

AMENDED IN SENATE JUNE 4, 2014  
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

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**ASSEMBLY BILL**

**No. 333**

**Introduced by Assembly Member Wieckowski**

February 13, 2013

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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, 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, 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 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.

(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.

(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.

(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  
 2 is amended to read:

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

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

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18 repealed.

19 SEC. 3. Section 117630 of the Health and Safety Code is  
20 repealed.

21 SEC. 4. Section 117630 is added to the Health and Safety Code,  
22 to read:

23 117630. “Biohazard bag” means a disposable film bag that is  
24 impervious to moisture. The film bags that are used for transport  
25 shall be marked and certified by the manufacturer as having passed  
26 the tests prescribed for tear resistance in the American Society for  
27 Testing Materials (ASTM) D1922, “Standard Test Method for  
28 Propagation Tear Resistance of Plastic Film and Thin Sheeting by  
29 Pendulum Method” and for impact resistance in ASTM D 1709,  
30 “Standard Test Methods for Impact Resistance of Plastic Film by  
31 the Free-Falling Dart Method,” as those documents are published  
32 on January 1, 2014. The film bag shall meet an impact resistance  
33 of 165 grams and a tearing resistance of 480 grams in both parallel  
34 and perpendicular planes with respect to the length of the bag. The  
35 color of the bag shall be red, except when other colors are used to  
36 further segregate the waste stream, including for trace  
37 chemotherapy wastes, laboratory wastes, and other subsets of the  
38 waste stream. If additional colors are used other than the standard  
39 red bag, the color assignments shall be designated in the facility’s  
40 medical waste management plan.

1 SEC. 5. Section 117635 of the Health and Safety Code is  
2 repealed.

3 SEC. 6. Section 117636 is added to the Health and Safety Code,  
4 to read:

5 117636. “Chemotherapeutic agent” means an agent that kills  
6 or prevents the reproduction of malignant cells. Chemotherapeutic  
7 agent excludes anti-inflammatory and antibiotic medications used  
8 to treat malignant cells in the practice of veterinary medicine.

9 SEC. 7. Section 117647 is added to the Health and Safety Code,  
10 to read:

11 117647. “Empty tubing or container” means a condition  
12 achieved when tubing, a container, or inner liner removed from a  
13 container that previously contained liquid or solid material,  
14 including, but not limited to, a chemotherapeutic agent, is  
15 considered empty. The tubing, container, or inner liner removed  
16 from the container shall be considered empty if it has been emptied  
17 ~~by the generator as much as possible, using methods commonly~~  
18 ~~employed to remove waste material from tubing, containers, or~~  
19 ~~liners~~, so that the following conditions are met:

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

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

27 SEC. 8. Section 117662 of the Health and Safety Code is  
28 repealed.

29 SEC. 9. Section 117662 is added to the Health and Safety Code,  
30 to read:

31 117662. “Health care professional” means any person who  
32 generates medical waste in a health care setting or in the course  
33 of providing a health care service.

34 SEC. 10. Section 117663 is added to the Health and Safety  
35 Code, to read:

36 117663. “Health care and veterinary services” means services  
37 organized, delivered, and maintained for the diagnosis, care,  
38 immunization, prevention, and treatment of human and animal  
39 illness.

1 SEC. 11. Section 117664 is added to the Health and Safety  
2 Code, to read:

3 117664. “Health care and veterinary settings” means a facility,  
4 location, place, or building that is organized, maintained, and  
5 operated, in whole or in part, fixed or mobile, for the diagnosis,  
6 care, prevention, and treatment of human and animal illness.

7 SEC. 12. Section 117665 of the Health and Safety Code is  
8 amended to read:

9 117665. “Highly communicable diseases” means diseases,  
10 such as those caused by organisms classified by the federal Centers  
11 for Disease Control and Prevention as risk group 3 organisms or  
12 higher.

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

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

17 117690. (a) “Medical waste” means any biohazardous,  
18 pathology, pharmaceutical, trace or bulk chemotherapy waste not  
19 regulated by the federal Resource Conservation and Recovery Act  
20 of 1976 (Public Law 94-580), as amended; sharps and trace  
21 chemotherapy wastes generated in a health care setting in the  
22 diagnosis, treatment, immunization, or care of humans or animals;  
23 waste generated in autopsy or necropsy; waste generated during  
24 preparation of a body for final disposition such as cremation or  
25 interment; waste generated in research pertaining to the production  
26 or testing of microbiologicals; waste generated in research using  
27 human or animal pathogens; sharps and laboratory waste that poses  
28 a potential risk of infection to humans generated in the inoculation  
29 of animals in commercial farming operations; waste generated  
30 from the consolidation of home-generated sharps; and waste  
31 generated in the cleanup of trauma scenes. Biohazardous,  
32 pathology, pharmaceutical, sharps, and trace chemotherapy wastes  
33 that are classified as medical wastes shall not be subject to any of  
34 the hazardous waste requirements found in Chapter 6.5  
35 (commencing with Section 25100) of Division 20.

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

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

38 (A) (i) Regulated medical waste, clinical waste, or biomedical  
39 waste that is a waste or reusable material derived from the medical  
40 treatment of a human or from an animal that is suspected by the

1 attending veterinarian of being infected with a pathogen that is  
2 also infectious to humans, which includes diagnosis and  
3 immunization; or from biomedical research, which includes the  
4 production and testing of biological products.

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

7 (B) Laboratory waste such as human specimen cultures or  
8 animal specimen cultures that are infected with pathogens that are  
9 also infectious to humans; cultures and stocks of infectious agents  
10 from research; wastes from the production of bacteria, viruses,  
11 spores, discarded live and attenuated vaccines used in human health  
12 care or research, discarded animal vaccines, including Brucellosis  
13 and Contagious Ecthyma, as defined by the department; culture  
14 dishes, devices used to transfer, inoculate, and mix cultures; and  
15 wastes identified by Section 173.134 of Title 49 of the Code of  
16 Federal Regulations as Category B “once wasted” for laboratory  
17 wastes.

18 (C) Waste that, at the point of transport from the generator’s  
19 site or at the point of disposal contains recognizable fluid human  
20 blood, fluid human blood products, containers, or equipment  
21 containing human blood that is fluid, or blood from animals ~~known~~  
22 ~~to be infected with highly communicable diseases. suspected by~~  
23 *the attending veterinarian of being contaminated with infectious*  
24 *agents known to be contagious to humans.*

25 (D) Waste containing discarded materials contaminated with  
26 excretion, exudate, or secretions from humans or animals that are  
27 required to be isolated by the infection control staff, the attending  
28 physician and surgeon, the attending veterinarian, or the local  
29 health officer, to protect others from highly communicable diseases  
30 or diseases of animals that are communicable to humans.

31 (2) Pathology waste includes both of the following:

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

37 (B) Animal parts, tissues, fluids, or carcasses suspected by the  
38 attending veterinarian of being contaminated with infectious agents  
39 known to be contagious to humans.

