical waste treatment~~
16 ~~facility. At the time that the medical waste is received by a~~
17 ~~hazardous waste transporter, the transporter shall provide the~~
18 ~~medical waste generator with a copy of the tracking document for~~
19 ~~the generator's medical waste records. The transporter or generator~~
20 ~~transporting medical waste shall maintain its copy of the tracking~~
21 ~~document for three years.~~

22 ~~(b) The tracking document shall include, but not be limited to,~~
23 ~~all of the following information:~~

24 ~~(1) The name, address, telephone number, and registration~~
25 ~~number of the transporter, unless transported pursuant to Section~~
26 ~~118030.~~

27 ~~(2) The type of medical waste transported and the quantity or~~
28 ~~aggregate weight of medical waste transported.~~

29 ~~(3) The name, address, and telephone number of the generator.~~

30 ~~(4) The name, address, telephone number, permit number, and~~
31 ~~the signature of an authorized representative of the permitted~~
32 ~~facility receiving the medical waste.~~

33 ~~(5) The date that the medical waste is collected or removed~~
34 ~~from the generator's facility, the date that the medical waste is~~
35 ~~received by the transfer station, the registered large quantity~~
36 ~~generator, or point of consolidation, if applicable, and the date that~~
37 ~~the medical waste is received by the treatment facility.~~

38 ~~(c) Any hazardous waste transporter or generator transporting~~
39 ~~medical waste in a vehicle shall have a tracking document in his~~
40 ~~or her possession while transporting the medical waste. The~~

1 ~~tracking document shall be shown upon demand to any~~
2 ~~enforcement agency personnel or officer of the Department of the~~
3 ~~California Highway Patrol. If the medical waste is transported by~~
4 ~~rail, vessel, or air, the railroad corporation, vessel operator, or~~
5 ~~airline shall enter on the shipping papers any information~~
6 ~~concerning the medical waste that the enforcement agency may~~
7 ~~require.~~

8 (d) ~~A hazardous waste transporter or a generator transporting~~
9 ~~medical waste shall provide the facility receiving the medical waste~~
10 ~~with the original tracking document.~~

11 (e) ~~Each hazardous waste transporter and each medical waste~~
12 ~~treatment facility shall provide tracking data periodically and in a~~
13 ~~format as determined by the department.~~

14 (f) ~~Medical waste transported out of state shall be consigned~~
15 ~~to a permitted medical waste treatment facility in the receiving~~
16 ~~state. If there is no permitted medical waste treatment facility in~~
17 ~~the receiving state or if the medical waste is crossing an~~
18 ~~international border, the medical waste shall be treated in~~
19 ~~accordance with Chapter 8 (commencing with Section 118215)~~
20 ~~prior to being transported out of the state.~~

21 *SEC. 70. Section 118045 of the Health and Safety Code is*
22 *amended to read:*

23 118045. (a) The department shall charge an application fee
24 for a permit for a transfer station equal to one hundred dollars
25 (\$100) for each hour which the department spends on processing
26 the application, but not more than ten thousand dollars (\$10,000);
27 ~~or as provided in the regulations adopted by the department.~~

28 (b) In addition to the fee specified in subdivision (a), the annual
29 permit fee for a transfer station ~~issued a permit pursuant to~~
30 ~~subdivision (e) of Section 118000~~ is two thousand dollars (\$2,000);
31 ~~or as provided in the regulations adopted pursuant to this part.~~

32 *SEC. 71. Section 118135 of the Health and Safety Code is*
33 *amended to read:*

34 118135. ~~On or before April 1, 1991, each~~ *Each* person
35 ~~operating a an offsite~~ medical waste treatment facility shall obtain
36 a permit pursuant to this chapter from the ~~department. If the~~
37 ~~medical waste treatment facility begins operation after April 1,~~
38 ~~1991, the permit shall be obtained pursuant to this article~~
39 ~~department~~ prior to commencement of the treatment facility's
40 operation.

