

AMENDED IN ASSEMBLY APRIL 16, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 649

Introduced by Assembly Member Patterson

February 24, 2015

An act to amend Section 118215 of, and to add ~~Section~~ Sections 117748 and 118217 to, the Health and Safety Code, relating to medical waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 649, as amended, Patterson. Medical waste: law enforcement drug takeback programs.

Existing law, the Medical Waste Management Act, regulates the disposal of medical waste, including requiring medical waste to be treated by specified ~~methods~~, *methods prior to disposal*, including incineration in a controlled-air, multichamber incinerator, or other method of incineration approved by the ~~department~~ *State Department of Public Health* that provides complete combustion of the waste into carbonized or mineralized ash.

This bill would *include among those authorized treatment methods any alternative medical waste treatment solely designed to treat pharmaceutical waste, including a pharmaceutical incinerator, as defined, and would require this method to be evaluated and approved by the State Department of Public Health. The bill would authorize a law enforcement agency that operates a prescription drug takeback program to utilize a ~~prescription drug pharmaceutical incinerator that does not comply with state law~~ up to 4 times per year if the incinerator was ~~purchased prior to January 1, 2018~~. is evaluated and approved by the department.*

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

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

1 SECTION 1. Section 117748 is added to the Health and Safety
2 Code, to read:

3 117748. "Pharmaceutical incinerator" means a treatment
4 device that solely incinerates pharmaceutical waste, as defined in
5 Section 117690, that renders the pharmaceutical waste as solid
6 waste.

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

9 118215. (a) Except as provided in subdivisions (b) and (c), a
10 person generating or treating medical waste shall ensure that the
11 medical waste is treated by one of the following methods, thereby
12 rendering it solid waste, as defined in Section 40191 of the Public
13 Resources Code, prior to disposal:

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

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

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

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

33 (B) Recording or indicating thermometers shall be checked
34 during each complete cycle to ensure the attainment of 121°
35 Centigrade (250° Fahrenheit) for at least one-half hour, depending

1 on the quantity and density of the load, to achieve sterilization of
2 the entire load. Thermometers, thermocouples, or other monitoring
3 devices identified in the facility operating plan shall be checked
4 for calibration annually. Records of the calibration checks shall
5 be maintained as part of the facility's files and records for a period
6 of two years or for the period specified in the regulations.

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

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

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

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

25 (i) Approved by the department.

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

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

31 (C) *Any alternative medical waste treatment solely designed to*
32 *treat pharmaceutical waste, including a pharmaceutical*
33 *incinerator, shall be evaluated and approved by the department*
34 *with regard to the necessary treatment of pharmaceuticals.*

35 (b) Fluid blood or fluid blood products may be discharged to a
36 public sewage system without treatment if its discharge is
37 consistent with waste discharge requirements placed on the public
38 sewage system by the California regional water quality control
39 board with jurisdiction.

1 (c) (1) A medical waste that is a biohazardous laboratory waste,
2 as defined in subparagraph (B) of paragraph (1) of subdivision (b)
3 of Section 117690, may be treated by a chemical disinfection if
4 the waste is liquid or semiliquid and the chemical disinfection
5 method is recognized by the National Institutes of Health, the
6 Centers for Disease Control and Prevention, or the American
7 Biological Safety Association, and if the use of chemical
8 disinfection as a treatment method is identified in the site's medical
9 waste management plan.

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

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

23 **SECTION 1.**

24 *SEC. 3.* Section 118217 is added to the Health and Safety Code,
25 to read:

26 118217. A law enforcement agency that operates a prescription
27 drug takeback program may utilize up to four times per year a
28 ~~prescription drug pharmaceutical~~ incinerator that ~~does not comply~~
29 ~~with this part or other state law if the incinerator was purchased~~
30 ~~prior to January 1, 2018.~~ *is evaluated and approved by the*
31 *department pursuant to Section 118215.*