1 (3) “Pharmaceutical waste” means a pharmaceutical, as defined  
2 in Section 117747, *including fluid bulk chemotherapy waste*, that  
3 is a waste, as defined in Section 25124. For purposes of this part,  
4 “pharmaceutical waste” does not include a pharmaceutical that  
5 meets either of the following criteria:

6 (A) The pharmaceutical is being sent out of the state to a reverse  
7 distributor, as defined in Section 4040.5 of the Business and  
8 Professions Code, that is licensed as a wholesaler of dangerous  
9 drugs by the California State Board of Pharmacy pursuant to  
10 Section 4161 of the Business and Professions Code.

11 (B) The pharmaceutical is being sent by a reverse distributor,  
12 as defined in Section 4040.5 of the Business and Professions Code,  
13 offsite for treatment and disposal in accordance with applicable  
14 laws, or to a reverse distributor that is licensed as a wholesaler of  
15 dangerous drugs by the California State Board of Pharmacy  
16 pursuant to Section 4160 of the Business and Professions Code  
17 and as a permitted transfer station if the reverse distributor is  
18 located within the state.

19 (4) “Sharps waste” means a device contaminated with  
20 biohazardous waste that has acute rigid corners, edges, or  
21 protuberances capable of cutting or piercing, including, but not  
22 limited to, hypodermic needles, hypodermic needles with syringes,  
23 blades, needles with attached tubing, acupuncture needles, root  
24 canal files, broken glass items used in health care such as Pasteur  
25 pipettes and blood vials contaminated with biohazardous waste,  
26 and any item capable of cutting or piercing from trauma scene  
27 waste.

28 (5) “Trace chemotherapeutic waste” means waste that is  
29 contaminated through contact with, or having previously contained,  
30 chemotherapeutic agents, including, but not limited to, gloves,  
31 disposable gowns, towels, and intravenous solution bags and  
32 attached tubing that are empty. A biohazardous waste that meets  
33 the conditions of this paragraph is not subject to the hazardous  
34 waste requirements of the Department of Toxic Substances Control.

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

1 SEC. 15. Section 117695 of the Health and Safety Code is  
2 amended to read:

3 117695. Medical waste that has been treated in accordance  
4 with the provisions of the Medical Waste Management Act,  
5 Chapter 8 (commencing with Section 118215), and that is not  
6 otherwise hazardous, shall thereafter be considered solid waste as  
7 defined in Section 40191 of the Public Resources Code and not  
8 medical waste.

9 SEC. 16. Section 117700 of the Health and Safety Code is  
10 amended to read:

11 117700. Medical waste does not include any of the following:

12 (a) Waste generated in food processing or biotechnology that  
13 does not contain an infectious agent or an agent capable of causing  
14 an infection that is highly communicable, *as defined in Section*  
15 *117665*.

16 (b) Waste generated in biotechnology that does not contain  
17 human blood or blood products or animal blood or blood products  
18 suspected of being contaminated with infectious agents known to  
19 be communicable to humans or a highly communicable disease.

20 (c) Urine, feces, saliva, sputum, nasal secretions, sweat, tears,  
21 or vomitus, unless it contains visible fluid blood.

22 (d) Waste which is not biohazardous, such as paper towels,  
23 paper products, articles containing nonfluid blood, and other  
24 medical solid waste products commonly found in the facilities of  
25 medical waste generators.

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

29 (f) Waste generated from normal and legal veterinarian,  
30 agricultural, and animal livestock management practices on a  
31 ~~noncommercial~~ farm or ranch unless otherwise specified in law.

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

34 117710. “Medical waste management plan” means a document  
35 that is completed by generators of medical waste that describes  
36 how the medical waste generated at their facility shall be  
37 segregated, handled, stored, packaged, treated, or shipped for  
38 treatment, as applicable, pursuant to Section 117935 for small  
39 quantity generators and Section 117960 for large quantity

1 generators, on forms prepared by the enforcement agency, if those  
2 forms are provided by the enforcement agency.

3 SEC. 18. Section 117725 of the Health and Safety Code is  
4 amended to read:

5 117725. “Medical waste treatment facility” means all land and  
6 structures, and other appurtenances or improvements on the land  
7 *under the control of the treatment facility*, used for treating medical  
8 waste offsite from a medical waste generator, including all  
9 associated handling and storage of medical waste as permitted by  
10 the department.

11 SEC. 19. Section 117747 of the Health and Safety Code is  
12 amended to read:

13 117747. (a) “Pharmaceutical” means a prescription or  
14 over-the-counter human or veterinary drug, including, but not  
15 limited to, a drug as defined in Section 109925 ~~or~~ of the Federal  
16 Food, Drug, and Cosmetic Act, as amended, (21 U.S.C.A. Sec.  
17 321(g)(1)).

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

21 (1) The federal Resource Conservation and Recovery Act of  
22 1976, as amended (42 U.S.C.A. Sec. 6901 et seq.). This waste  
23 stream shall be handled as a hazardous waste under the authority  
24 of the Department of Toxic Substances Control.

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

27 SEC. 20. Section 117748 of the Health and Safety Code is  
28 repealed.

29 SEC. 21. Section 117750 of the Health and Safety Code is  
30 repealed.

31 SEC. 22. Section 117750 is added to the Health and Safety  
32 Code, to read:

33 117750. (a) “Sharps container” means a rigid puncture-resistant  
34 container used in patient care or research activities meeting the  
35 standards of, and receiving approval from, the United States Food  
36 and Drug Administration as a medical device used for the collection  
37 of discarded medical needles, other sharps, or, except as specified  
38 in subdivision (b), other waste.

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

4 (1) The federal Resource Conservation and Recovery Act of  
5 1976, as amended (42 U.S.C. Sec. 6901 et seq.).

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

8 (c) No specific color of the sharps container is required. If  
9 multiple colored containers are used to segregate the waste stream,  
10 including for trace chemotherapy waste, laboratory waste, and  
11 other subsets of the waste stream, the color assignments for the  
12 sharps containers shall be designated in the generator’s medical  
13 waste management plan.

14 (d) Sharps containers, including those used to containerize trace  
15 chemotherapeutic wastes, ~~are not required to~~ shall not be lined  
16 with a plastic bag or inner liner.

17 SEC. 23. Section 117755 of the Health and Safety Code is  
18 repealed.

19 SEC. 24. Section 117765 of the Health and Safety Code is  
20 amended to read:

21 117765. “Storage” means the holding of medical wastes, in  
22 compliance with the Medical Waste Management Act, including  
23 Chapter 9 (commencing with Section 118275), at a designated  
24 accumulation area, offsite point of consolidation, transfer station,  
25 other registered facility, or in a vehicle detached from its means  
26 of locomotion.

27 SEC. 25. Section 117770 of the Health and Safety Code is  
28 repealed.

29 SEC. 26. Section 117770 is added to the Health and Safety  
30 Code, to read:

31 117770. “Shipping document” means the medical waste  
32 shipping document required by the United States Department of  
33 Transportation pursuant to Section 172.200 et seq. of Title 49 of  
34 the Code of Federal Regulations or the document required by the  
35 United States Postal Service pursuant to Domestic Mail Manual  
36 601.10.17.5 (Mailability: Hazardous Materials: Sharps and Other  
37 Mailable Regulated Medical Waste).