1 SEC. 72. Section 118150 of the Health and Safety Code is
 2 amended to read:

3 118150. ~~(a) Each enforcement agency shall follow procedures~~
 4 ~~that are consistent with this chapter, the Medical Waste~~
 5 ~~Management Act and the regulations adopted pursuant to this~~
 6 ~~chapter, when issuing medical waste permits.~~

7 ~~(b) Each person operating a medical waste treatment facility~~
 8 ~~pursuant to a hazardous waste facilities permit or grant of interim~~
 9 ~~status pursuant to Article 9 (commencing with Section 25200) of~~
 10 ~~Chapter 6.5 of Division 20, as of January 1, 1991, shall be~~
 11 ~~considered to have the medical waste permit required by this article~~
 12 ~~until January 1, 1992, unless the enforcement agency with~~
 13 ~~jurisdiction over its activities has taken final action prior to January~~
 14 ~~1, 1992, on an application for a permit pursuant to this article.~~

15 ~~(c) Each medical waste facility subject to subdivision (b) shall~~
 16 ~~operate in accordance with the standards and procedures contained~~
 17 ~~in this chapter, and on and after January 1, 1991, is not subject to~~
 18 ~~the standards and procedures contained in Chapter 6.5~~
 19 ~~(commencing with Section 25100) of Division 20.~~

20 SEC. 73. Section 118155 of the Health and Safety Code is
 21 amended to read:

22 118155. ~~Any~~ A person required to obtain a *an offsite medical*
 23 *waste treatment facility* permit pursuant to this part shall file with
 24 the enforcement agency an application, ~~on forms prescribed by~~
 25 ~~the department, containing, but not limited to, all of the following:~~

- 26 (a) The name of the applicant.
- 27 (b) The business address of the applicant.
- 28 (c) The type of treatment provided, the treatment capacity of
 29 the facility, a characterization of the waste treated at this facility;
 30 ~~and the estimated average monthly quantity of waste treated at the~~
 31 ~~facility.~~
- 32 (d) A disclosure statement, as provided in Section 25112.5,
 33 except for onsite medical waste treatment facilities.
- 34 ~~(e) Evidence satisfactory to the enforcement agency that the~~
 35 ~~operator of the medical waste treatment facility has the ability to~~
 36 ~~comply with this part and the regulations adopted pursuant to this~~
 37 ~~part.~~
- 38 (e) A plan for closure of the facility using one of the methods
 39 of decontamination specified in Section 118295, thereby restoring

1 *the property to an acceptable sanitary condition following the*
2 *ending of treatment services at the site.*

3 (f) Any other information required by the enforcement agency
4 for the administration or enforcement of this part or the regulations
5 adopted pursuant to this part.

6 *SEC. 74. Section 118160 of the Health and Safety Code is*
7 *amended to read:*

8 118160. (a) Prior to issuing or renewing a permit for an offsite
9 medical waste treatment facility ~~pursuant to Section 118130~~, the
10 department shall review the compliance history of the applicant,
11 under any local, state, or federal law or regulation governing the
12 control of medical waste or pollution, ~~including, but not limited~~
13 ~~to, the Clean Air Act (42 U.S.C. Sec. 7401 et seq.).~~

14 (b) The department shall, pursuant to this section, deny a permit,
15 or specify additional permit conditions, to ensure compliance with
16 applicable regulations, if the department determines that in the
17 three-year period preceding the date of application the applicant
18 has violated laws or regulations identified in subdivision (a) at a
19 facility owned or operated by the applicant, and the violations
20 demonstrate a recurring pattern of noncompliance or pose, or have
21 posed, a significant risk to public health and safety or to the
22 environment.

23 ~~(c) In addition to any other information required to be submitted~~
24 ~~for the permitting of a facility pursuant to Section 118130, an~~
25 ~~applicant who has owned or operated a facility regulated by the~~
26 ~~department shall provide a description of all violations described~~
27 ~~in subdivision (a), that occurred at any facility permitted and owned~~
28 ~~or operated by the applicant in the state in the three years prior to~~
29 ~~the date of application.~~

30 ~~(d)~~

31 (c) In making the determination of whether to deny a permit or
32 to specify additional permit conditions ~~pursuant to subdivision (b)~~,
33 the department shall take both of the following into consideration:

34 (1) Whether a permit denial or permit condition is appropriate
35 or necessary given the severity of the violation.

36 (2) Whether the violation has been corrected in a timely fashion.

37 *SEC. 75. Section 118205 of the Health and Safety Code is*
38 *amended to read:*

39 118205. The fee schedule specified in Section 118210 shall
40 cover the issuance of medical waste treatment facility permits and

1 an inspection program, when the department serves as the
2 enforcement agency. This fee schedule shall be adjusted annually
3 in accordance with Section 100425. ~~On or before January 1, 1993,~~
4 ~~the~~ *The* department may adjust by regulation the fees specified in
5 Section 118210 to reflect the actual costs of implementing this
6 chapter. Local enforcement agencies shall set fees that shall be
7 sufficient to cover their costs in implementing this part with regard
8 to large quantity generators.