38 SEC. 27. Section 117775 of the Health and Safety Code is  
39 amended to read:

1 11775. (a) “Transfer station” means an offsite location  
2 permitted by the department where medical waste is loaded,  
3 unloaded, stored, or consolidated by a registered hazardous waste  
4 hauler during the normal course of transportation of the medical  
5 waste.

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

10 SEC. 28. Section 117777 of the Health and Safety Code is  
11 repealed.

12 SEC. 29. Section 117780 of the Health and Safety Code is  
13 repealed.

14 SEC. 30. Section 117780 is added to the Health and Safety  
15 Code, to read:

16 117780. “Treatment” includes any of the following:

17 (a) Treatment for biohazardous waste is any method, technique,  
18 or process designed to change the biological character or  
19 composition of any biohazardous medical waste so as to eliminate  
20 its potential for causing disease.

21 (b) Treatment of pathology waste is any method, technique, or  
22 process to destroy the biological character or composition of any  
23 pathology medical waste so as to eliminate its potential for creating  
24 public or environmental health harm.

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

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

33 (e) Treatment for trace chemotherapeutic waste is any method,  
34 technique, or process designed to destroy the character or  
35 composition of any trace chemotherapeutic medical waste so as  
36 to eliminate its potential for creating public or environmental health  
37 harm.

38 (f) Treatment for trauma scene waste is any method, technique,  
39 or process designed to change the biological character or

1 composition of trauma scene medical waste so as to eliminate its  
2 potential for causing disease.

3 SEC. 31. Section 117805 of the Health and Safety Code is  
4 amended to read:

5 117805. A local agency that elects to implement a medical  
6 waste management program shall notify the department of its intent  
7 to do so.

8 SEC. 32. Section 117820 of the Health and Safety Code is  
9 amended to read:

10 117820. A medical waste management program shall include,  
11 but not be limited to, all of the following:

12 (a) Issuing medical waste registrations and permits pursuant to  
13 the Medical Waste Management Act.

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

18 (c) Conducting an evaluation, inspection, or records review for  
19 all facilities or persons issued a large quantity medical waste  
20 registration pursuant to Chapter 5 (commencing with Section  
21 117950) or issued a permit for an offsite or onsite medical waste  
22 treatment facility pursuant to Chapter 7 (commencing with Section  
23 118130).

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

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

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

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

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

38 SEC. 33. Section 117835 of the Health and Safety Code is  
39 amended to read:

1 117835. The department shall establish and maintain a database  
2 of persons registered as small quantity generators and as large  
3 quantity generators for whom the department is the enforcement  
4 agency.

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

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

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

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

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

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

34 117900. No person shall haul medical waste unless the person  
35 is one of the following:

36 (a) A registered hazardous waste hauler pursuant to the  
37 requirements of the Department of Toxic Substances Control.

38 (b) A mail-back system approved by the United States Postal  
39 Service.

1 (c) A common carrier allowed to haul pharmaceutical waste  
2 pursuant to Section 118029 or 118032.

3 (d) A small quantity generator or a large quantity generator that  
4 has an exemption granted pursuant to either Section 117946 or  
5 Section 117976, respectively.

6 SEC. 38. Section 117903 of the Health and Safety Code is  
7 amended to read:

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

13 SEC. 39. Section 117904 of the Health and Safety Code is  
14 amended to read:

15 117904. (a) In addition to the consolidation points authorized  
16 pursuant to Section 118147, the enforcement agency may approve  
17 a location as a point of consolidation for the collection of  
18 home-generated sharps waste, which, after collection, shall be  
19 transported and treated as medical waste.

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

22 (c) A home-generated sharps consolidation point is not subject  
23 to the requirements of Chapter 9 (commencing with Section  
24 118275), to the permit or registration requirements of this part, or  
25 to any permit or registration fees, with regard to the activity of  
26 consolidating home-generated sharps waste pursuant to this section.

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

- 29 (1) All sharps waste shall be placed in sharps containers.
- 30 (2) Sharps containers ready for disposal shall not be held for  
31 more than seven days without the written approval of the  
32 enforcement agency.

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

38 (f) The medical waste treatment facility which treats the sharps  
39 waste subject to this section shall maintain the shipping documents  
40 required by Section 118165 with regard to that sharps waste.

1 SEC. 40. Section 117915 of the Health and Safety Code is  
2 repealed.

3 SEC. 41. Section 117918 of the Health and Safety Code is  
4 amended to read:

5 117918. Medical waste shall be treated using treatment  
6 technologies approved by the department in accordance with  
7 Chapter 8 (commencing with Section 118215).

8 SEC. 42. Section 117920 of the Health and Safety Code is  
9 amended to read:

10 117920. The fee schedule specified in Section 117923 shall be  
11 for the issuance of medical waste registrations and for conducting  
12 inspections pursuant to this chapter when the department serves  
13 as the enforcement agency for small quantity generators. This fee  
14 schedule shall be adjusted annually in accordance with Section  
15 100425 to reflect the actual costs of implementing this chapter.  
16 Local enforcement agencies shall set fees that shall be sufficient  
17 to cover their costs in implementing this part with regard to small  
18 quantity generators required to be registered pursuant to Section  
19 117925.

20 SEC. 43. Section 117924 of the Health and Safety Code is  
21 amended to read:

22 117924. (a) When the department is the enforcement agency,  
23 the department shall impose and cause the collection of an annual  
24 medical waste generator fee in an amount not to exceed twenty-five  
25 dollars (\$25) on small quantity generators of medical waste, except  
26 for those small quantity generators that are required to register  
27 pursuant to Section 117925 and those generators generating only  
28 pharmaceutical waste as defined in *paragraph (3) of subdivision*  
29 *(e) (b)* of Section 117690. Nothing in this part shall prevent the  
30 department from contracting with entities other than the department  
31 for these fee collection activities or from entering into agreements  
32 with medical waste transporters for the collection of these fees, if  
33 the department determines that such a fee collection arrangement  
34 would be cost effective.

35 (b) If the department determines to enter into a contract with a  
36 medical waste transporter for the collection of the fees, the  
37 department shall do all of the following:

38 (1) Establish that not more than 7.5 percent of the fees collected  
39 may be recovered by the medical waste transporter as  
40 administrative costs for the collection of those fees.

- 1 (2) Establish that the administrative costs for the collection of
- 2 the fees shall be the same for all medical waste transporters.
- 3 (3) Prohibit any medical waste transporter from waiving the
- 4 generator fee without the written approval of the department and
- 5 only if the medical waste generator has made a written request for
- 6 the waiver.
- 7 (4) Require the medical waste transporter to report the fees
- 8 collected pursuant to subdivision (a) to the department.
- 9 (5) Prohibit the medical waste transporter from assuming the
- 10 role of the department as an enforcement agent for purposes of
- 11 collecting the medical waste generator fees.
- 12 (6) Require medical waste transporters to include the following
- 13 language in at least 12-point type on their invoices to medical
- 14 waste ~~generators~~: *generators*:
- 15 “Pursuant to Section 117924 of the California Health and Safety
- 16 Code, the State Department of Public Health has contracted with
- 17 us to collect your annual medical waste generator fee. The
- 18 department may offset our costs of collection and administration
- 19 in an amount that may not exceed 7.5 percent of the fee collected.
- 20 We may not waive the fee without written approval of the
- 21 department, and only if you have made a written request for the
- 22 waiver.”
- 23 (7) Ensure that generators subject to this section are required
- 24 to pay the fee only once per year.
- 25 SEC. 44. Section 117933 of the Health and Safety Code is
- 26 repealed.
- 27 SEC. 45. Section 117935 of the Health and Safety Code is
- 28 amended to read:
- 29 117935. Any small quantity generator required to register with
- 30 the enforcement agency pursuant to Section 117930 shall file with
- 31 the enforcement agency a medical waste management plan,
- 32 containing, but not limited to, all of the following that apply:
- 33 (a) The name of the person.
- 34 (b) The business address of the person.
- 35 (c) The type of business.
- 36 (d) The types, and the estimated average monthly quantity, of
- 37 medical waste generated.
- 38 (e) The type of treatment used onsite.
- 39 (f) The name and business address of the registered hazardous
- 40 waste hauler used by the generator for backup treatment and

1 disposal, for waste when the onsite treatment method is not  
2 appropriate due to the hazardous or radioactive characteristics of  
3 the waste.

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

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

10 (i) The steps taken to categorize the pharmaceutical wastes  
11 generated at the facility to ensure that the wastes are properly  
12 disposed of as follows:

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

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

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

23 (k) A statement certifying that the information provided is  
24 complete and accurate.

25 SEC. 46. Section 117938 of the Health and Safety Code is  
26 amended to read:

27 117938. (a) Small quantity generators using onsite steam  
28 sterilization, incineration, or microwave technology to treat medical  
29 waste are subject to biennial inspection of that onsite treatment  
30 facility by the enforcement agency and may be subject to the  
31 permitting requirements for onsite medical waste treatment  
32 facilities as determined by the enforcement agency.

33 (b) The permitting requirements of subdivision (a) do not apply  
34 when onsite steam sterilization is ~~not~~ used for the treatment or  
35 disposal of medical waste.

36 (c) The operators of the treatment equipment specified in  
37 subdivision (a) shall be required to receive training in the operation  
38 of the treatment equipment, proper protective equipment to wear,  
39 if any, how to clean up spills, and other information required to  
40 operate the treatment equipment in a safe and effective manner.

1 Annual refresher training for the operators shall be provided after  
2 the initial training has been completed. The training shall be  
3 documented for each treatment operator and retained on file at the  
4 generator facility for a minimum of two years.

5 SEC. 47. Section 117940 of the Health and Safety Code is  
6 amended to read:

7 117940. (a) Each enforcement agency shall follow procedures  
8 consistent with this chapter in registering medical waste generators.

9 (b) Each medical waste generator registration for small quantity  
10 generators issued by the enforcement agency shall be valid for two  
11 years.

12 (c) An application for renewal of the registration for small  
13 quantity generators shall be filed with the enforcement agency on  
14 or before the expiration date.

15 (d) Generators shall submit within 30 days an updated  
16 application form when any of the information specified in their  
17 medical waste management plan changes.

18 SEC. 48. Section 117943 of the Health and Safety Code is  
19 amended to read:

20 117943. A medical waste generator required to register pursuant  
21 to this chapter shall maintain for a minimum of two years  
22 individual treatment operating records, and if applicable, shipping  
23 documents for all untreated medical waste shipped offsite for  
24 treatment, and shall report or submit to the enforcement agency,  
25 upon request, all of the following:

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

28 (b) An emergency action plan complying with regulations  
29 adopted by the department.

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

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

36 SEC. 49. Section 117945 of the Health and Safety Code is  
37 amended to read:

38 117945. Small quantity generators who are not required to  
39 register pursuant to this chapter shall maintain on file in their office  
40 all of following:

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

4 (b) Records required by the United States Department of  
5 Transportation or the United States Postal Service of any medical  
6 waste shipped offsite for treatment and disposal. The small quantity  
7 generator shall maintain, or have available electronically at the  
8 facility or from the medical waste hauler or common carrier, these  
9 records, for not less than two years.

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

13 SEC. 50. Section 117946 is added to the Health and Safety  
14 Code, to read:

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

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

22 (2) The generator shall adhere to the conditions and requirements  
23 set forth in the materials of trade exception, as specified in Section  
24 173.6 of Title 49 of the Code of Federal Regulations.

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

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

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

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

32 (b) A generator transporting medical waste pursuant to this  
33 section shall not be regulated as a hazardous waste hauler pursuant  
34 to Section 117660.

35 SEC. 51. Section 117950 of the Health and Safety Code is  
36 amended to read:

37 117950. (a) Each large quantity generator, except as specified  
38 in subdivisions (b) and (c), shall register with the enforcement  
39 agency prior to commencement of the generation of medical waste.

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

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

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

14 SEC. 52. Section 117955 of the Health and Safety Code is  
15 repealed.

16 SEC. 53. Section 117960 of the Health and Safety Code is  
17 amended to read:

18 117960. Any large quantity generator required to register with  
19 the enforcement agency shall file with the enforcement agency a  
20 medical waste management plan containing, but not limited to, all  
21 of the following:

22 (a) The name of the person.

23 (b) The business address of the person.

24 (c) The type of business.

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

27 (e) The type of treatment used onsite, if applicable. For  
28 generators with onsite medical waste treatment facilities, the  
29 treatment capacity of the onsite treatment facility.

30 (f) The name and business address of the registered hazardous  
31 waste hauler used by the generator to have untreated medical waste  
32 removed for treatment, if applicable, and, if applicable, the name  
33 and business address of the common carrier transporting  
34 pharmaceutical waste pursuant to Section 118032.

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

38 (h) An emergency action plan complying with regulations  
39 adopted by the department.

1 (i) If applicable, the steps taken to categorize the pharmaceutical  
2 wastes generated at the facility to ensure that the wastes are  
3 properly 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 wastes 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. 54. Section 117967 is added to the Health and Safety  
17 Code, to read:

18 117967. Large quantity generators that treat medical waste  
19 onsite using steam sterilization, incineration, microwave  
20 technology, or other department approved treatment technology  
21 to treat medical waste shall train the operators of the equipment  
22 in its use, proper protective equipment to wear, if necessary, and  
23 how to clean up spills to ensure that the equipment is being  
24 operated in a safe and effective manner. Annual refresher training  
25 for the operators shall be provided after the initial training has  
26 been completed. The training shall be documented and the  
27 documentation shall be retained at the facility for a minimum of  
28 two years.

29 SEC. 55. Section 117970 of the Health and Safety Code is  
30 amended to read:

31 117970. (a) Each enforcement agency shall follow procedures  
32 consistent with this chapter in registering medical waste generators.