9 *SEC. 76. Section 118215 of the Health and Safety Code is*
10 *amended to read:*

11 118215. (a) Except as provided in subdivisions (b) and (c), a
12 person generating or treating medical waste shall ensure that the
13 medical waste is treated by one of the following methods, thereby
14 rendering it solid waste, as defined in Section 40191 of the Public
15 Resources Code, prior to disposal:

16 (1) (A) Incineration at a permitted medical waste treatment
17 facility in a controlled-air, multichamber incinerator, or other
18 method of incineration approved by the department which provides
19 complete combustion of the waste into carbonized or mineralized
20 ash.

21 (B) Treatment with an alternative technology approved pursuant
22 to paragraph (3), which, due to the extremely high temperatures
23 of treatment in excess of 1300 degrees Fahrenheit, has received
24 express approval from the department.

25 (2) Steam sterilization at a permitted medical waste treatment
26 facility or by other sterilization, in accordance with all of the
27 following operating procedures for steam sterilizers or other
28 sterilization:

29 (A) Standard written operating procedures shall be established
30 for biological indicators, or for other indicators of adequate
31 sterilization approved by the department, for each steam sterilizer,
32 including time, temperature, pressure, type of waste, type of
33 container, closure on container, pattern of loading, water content,
34 and maximum load quantity.

35 (B) Recording or indicating thermometers shall be checked
36 during each complete cycle to ensure the attainment of 121°
37 Centigrade (250° Fahrenheit) for at least one-half hour, depending
38 on the quantity and density of the load, to achieve sterilization of
39 the entire load. Thermometers, *thermocouples, or other monitoring*
40 *devices identified in the facility operating plan* shall be checked

1 for calibration annually. Records of the calibration checks shall
2 be maintained as part of the facility's files and records for a period
3 of ~~three~~ *two* years or for the period specified in the regulations.

4 (C) Heat-sensitive tape, or another method acceptable to the
5 enforcement agency, shall be used on each biohazard bag or sharps
6 container that is processed onsite to indicate ~~the attainment of~~
7 ~~adequate sterilization conditions~~ *that the waste went through heat*
8 *treatment. If the biohazard bags or sharps containers are placed*
9 *in a large liner bag within the autoclave for treatment,*
10 *heat-sensitive tape or another method acceptable to the*
11 *enforcement agency only needs to be placed on the liner bag and*
12 *not on every hazardous waste bag or sharps container being*
13 *treated.*

14 (D) The biological indicator—~~Bacillus~~ *Geobacillus*
15 *stearothermophilus*, or other indicator of adequate sterilization as
16 approved by the department, shall be placed at the center of a load
17 processed under standard operating conditions at least monthly to
18 confirm the attainment of adequate sterilization conditions.

19 (E) Records of the procedures specified in subparagraphs (A),
20 (B), and (D) shall be maintained for a period of not less than ~~three~~
21 *two* years.

22 (3) (A) Other alternative medical waste treatment methods
23 which are both of the following:

24 (i) Approved by the department.

25 (ii) Result in the destruction of pathogenic micro-organisms.

26 (B) Any alternative medical waste treatment method proposed
27 to the department shall be evaluated by the department and either
28 approved or rejected pursuant to the criteria specified in this
29 subdivision.

30 (b) ~~A medical waste—~~*Fluid blood or fluid blood products* may
31 be discharged to a public sewage system without treatment if it is
32 ~~not a biohazardous waste of a type described in either subdivision~~
33 ~~(a) or (b) of Section 117635, it is liquid or semiliquid, and its~~
34 ~~discharge is consistent with waste discharge requirements placed~~
35 ~~on the public sewage system by the California regional water~~
36 ~~quality control board with jurisdiction.~~

37 (c) (1) A medical waste that is a biohazardous *laboratory* waste
38 ~~of a type described in subdivision (a) of Section 117635, as defined~~
39 ~~in Section 117690,~~ may be treated by a chemical disinfection if
40 ~~the medical waste is liquid or semiliquid and the chemical~~

1 disinfection method is recognized by the National Institutes of
2 Health, the Centers for Disease Control and Prevention, or the
3 American Biological Safety Association, and if the use of chemical
4 disinfection as a treatment method is identified in the site's medical
5 waste management plan.