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

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

39 (d) Generators shall update their medical waste management  
40 plan within 30 days when any of the information in their medical

1 waste management plan changes and shall have the plan on file  
2 for review during an inspection or upon request.

3 SEC. 56. Section 117975 of the Health and Safety Code is  
4 repealed.

5 SEC. 57. Section 117975 is added to the Health and Safety  
6 Code, to read:

7 117975. (a) A large quantity medical waste generator required  
8 to register pursuant to this chapter shall maintain for a minimum  
9 of two years individual treatment records and shipping documents  
10 for all untreated medical waste shipped offsite for treatment. The  
11 generator shall report or submit to the enforcement agency, upon  
12 request, all of the following:

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

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

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

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

23 SEC. 58. Section 117976 is added to the Health and Safety  
24 Code, to read:

25 117976. (a) A large quantity medical waste generator or parent  
26 organization that employs health care professionals who generate  
27 medical waste may transport medical waste generated in limited  
28 quantities to the central location of accumulation, provided that  
29 all of the following are met:

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

32 (2) The generator shall adhere to the conditions and requirements  
33 set forth in the materials of trade exception, as specified in Section  
34 173.6 of Title 49 of the Code of Federal Regulations.

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

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

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

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

2 (b) A generator transporting medical waste pursuant to this  
3 section shall not be regulated as a hazardous waste hauler pursuant  
4 to Section 117660.

5 SEC. 59. Section 117980 of the Health and Safety Code is  
6 repealed.

7 SEC. 60. Section 117985 of the Health and Safety Code is  
8 repealed.

9 SEC. 61. Section 117990 of the Health and Safety Code is  
10 amended to read:

11 117990. The fee schedule specified in Section 117995 shall be  
12 for the issuance of medical waste registrations and onsite medical  
13 waste treatment facility permits when the department serves as the  
14 enforcement agency for large quantity generators. This fee schedule  
15 shall be adjusted annually in accordance with Section 100425.  
16 Local enforcement agencies shall set fees that shall be sufficient  
17 to cover their costs in implementing this part with regard to large  
18 quantity generators.

19 SEC. 62. Section 118000 of the Health and Safety Code is  
20 amended to read:

21 118000. (a) Medical waste shall only be transported to a  
22 permitted medical waste treatment facility, or to a transfer station  
23 or another registered generator for the purpose of consolidation  
24 before treatment and disposal.

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

28 (c) Medical waste transported out of state shall be consigned to  
29 a permitted medical waste treatment facility in the receiving state.  
30 If there is no permitted medical waste treatment facility in the  
31 receiving state or if the medical waste is crossing an international  
32 border, the medical waste shall be treated in accordance with  
33 Chapter 8 (commencing with Section 118215) prior to being  
34 transported out of the state.

35 SEC. 63. Section 118005 of the Health and Safety Code is  
36 repealed.

37 SEC. 64. Section 118025 of the Health and Safety Code is  
38 amended to read:

39 118025. All medical waste shall be hauled by a registered  
40 hazardous waste hauler, the United States Postal Service, or by a

1 person with an exception granted pursuant to Section 117946 for  
2 small quantity generators or pursuant to Section 117976 for large  
3 quantity generators.

4 SEC. 65. Section 118027 of the Health and Safety Code is  
5 amended to read:

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

23 SEC. 66. Section 118029 of the Health and Safety Code is  
24 amended to read:

25 118029. (a) Haulers of medical waste in California, with the  
26 exception of those using a materials of trade exception as specified  
27 in Sections 117946 and 117976, and United States Department of  
28 Transportation licensed common carriers hauling pharmaceutical  
29 waste, shall meet all United States Department of Transportation  
30 requirements for transporting medical waste and shall be hazardous  
31 waste haulers in California. On or before July 1, of each year, a  
32 registered hazardous waste hauler that transports medical waste  
33 shall so notify the department, and provide, in a format that  
34 conforms to the protocol requirements for submission of data to  
35 the department, the following 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.
- 39 (4) The number of vehicles and trailers transporting medical  
40 waste within the state as of that date.

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

2 (6) The names of the generators whose waste has been  
3 transported by the hauler and the amounts of medical waste  
4 transported, by waste type category.

5 (b) Each registered hazardous waste hauler shall provide to the  
6 department a list of all medical waste generators serviced by that  
7 person during the previous 12 months. That list shall include the  
8 business name, business address, mailing address, telephone  
9 number, and other information as required by the department to  
10 collect annual fees pursuant to Section 117924. The list shall be  
11 provided to the department within 10 days of the close of the  
12 earliest calendar quarter ending September 30, December 31,  
13 March 31, or June 30, or as otherwise required by the department.

14 SEC. 67. Section 118030 of the Health and Safety Code is  
15 repealed.

16 SEC. 68. Section 118032 of the Health and Safety Code is  
17 amended to read:

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

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

25 (1) If the generator or parent organization is a small quantity  
26 generator required to register pursuant to Chapter 4 (commencing  
27 with Section 117925), a medical waste management plan prepared  
28 pursuant to Section 117935.

29 (2) If the generator or parent organization is a small quantity  
30 generator not required to register pursuant to Chapter 4  
31 (commencing with Section 117925), the information document  
32 maintained pursuant to subdivision (a) of Section 117945.

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

36 (b) The generator or health care professional who generated the  
37 pharmaceutical waste transports the pharmaceutical waste himself  
38 or herself, or directs a member of his or her staff to transport the  
39 pharmaceutical waste to a parent organization or another health  
40 care facility for the purpose of consolidation before treatment and

1 disposal, or contracts with a common carrier to transport the  
2 pharmaceutical waste to a permitted medical waste treatment  
3 facility or transfer station.

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

6 (1) Prior to shipment of the pharmaceutical waste, the generator  
7 notifies the intended destination facility that it is shipping  
8 pharmaceutical waste to it and provides a copy of the shipping  
9 document, as specified in Section 117770.

10 (2) The generator and the facility receiving the pharmaceutical  
11 waste maintain the shipping document, as specified in Section  
12 117770.

13 (3) The facility receiving the pharmaceutical waste notifies the  
14 generator of the receipt of the pharmaceutical waste shipment and  
15 any discrepancies between the items received and the shipping  
16 document, as specified in Section 117770, evidencing diversion  
17 of the pharmaceutical waste.

18 (4) The generator notifies the enforcement agency of any  
19 discrepancies between the items received and the shipping  
20 document, as specified in Section 117770, evidencing diversion  
21 of the pharmaceutical waste.

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

29 (A) The name of the person transporting the pharmaceutical  
30 waste.

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

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

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

1 (3) This subdivision does not prohibit the use of a single  
2 document to verify the return of more than one container to a parent  
3 organization or another health care facility, provided the form or  
4 log meets the requirements specified in paragraphs (1) and (2).

5 SEC. 69. Section 118040 of the Health and Safety Code is  
6 repealed.

7 SEC. 70. Section 118045 of the Health and Safety Code is  
8 amended to read:

9 118045. (a) The department shall charge an application fee  
10 for a permit for a transfer station equal to one hundred dollars  
11 (\$100) for each hour which the department spends on processing  
12 the application, but not more than ten thousand dollars (\$10,000).