6 (2) If the waste is not treated by chemical disinfection, in
7 accordance with paragraph (1), the waste shall be treated by one
8 of the methods specified in subdivision (a).

9 (3) Following treatment by chemical disinfection, the medical
10 waste may be discharged to the public sewage system if the
11 discharge is consistent with waste discharge requirements placed
12 on the public sewage system by the California regional water
13 control board, and the discharge is in compliance with the
14 requirements imposed by the owner or operator of the public
15 sewage system. If the chemical disinfection of the medical waste
16 causes the waste to become a hazardous waste, the waste shall be
17 managed in accordance with the requirements of Chapter 6.5
18 (commencing with Section 25100) of Division 20.

19 *SEC. 77. Section 118220 of the Health and Safety Code is*
20 *amended to read:*

21 118220. Recognizable human anatomical parts, with the
22 exception of teeth ~~not deemed infectious by the attending physician~~
23 ~~and surgeon or dentist~~, shall be disposed of by interment ~~or in~~
24 ~~accordance with paragraph (1) or paragraph (3) of subdivision (a)~~
25 ~~of Section 118215, unless otherwise hazardous, incineration, or~~
26 ~~alternative treatment technologies approved to treat this type of~~
27 ~~waste.~~

28 *SEC. 78. Section 118222 of the Health and Safety Code is*
29 *amended to read:*

30 118222. (a) ~~Biohazardous waste that meets the conditions of~~
31 ~~subdivision (f) of Section 117635~~ *Pathology waste that meets the*
32 *conditions of subdivision (b) of Section 117690 and trace*
33 *chemotherapy waste that meets the conditions of subdivision (e)*
34 *of Section 117690 shall be treated by incineration or alternative*
35 *treatment technologies approved to treat that waste pursuant to*
36 *paragraph (1) or paragraph (3) of subdivision (a) of Section 118215*
37 *prior to disposal.*

38 (b) ~~Biohazardous~~ *Pharmaceutical waste from health care*
39 *settings that meets the conditions specified in subdivision (g) of*
40 *Section 117635 subdivision (c) of Section 117690 shall be treated*

1 *by incineration or alternative treatment technologies approved to*
2 *treat that waste* pursuant to paragraph (1) or paragraph (3) of
3 subdivision (a) of Section 118215 prior to disposal.

4 ~~SEC. 28.~~

5 *SEC. 79.* Section 118240 of the Health and Safety Code is
6 amended to read:

7 118240. Notwithstanding Section 9141 of the Food and
8 Agricultural Code, animals that die from infectious diseases or
9 that are euthanized because they are suspected of having been
10 exposed to infectious disease shall be treated with a treatment
11 technology approved by the department for that use if, in the
12 opinion of the attending veterinarian or local health officer, the
13 carcass presents a danger of infection to humans.

14 *SEC. 80.* *Section 118245 of the Health and Safety Code is*
15 *amended to read:*

16 118245. ~~(a)~~—The department shall charge an application fee
17 for evaluation of an alternative treatment technology ~~pursuant to~~
18 ~~subdivision (d) of Section 118215~~ of two thousand five hundred
19 dollars (\$2,500) and shall charge an additional fee equal to one
20 hundred dollars (\$100) per hour for each hour which the department
21 spends on processing the application, but not more than a total of
22 five thousand dollars (\$5,000), ~~or as provided in the regulations~~
23 ~~adopted by the department.~~

24 ~~(b)~~—~~The department shall charge an application fee of one~~
25 ~~thousand dollars, (\$1,000) for evaluation and approval of the use~~
26 ~~of a medical waste mail back system, which sends medical waste~~
27 ~~generated in this state to an out-of-state facility for treatment and~~
28 ~~disposal pursuant to subdivision (f) of Section 118040.~~

29 *SEC. 81.* *Section 118275 of the Health and Safety Code is*
30 *amended to read:*

31 118275. (a) To containerize or store medical waste, *at the*
32 *point of generation and while collected in that room*, a person shall
33 do all of the following:

34 (a)

35 (1) Medical waste, *as defined in Section 117690*, shall be
36 contained separately from other waste at the point of origin in the
37 producing facility. Sharps containers may be placed in biohazard
38 bags or in containers with biohazard bags.

39 (b)

1 (2) Biohazardous waste, ~~except biohazardous waste as defined~~
2 ~~in subdivision (g) of Section 117635 as defined in subdivision (a)~~
3 ~~of Section 117690~~, shall be placed in a red biohazard bag
4 conspicuously labeled with the words “Biohazardous Waste” or
5 with the international biohazard symbol and the word
6 “BIOHAZARD.”

7 (e)

8 (3) Sharps waste, *as defined in subdivision (d) of Section*
9 *117690, including sharps and pharmaceutical waste containerized*
10 *pursuant to subdivision (g)*, shall be contained in a *United States*
11 *Food and Drug Administration (USFDA) approved sharps*
12 *container that meets USFDA labeling requirements and is handled*
13 *pursuant to Section 118285.*

14 ~~(d) (1) Biohazardous waste, which meets the conditions of~~
15 ~~subdivision (f) of Section 117635 because it is contaminated~~
16 ~~through contact with, or having previously contained,~~
17 ~~chemotherapeutic agents,~~

18 (4) *Trace chemotherapy waste, as defined in subdivision (e) of*
19 *Section 117690*, shall be segregated for storage, and, when placed
20 in a secondary container, that container shall be labeled with the
21 words “Chemotherapy Waste,” “CHEMO,” or other label approved
22 by the department ~~on the lid and~~ on the sides, so as to be visible
23 from any lateral direction, to ensure treatment of the biohazardous
24 waste pursuant to Section 118222. *Sharps waste that is*
25 *contaminated through contact with, or having previously contained,*
26 *chemotherapeutic agents, shall be placed in sharps containers*
27 *labeled in accordance with the industry standard with the words*
28 *“Chemotherapy Waste,” “Chemo,” or other label approved by*
29 *the department, and shall be segregated to ensure treatment of the*
30 *sharps waste pursuant to Section 118222.*

31 ~~(2) Biohazardous waste, which meets the conditions of~~
32 ~~subdivision (f) of Section 117635 because it is comprised of human~~
33 ~~surgery specimens or tissues which have been fixed in~~
34 ~~formaldehyde or other fixatives,~~

35 (5) *Pathology waste, as defined in subdivision (b) of Section*
36 *117690*, shall be segregated for storage and, when placed in a
37 secondary container, that container shall be labeled with the words
38 “Pathology Waste,” “PATH,” or other label approved by the
39 department ~~on the lid and~~ on the sides, so as to be visible from any

1 lateral direction, to ensure treatment of the biohazardous waste
2 pursuant to Section 118222.

3 ~~(e) Sharps waste, which meets the conditions of subdivision (f)~~
4 ~~of Section 117635, shall be placed in sharps containers labeled in~~
5 ~~accordance with the industry standard with the words~~
6 ~~“Chemotherapy Waste,” “CHEMO,” or other label approved by~~
7 ~~the department, and segregated to ensure treatment of the sharps~~
8 ~~waste pursuant to Section 118222.~~

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

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

24 *(6) Pharmaceutical waste, as defined in subdivision (c) of*
25 *Section 117690, shall be segregated for storage in accordance*
26 *with the facility’s medical waste management plan to ensure that*
27 *it is properly containerized for disposal in compliance with United*
28 *States Department of Transportation and United States Drug*
29 *Enforcement Agency (DEA) requirements.*

30 *(A) Pharmaceutical wastes classified by the DEA as “controlled*
31 *substances” shall be disposed of in compliance with DEA*
32 *requirements.*

33 *(B) Nonradioactive pharmaceutical wastes that are not subject*
34 *to the federal Resource Conservation and Recovery Act of 1976*
35 *(Public Law 94-580), as amended, and that are regulated as*
36 *medical waste are placed in a container or secondary container*
37 *labeled with the words “INCINERATION ONLY,”*
38 *“PHARMACEUTICAL” or other label approved by the department*
39 *on the sides, so as to be visible from any lateral direction, to ensure*
40 *treatment of the biohazardous waste pursuant to Section 118222.*

1 ~~(h)~~
 2 (7) A person may consolidate into a common container, which
 3 may be reusable, sharps waste, as defined in ~~Section 117755~~
 4 *subdivision (d) of Section 117690*, and pharmaceutical wastes, as
 5 defined in ~~Section 117747 subdivision (c) of Section 117690~~,
 6 provided that the consolidated waste is treated pursuant to
 7 paragraph (1) of subdivision (a) of Section 118215 and the
 8 container meets the requirements of Section 118285. The container
 9 shall be labeled with the biohazardous waste symbol and the words
 10 “HIGH HEAT ONLY,” “INCINERATION,” or other label
 11 approved by the department ~~on the lid and~~ on the sides, so as to
 12 be visible from any lateral direction, to ensure treatment of the
 13 ~~biohazardous~~ waste pursuant to this subdivision.