13 (b) In addition to the fee specified in subdivision (a), the annual  
14 permit fee for a transfer station is two thousand dollars (\$2,000).

15 SEC. 71. Section 118135 of the Health and Safety Code is  
16 amended to read:

17 118135. Each person operating an offsite medical waste  
18 treatment facility shall obtain a permit pursuant to this chapter  
19 from the department prior to commencement of the treatment  
20 facility's operation.

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

23 118150. Each enforcement agency shall follow procedures that  
24 are consistent with the Medical Waste Management Act and the  
25 regulations adopted pursuant to this chapter, when issuing medical  
26 waste permits.

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

29 118155. A person required to obtain an offsite medical waste  
30 treatment facility permit pursuant to this part shall file with the  
31 enforcement agency an application containing, but not limited to,  
32 all of the following:

33 (a) The name of the applicant.

34 (b) The business address of the applicant.

35 (c) The type of treatment provided, the treatment capacity of  
36 the facility, a characterization of the waste treated at this facility.

37 (d) A disclosure statement, as provided in Section 25112.5,  
38 except for onsite medical waste treatment facilities.

39 (e) A plan for closure of the facility using one of the methods  
40 of decontamination specified in *subdivision (a) or (b) of Section*

1 118295, thereby ~~restoring~~ *rendering* the property to an acceptable  
2 sanitary condition following the ending of treatment services at  
3 the site.

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

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

9 118160. (a) Prior to issuing or renewing a permit for an offsite  
10 medical waste treatment facility, the department shall review the  
11 compliance history of the applicant, under any local, state, or  
12 federal law or regulation governing the control of medical waste  
13 or pollution.

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 making the determination of whether to deny a permit or  
24 to specify additional permit conditions, the department shall take  
25 both of the following into consideration:

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

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

29 SEC. 75. Section 118205 of the Health and Safety Code is  
30 amended to read:

31 118205. The fee schedule specified in Section 118210 shall  
32 cover the issuance of medical waste treatment facility permits and  
33 an inspection program, when the department serves as the  
34 enforcement agency. This fee schedule shall be adjusted annually  
35 in accordance with Section 100425. The department may adjust  
36 by regulation the fees specified in Section 118210 to reflect the  
37 actual costs of implementing this chapter. Local enforcement  
38 agencies shall set fees that shall be sufficient to cover their costs  
39 in implementing this part with regard to large quantity generators.

1 SEC. 76. Section 118215 of the Health and Safety Code is  
2 amended to read:

3 118215. (a) Except as provided in subdivisions (b) and (c), a  
4 person generating or treating medical waste shall ensure that the  
5 medical waste is treated by one of the following methods, thereby  
6 rendering it solid waste, as defined in Section 40191 of the Public  
7 Resources Code, prior to disposal:

8 (1) (A) Incineration at a permitted medical waste treatment  
9 facility in a controlled-air, multichamber incinerator, or other  
10 method of incineration approved by the department which provides  
11 complete combustion of the waste into carbonized or mineralized  
12 ash.

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

17 (2) Steam sterilization at a permitted medical waste treatment  
18 facility or by other sterilization, in accordance with all of the  
19 following operating procedures for steam sterilizers or other  
20 sterilization:

21 (A) Standard written operating procedures shall be established  
22 for biological indicators, or for other indicators of adequate  
23 sterilization approved by the department, for each steam sterilizer,  
24 including time, temperature, pressure, type of waste, type of  
25 container, closure on container, pattern of loading, water content,  
26 and maximum load quantity.

27 (B) Recording or indicating thermometers shall be checked  
28 during each complete cycle to ensure the attainment of 121°  
29 Centigrade (250° Fahrenheit) for at least one-half hour, depending  
30 on the quantity and density of the load, to achieve sterilization of  
31 the entire load. Thermometers, thermocouples, or other monitoring  
32 devices identified in the facility operating plan shall be checked  
33 for calibration annually. Records of the calibration checks shall  
34 be maintained as part of the facility's files and records for a period  
35 of two years or for the period specified in the regulations.

36 (C) Heat-sensitive tape, or another method acceptable to the  
37 enforcement agency, shall be used on each biohazard bag or sharps  
38 container that is processed onsite to indicate that the waste went  
39 through heat treatment. If the biohazard bags or sharps containers  
40 are placed in a large liner bag within the autoclave for treatment,

1 heat-sensitive tape or another method acceptable to the enforcement  
2 agency only needs to be placed on the liner bag and not on every  
3 hazardous waste bag or sharps container being treated.

4 (D) The biological indicator *Geobacillus stearothermophilus*,  
5 or other indicator of adequate sterilization as approved by the  
6 department, shall be placed at the center of a load processed under  
7 standard operating conditions at least monthly to confirm the  
8 attainment of adequate sterilization conditions.

9 (E) Records of the procedures specified in subparagraphs (A),  
10 (B), and (D) shall be maintained for a period of not less than two  
11 years.

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

14 (i) Approved by the department.

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

16 (B) Any alternative medical waste treatment method proposed  
17 to the department shall be evaluated by the department and either  
18 approved or rejected pursuant to the criteria specified in this  
19 subdivision.

20 (b) Fluid blood or fluid blood products may be discharged to a  
21 public sewage system without treatment if its discharge is  
22 consistent with waste discharge requirements placed on the public  
23 sewage system by the California regional water quality control  
24 board with jurisdiction.

25 (c) (1) A medical waste that is a biohazardous laboratory waste,  
26 as defined in Section 117690, may be treated by a chemical  
27 disinfection if the waste is liquid or semiliquid and the chemical  
28 disinfection method is recognized by the National Institutes of  
29 Health, the Centers for Disease Control and Prevention, or the  
30 American Biological Safety Association, and if the use of chemical  
31 disinfection as a treatment method is identified in the site's medical  
32 waste management plan.

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

36 (3) Following treatment by chemical disinfection, the medical  
37 waste may be discharged to the public sewage system if the  
38 discharge is consistent with waste discharge requirements placed  
39 on the public sewage system by the California regional water  
40 control board, and the discharge is in compliance with the

1 requirements imposed by the owner or operator of the public  
2 sewage system. If the chemical disinfection of the medical waste  
3 causes the waste to become a hazardous waste, the waste shall be  
4 managed in accordance with the requirements of Chapter 6.5  
5 (commencing with Section 25100) of Division 20.

6 SEC. 77. Section 118220 of the Health and Safety Code is  
7 amended to read:

8 118220. ~~Recognizable human anatomical parts, Pathology~~  
9 ~~waste~~, with the exception of teeth, shall be disposed of by  
10 interment, incineration, or alternative treatment technologies  
11 approved to treat this type of waste.

12 SEC. 78. Section 118222 of the Health and Safety Code is  
13 amended to read:

14 118222. (a) Pathology waste that meets the conditions of  
15 *paragraph (2) of subdivision (b) of Section 117690* and trace  
16 chemotherapy waste that meets the conditions of *paragraph (5)*  
17 *of subdivision (e) (b) of Section 117690* shall be treated by  
18 incineration or alternative treatment technologies approved to treat  
19 that waste pursuant to paragraph (1) or paragraph (3) of subdivision  
20 (a) of Section 118215 prior to disposal.