14 **(b)** *To containerize medical waste being held for shipment offsite*
 15 *for treatment, the waste shall be additionally labeled, as outlined*
 16 *in subdivision (a), on the lid as well as the sides of the container.*

17 **(c)** *When medical waste is containerized pursuant to*
 18 *subdivisions (a) and (b) there is no requirement to label the*
 19 *containers with the date that the waste started to accumulate.*

20 **SEC. 82.** *Section 118280 of the Health and Safety Code is*
 21 *amended to read:*

22 118280. To containerize biohazard bags, a person shall do all
 23 of the following:

24 **(a)** The bags shall be tied to prevent leakage or expulsion of
 25 contents during all future storage, handling, or transport *in*
 26 *compliance with United States Department of Transportation*
 27 *requirements.*

28 **(b)** *Medical waste may be placed into a biohazard bag and tied,*
 29 *as required in subdivision (a), in a patient room and shall be*
 30 *immediately transported directly from the point of generation and*
 31 *placed into a biohazard container stored in a soiled utility room*
 32 *or other biohazardous waste storage area without having first*
 33 *been placed into a secondary container in the patient room.*

34 ~~(b)~~
 35 **(c)** Biohazardous waste, except ~~biohazardous waste as defined~~
 36 ~~in subdivision (g) of Section 117635~~ *as provided in subdivision*
 37 *(b)*, shall be bagged in accordance with subdivision (b) of Section
 38 118275 and placed for storage, handling, or transport in a rigid
 39 container that may be disposable, reusable, or recyclable.
 40 Containers shall be leak resistant, have tight-fitting covers, and be

1 kept clean and in good repair. Containers may be recycled with
2 the approval of the enforcement agency. Containers may be of any
3 color and shall be labeled with the words “Biohazardous Waste”
4 or with the international biohazard symbol and the word
5 “BIOHAZARD” ~~on the lid and on the sides so as to be visible~~
6 ~~from any lateral direction. Containers meeting the requirements~~
7 ~~specified in Section 66840 of Title 22 of the California Code of~~
8 ~~Regulations, as it read on December 31, 1990, may also be used~~
9 ~~until the replacement of the containers is necessary or existing~~
10 ~~stock has been depleted. Containers shall comply with United~~
11 ~~States Department of Transportation requirements.~~

12 (e)

13 (d) Biohazardous waste shall not be removed from the biohazard
14 bag until treatment as prescribed in Chapter 8 (commencing with
15 Section 118215) is completed, except to eliminate a safety hazard,
16 or by the enforcement officer in performance of an investigation
17 pursuant to Section 117820. Biohazardous waste shall not be
18 disposed of before being treated as prescribed in Chapter 8
19 (commencing with Section 118215).

20 (d)

21 (e) (1) Except as provided in paragraph (5), a person generating
22 biohazardous waste shall comply with the following requirements:

23 (A) If the person generates 20 or more pounds of biohazardous
24 waste per month, the person shall not contain or store ~~biohazardous~~
25 ~~or sharps~~ *that* waste above 0° Centigrade (32° Fahrenheit) at ~~any~~
26 *an* onsite location for more than seven days without obtaining prior
27 written approval of the enforcement agency.

28 (B) If a person generates less than 20 pounds of biohazardous
29 waste per month, the person shall not contain or store ~~biohazardous~~
30 *that* waste above 0° Centigrade (32° Fahrenheit) at ~~any~~ *an* onsite
31 location for more than 30 days.

32 (2) A person may store biohazardous ~~or sharps~~ waste at or below
33 0° Centigrade (32° Fahrenheit) at an onsite location for not more
34 than 90 days without obtaining prior written approval of the
35 enforcement agency.

36 (3) A person may store biohazardous ~~or sharps~~ waste at a
37 permitted transfer station at or below 0° Centigrade (32°
38 Fahrenheit) for not more than 30 days without obtaining prior
39 written approval of the enforcement agency. *A transfer station that*
40 *does not have storage capacity at or below 0° Centigrade (32°*

1 *Fahrenheit) may only store waste for a maximum of three days*
 2 *without obtaining prior written approval of the enforcement*
 3 *agency.*

4 (4) A person shall not store biohazardous or sharps waste above
 5 0° Centigrade (32° Fahrenheit) at any a location or facility that is
 6 offsite from the generator for more than seven days before
 7 treatment.

8 (5) Notwithstanding paragraphs (1) to (4), inclusive, if the odor
 9 from biohazardous or sharps waste stored at a facility poses a
 10 nuisance, the enforcement agency may require more frequent
 11 removal.

12 (e)

13 (f) Waste that meets the definition of ~~biohazardous~~
 14 *pharmaceutical* waste in subdivision ~~(g)~~ of Section 117635 (c) of
 15 Section 117690 shall not be subject to the limitations on storage
 16 time prescribed in subdivision ~~(d)~~ (e). A person may store that
 17 ~~biohazardous~~ *pharmaceutical* waste at an onsite location for not
 18 longer than 90 days when the container is ready for disposal, unless
 19 prior written approval from the enforcement agency ~~or the~~
 20 ~~department~~ is obtained. The container shall be emptied at least
 21 once a *per* year, unless prior written approval from the enforcement
 22 agency ~~or the department~~ is obtained. A person may store that
 23 ~~biohazardous~~ *pharmaceutical* waste at a permitted transfer station
 24 for not longer than 30 days without obtaining prior written approval
 25 from the enforcement agency ~~or the department~~. A person shall
 26 not store ~~that biohazardous~~ *pharmaceutical* waste at any a location
 27 or facility that is offsite from the generator for more than 30 days
 28 before treatment.

29 (f)

30 (g) The containment and storage time for wastes consolidated
 31 in a common container pursuant to subdivision (h) of Section
 32 118275 shall not exceed the storage time for any category of waste
 33 set forth in this section.

34 SEC. 83. Section 118286 of the Health and Safety Code is
 35 amended to read:

36 118286. (a) ~~On or after September 1, 2008, no~~ A person shall
 37 *not* knowingly place home-generated sharps waste in any of the
 38 following containers:

39 (1) Any container used for the collection of solid waste,
 40 recyclable materials, or greenwaste.

1 (2) Any container used for the commercial collection of solid
2 waste or recyclable materials from business establishments.

3 (3) Any roll-off container used for the collection of solid waste,
4 construction, and demolition debris, greenwaste, or other recyclable
5 materials.

6 ~~(b) On or after September 1, 2008, home-generated~~
7 *Home-generated* sharps waste shall be transported only in a sharps
8 container, or other containers approved by the enforcement agency,
9 and shall only be managed at any of the following:

10 (1) A household hazardous waste facility pursuant to Section
11 25218.13.

12 (2) A “home-generated sharps consolidation point” as defined
13 in subdivision (b) of Section 117904.

14 (3) A medical waste generator’s facility pursuant to Section
15 118147.

16 (4) A facility through the use of a medical waste mail-back
17 container approved by the department pursuant to subdivision (b)
18 ~~of Section 118245~~ *United States Postal Service*.

19 *SEC. 84. Section 118307 of the Health and Safety Code is*
20 *amended to read:*

21 118307. Medical waste that is stored in an area prior to transfer
22 to the designated accumulation area, as defined in Section 118310,
23 shall be stored in an area that is either locked or under direct
24 supervision or surveillance. Intermediate storage areas shall be
25 marked with the international ~~biohazardous~~ *biohazard* symbol or
26 the signage described in Section 118310. These warning signs
27 shall be readily legible from a distance of five feet. *This section*
28 *does not apply to the rooms in which medical waste is generated.*

29 *SEC. 85. Section 118321.1 of the Health and Safety Code is*
30 *amended to read:*

31 118321.1. (a) A trauma scene waste management practitioner
32 shall register with the department on forms provided by the
33 department.

34 ~~(b) Notwithstanding subdivision (a), a person who possessed~~
35 ~~a local business license as of January 1, 1997, and performs trauma~~
36 ~~scene waste management activities may continue to do so until~~
37 ~~April 1, 1998, subject to both of the following conditions:~~

38 ~~(1) The department has been notified of the trauma scene waste~~
39 ~~management activities.~~

1 ~~(2) Registration as a trauma scene waste management~~
2 ~~practitioner is completed on or before April 1, 1998.~~

3 ~~(e)~~

4 (b) The department shall register a trauma scene waste
5 management practitioner and issue a trauma scene waste hauling
6 permit to a trauma scene waste management practitioner who
7 submits a completed application form and the registration fee,
8 upon approval of the application by the department.