21 (b) Pharmaceutical waste from health care settings that meets  
22 the conditions specified in *paragraph (3) of subdivision (e) (b) of*  
23 *Section 117690* shall be treated by incineration or alternative  
24 treatment technologies approved to treat that waste pursuant to  
25 paragraph (1) or paragraph (3) of subdivision (a) of Section 118215  
26 prior to disposal.

27 SEC. 79. Section 118240 of the Health and Safety Code is  
28 amended to read:

29 118240. Notwithstanding Section 9141 of the Food and  
30 Agricultural Code, animals that die from infectious diseases or  
31 that are euthanized because they are suspected of having been  
32 exposed to infectious disease shall be treated with a treatment  
33 technology approved by the department for that use if, in the  
34 opinion of the attending veterinarian or local health officer, the  
35 carcass presents a danger of infection to humans.

36 SEC. 80. Section 118245 of the Health and Safety Code is  
37 amended to read:

38 118245. The department shall charge an application fee for  
39 evaluation of an alternative treatment technology of two thousand  
40 five hundred dollars (\$2,500) and shall charge an additional fee

1 equal to one hundred dollars (\$100) per hour for each hour which  
2 the department spends on processing the application, but not more  
3 than a total of five thousand dollars (\$5,000).

4 SEC. 81. Section 118275 of the Health and Safety Code is  
5 amended to read:

6 118275. (a) To containerize or store medical waste, at the  
7 point of generation and while collected in that room, a person shall  
8 do all of the following:

9 (1) Medical waste, as defined in Section 117690, shall be  
10 contained separately from other waste at the point of origin in the  
11 producing facility. Sharps containers may be placed in biohazard  
12 bags or in containers with biohazard bags.

13 (2) Biohazardous waste, as defined in *paragraph (1) of*  
14 *subdivision ~~(a)~~ (b)* of Section 117690, shall be placed in a red  
15 biohazard bag conspicuously labeled with the words “Biohazardous  
16 Waste” or with the international biohazard symbol and the word  
17 “BIOHAZARD.”

18 (3) Sharps waste, as defined in *paragraph (4) of* subdivision  
19 *~~(d)~~ (b)* of Section 117690, including sharps and pharmaceutical  
20 waste containerized pursuant to *subdivision ~~(g)~~; paragraph (7)*,  
21 shall be contained in a United States Food and Drug Administration  
22 (USFDA) approved sharps container that meets USFDA labeling  
23 requirements and is handled pursuant to Section 118285.

24 (4) Trace chemotherapy waste, as defined in *paragraph (5) of*  
25 *subdivision ~~(e)~~ (b)* of Section 117690, shall be segregated for  
26 storage, and, when placed in a secondary container, that container  
27 shall be labeled with the words “Chemotherapy Waste,”  
28 “CHEMO,” or other label approved by the department on the sides,  
29 so as to be visible from any lateral direction, to ensure treatment  
30 of the biohazardous waste pursuant to Section 118222. Sharps  
31 waste that is contaminated through contact with, or having  
32 previously contained, chemotherapeutic agents, shall be placed in  
33 sharps containers labeled in accordance with the industry standard  
34 with the words “Chemotherapy Waste,” “Chemo,” or other label  
35 approved by the department, and shall be segregated to ensure  
36 treatment of the sharps waste pursuant to Section 118222.

37 (5) Pathology waste, as defined in *paragraph (2) of* subdivision  
38 *(b)* of Section 117690, shall be segregated for storage and, when  
39 placed in a secondary container, that container shall be labeled  
40 with the words “Pathology Waste,” “PATH,” or other label

1 approved by the department on the sides, so as to be visible from  
2 any lateral direction, to ensure treatment of the waste pursuant to  
3 Section 118222.

4 (6) Pharmaceutical waste, as defined in *paragraph (3) of*  
5 *subdivision (e) (b) of Section 117690*, shall be segregated for  
6 storage in accordance with the facility’s medical waste management  
7 plan to ensure that it is properly containerized for disposal in  
8 compliance with United States Department of Transportation and  
9 United States Drug Enforcement Agency (DEA) requirements.

10 (A) Pharmaceutical wastes classified by the DEA as “controlled  
11 substances” shall be disposed of in compliance with DEA  
12 requirements.

13 (B) Nonradioactive pharmaceutical wastes that are not subject  
14 to the federal Resource Conservation and Recovery Act of 1976  
15 (Public Law 94-580), as amended, and that are regulated as medical  
16 waste are placed in a container or secondary container labeled with  
17 the words “INCINERATION ONLY,” “PHARMACEUTICAL”  
18 or other label approved by the department on the sides, so as to be  
19 visible from any lateral direction, to ensure treatment of the  
20 biohazardous waste pursuant to Section 118222.

21 (7) A person may consolidate into a common container, which  
22 may be reusable, sharps waste, as defined in *paragraph (4) of*  
23 *subdivision (d) (b) of Section 117690*, and pharmaceutical wastes,  
24 as defined in *paragraph (3) subdivision (e) (b) of Section 117690*,  
25 provided that the consolidated waste is treated pursuant to  
26 paragraph (1) of subdivision (a) of Section 118215 and the  
27 container meets the requirements of Section 118285. The container  
28 shall be labeled with the biohazardous waste symbol and the words  
29 “HIGH HEAT ONLY,” “INCINERATION,” or other label  
30 approved by the department on the sides, so as to be visible from  
31 any lateral direction, to ensure treatment of the waste pursuant to  
32 this subdivision.

33 (b) To containerize medical waste being held for shipment  
34 offsite for treatment, the waste shall be ~~additionally~~ labeled, as  
35 outlined in subdivision (a), on the ~~lid as well as the~~ sides of the  
36 container.

37 (c) When medical waste is containerized pursuant to  
38 subdivisions (a) and (b) there is no requirement to label the  
39 containers with the date that the waste started to accumulate.

1 SEC. 82. Section 118280 of the Health and Safety Code is  
2 amended to read:

3 118280. To containerize biohazard bags, a person shall do all  
4 of the following:

5 (a) The bags shall be tied to prevent leakage or expulsion of  
6 contents during all future storage, handling, or transport in  
7 compliance with United States Department of Transportation  
8 requirements.

9 (b) (1) Medical waste may be placed into a biohazard bag and  
10 tied, as required in subdivision (a), in a patient room and shall be  
11 immediately transported *upon completion of the procedure* directly  
12 from the point of generation and placed into a biohazard container  
13 stored in a soiled utility room or other biohazardous waste storage  
14 area without having first been placed into a secondary container  
15 in the patient room.