9 ~~(d)~~

10 (c) A registered trauma scene waste management practitioner
11 is exempt from the registration requirements imposed pursuant to
12 Chapter 6 (commencing with Section 118025) or Article 6.5
13 (commencing with Section 25167.1) of Chapter 6.5 of Division
14 20 upon haulers of medical waste.

15 ~~(e)~~

16 (d) Registered trauma scene waste management practitioners
17 shall pay an annual fee of two hundred dollars (\$200) to the
18 department for deposit in the fund. The fee revenues deposited in
19 the fund pursuant to this subdivision may be expended by the
20 department, upon appropriation by the Legislature, for the
21 implementation of this chapter.

22 *SEC. 86. Section 118321.5 of the Health and Safety Code is*
23 *amended to read:*

24 118321.5. (a) Trauma scene waste shall be removed from the
25 trauma scene immediately upon completion of the removal phase
26 of a trauma scene waste removal operation.

27 (b) Trauma scene waste shall be transported to a permitted
28 medical waste transfer station or treatment facility pursuant to
29 ~~subdivision (d) of Section 118000~~ *the conditions and requirements*
30 *set forth in the materials of trade exception specified in Section*
31 *173.6 of Title 49 of the Code of Federal Regulations*, or may be
32 stored in a dedicated freezer at the business location of the trauma
33 scene waste management practitioner for a period of not more than
34 14 days, or as otherwise approved by the department.

35 *SEC. 87. Section 118335 of the Health and Safety Code is*
36 *amended to read:*

37 118335. (a) In order to carry out the purpose of this part, any
38 authorized representative of the enforcement agency may do any
39 of the following:

1 (1) Enter and inspect a facility for which a medical waste permit
2 or registration has been issued, for which a medical waste permit
3 or registration application has been filed, or that is subject to
4 registration or permitting requirements pursuant to this part. Enter
5 and inspect a vehicle for which a hazardous waste hauler
6 registration has been issued ~~or a limited-quantity exemption~~
7 ~~granted~~, for which an application has been filed for a hazardous
8 waste hauler registration ~~or a limited-quantity exemption~~, or that
9 is subject to registration requirements pursuant to this part.

10 (2) Inspect and copy any records, reports, test results, or other
11 information related to the requirements of this part or the
12 regulations adopted pursuant to this part.

13 (b) The inspection shall be made with the consent of the owner
14 or possessor of the facilities or, if consent is refused, with a warrant
15 duly issued pursuant to Title 13 (commencing with Section
16 1822.50) of Part 3 of the Code of Civil Procedure. However, in
17 the event of an emergency affecting the public health or safety, an
18 inspection may be made without consent or the issuance of a
19 warrant.

20 (c) Any traffic officer, as defined in Section 625 of the Vehicle
21 Code, and any peace officer, as defined in Section 830.1 or 830.2
22 of the Penal Code, may enforce Chapter 6 (commencing with
23 Section 118000) and this chapter, and for purposes of enforcing
24 these chapters, traffic officers and these peace officers are
25 authorized representatives of the department.

26 *SEC. 88. Section 118345 of the Health and Safety Code is*
27 *amended to read:*

28 118345. (a) Any person who intentionally makes any false
29 statement or representation in any application, label, ~~tracking~~
30 ~~shipping~~ document, record, report, permit, registration, or other
31 document filed, maintained, or used for purposes of compliance
32 with this part that materially affects the health and safety of the
33 public is liable for a civil penalty of not more than ten thousand
34 dollars (\$10,000) for each separate violation or, for continuing
35 violations, for each day that the violation continues.

36 (b) Any person who fails to register or fails to obtain a medical
37 waste permit in violation of this part, or otherwise violates any
38 provision of this part, any order issued pursuant to Section 118330,
39 or any regulation adopted pursuant to this part, is liable for a civil
40 penalty of not more than ten thousand dollars (\$10,000) for each

1 violation of a separate provision of this part or, for continuing
2 violations, for each day that the violation continues.

3 ~~SEC. 29.~~

4 *SEC. 89.* No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district will be incurred because this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section 17556 of
10 the Government Code, or changes the definition of a crime within
11 the meaning of Section 6 of Article XIII B of the California
12 Constitution.