16 (2) *Medical waste may be placed into a biohazard bag hung on*  
17 *a hamper stand in a surgery suite and the bag removed from the*  
18 *hamper stand after completion of the procedure, taken out of the*  
19 *surgery suite, and placed into a biohazard container stored in a*  
20 *soiled utility room or other biohazard waste storage area.*

21 (c) Biohazardous waste, except as provided in subdivision (b),  
22 shall be bagged in accordance with subdivision (b) of Section  
23 118275 and placed for storage, handling, or transport in a rigid  
24 container that may be disposable, reusable, or recyclable.  
25 Containers shall be leak resistant, have tight-fitting covers, and be  
26 kept clean and in good repair. Containers may be recycled with  
27 the approval of the enforcement agency. Containers may be of any  
28 color and shall be labeled with the words “Biohazardous Waste”  
29 or with the international biohazard symbol and the word  
30 “BIOHAZARD” on the sides so as to be visible from any lateral  
31 direction. Containers shall comply with United States Department  
32 of Transportation requirements.

33 (d) Biohazardous waste shall not be removed from the biohazard  
34 bag until treatment as prescribed in Chapter 8 (commencing with  
35 Section 118215) is completed, except to eliminate a safety hazard,  
36 or by the enforcement officer in performance of an investigation  
37 pursuant to Section 117820. Biohazardous waste shall not be  
38 disposed of before being treated as prescribed in Chapter 8  
39 (commencing with Section 118215).

1 (e) (1) Except as provided in paragraph (5), a person generating  
2 biohazardous waste shall comply with the following requirements:  
3 (A) If the person generates 20 or more pounds of biohazardous  
4 waste per month, the person shall not contain or store that waste  
5 above 0° Centigrade (32° Fahrenheit) at an onsite location for more  
6 than seven days without obtaining prior written approval of the  
7 enforcement agency.  
8 (B) If a person generates less than 20 pounds of biohazardous  
9 waste per month, the person shall not contain or store that waste  
10 above 0° Centigrade (32° Fahrenheit) at an onsite location for more  
11 than 30 days.  
12 (2) A person may store biohazardous waste at or below 0°  
13 Centigrade (32° Fahrenheit) at an onsite location for not more than  
14 90 days without obtaining prior written approval of the enforcement  
15 agency.  
16 (3) A person may store biohazardous waste at a permitted  
17 transfer station at or below 0° Centigrade (32° Fahrenheit) for not  
18 more than 30 days without obtaining prior written approval of the  
19 enforcement agency. A transfer station that does not have storage  
20 capacity at or below 0° Centigrade (32° Fahrenheit) may only store  
21 waste for a maximum of three days without obtaining prior written  
22 approval of the enforcement agency.  
23 (4) A person shall not store biohazardous waste above 0°  
24 Centigrade (32° Fahrenheit) at a location or facility that is offsite  
25 from the generator for more than seven days before treatment.  
26 (5) Notwithstanding paragraphs (1) to (4), inclusive, if the odor  
27 from biohazardous or sharps waste stored at a facility poses a  
28 nuisance, the enforcement agency may require more frequent  
29 removal.  
30 (f) Waste that meets the definition of pharmaceutical waste in  
31 *paragraph (3) of subdivision (e) (b) of Section 117690* shall not  
32 be subject to the limitations on storage time prescribed in  
33 subdivision (e). A person may store that pharmaceutical waste at  
34 an onsite location for not longer than 90 days when the container  
35 is ready for disposal, unless prior written approval from the  
36 enforcement agency is obtained. The container shall be emptied  
37 at least once per year, unless prior written approval from the  
38 enforcement agency is obtained. A person may store that  
39 pharmaceutical waste at a permitted transfer station for not longer  
40 than 30 days without obtaining prior written approval from the

1 enforcement agency. A person shall not store pharmaceutical waste  
2 at a location or facility that is offsite from the generator for more  
3 than 30 days before treatment.

4 (g) The containment and storage time for wastes consolidated  
5 in a common container pursuant to *paragraph (7) of subdivision*  
6 ~~(h)~~ (a) of Section 118275 shall not exceed the storage time for any  
7 category of waste set forth in this section.

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

10 118286. (a) A person shall not knowingly place  
11 home-generated sharps waste in any of the following containers:

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

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

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

19 (b) Home-generated sharps waste shall be transported only in  
20 a sharps container, or other containers approved by the enforcement  
21 agency, and shall only be managed at any of the following:

22 (1) A household hazardous waste facility pursuant to Section  
23 25218.13.

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

26 (3) A medical waste generator’s facility pursuant to Section  
27 118147.

28 (4) A facility through the use of a medical waste mail-back  
29 container approved by the United States Postal Service.

30 SEC. 84. Section 118307 of the Health and Safety Code is  
31 amended to read:

32 118307. Medical waste that is stored in an area prior to transfer  
33 to the designated accumulation area, as defined in Section 118310,  
34 shall be stored in an area that is either locked or under direct  
35 supervision or surveillance. Intermediate storage areas shall be  
36 marked with the international biohazard symbol or the signage  
37 described in Section 118310. These warning signs shall be readily  
38 legible from a distance of five feet. This section does not apply to  
39 the rooms in which medical waste is generated.

1 SEC. 85. Section 118321.1 of the Health and Safety Code is  
2 amended to read:

3 118321.1. (a) A trauma scene waste management practitioner  
4 shall register with the department on forms provided by the  
5 department.

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

11 (c) A registered trauma scene waste management practitioner  
12 is exempt from the registration requirements imposed pursuant to  
13 Chapter 6 (commencing with Section 118025) or Article 6.5  
14 (commencing with Section 25167.1) of Chapter 6.5 of Division  
15 20 upon haulers of medical waste.

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 the  
29 conditions and requirements set forth in the materials of trade  
30 exception specified in Section 173.6 of Title 49 of the Code of  
31 Federal Regulations, or may be stored in a dedicated freezer at the  
32 business location of the trauma scene waste management  
33 practitioner for a period of not more than 14 days, or as otherwise  
34 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, for which an application has been  
7 filed for a hazardous waste hauler registration, or that is subject  
8 to registration requirements pursuant to this part.

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

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

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

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

27 118345. (a) Any person who intentionally makes any false  
28 statement or representation in any application, label, shipping  
29 document, record, report, permit, registration, or other document  
30 filed, maintained, or used for purposes of compliance with this  
31 part that materially affects the health and safety of the public is  
32 liable for a civil penalty of not more than ten thousand dollars  
33 (\$10,000) for each separate violation or, for continuing violations,  
34 for each day that the violation continues.

35 (b) Any person who fails to register or fails to obtain a medical  
36 waste permit in violation of this part, or otherwise violates any  
37 provision of this part, any order issued pursuant to Section 118330,  
38 or any regulation adopted pursuant to this part, is liable for a civil  
39 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. 89. No reimbursement is required by this act pursuant to  
4 Section 6 of Article XIII B of the California Constitution because  
5 the only costs that may be incurred by a local agency or school  
6 district will be incurred because this act creates a new crime or  
7 infraction, eliminates a crime or infraction, or changes the penalty  
8 for a crime or infraction, within the meaning of Section 17556 of  
9 the Government Code, or changes the definition of a crime within  
10 the meaning of Section 6 of Article XIII B of the California  
11 Constitution.

O