

AMENDED IN SENATE JUNE 24, 2015

AMENDED IN SENATE JUNE 2, 2015

AMENDED IN ASSEMBLY APRIL 16, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 649**

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**Introduced by Assembly Member Patterson**

February 24, 2015

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An act to amend Section 118215 of, and to add 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 prior to disposal, including incineration in a controlled-air, multichamber incinerator, or other method of incineration approved by the 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 require the department to complete the first evaluation ~~and approval~~ of these alternative medical waste treatments ~~solely designed to treat pharmaceutical waste, including a pharmaceutical incinerator~~, by June

1, ~~2017~~. 2017, and would require the department to consult with specified entities, including the Department of Toxic Substances Control and the State Air Resources Board, in the evaluation to ensure compliance with all other applicable environmental quality laws. The bill would authorize a law enforcement agency that operates a prescription drug takeback program to utilize a pharmaceutical incinerator up to 4 times per year if the incinerator is evaluated and approved by the ~~department~~. *department and complies with all other applicable federal and state laws and local ordinances.*

Vote: majority. Appropriation: no. Fiscal committee: 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 device  
 4 that solely incinerates pharmaceutical waste, as defined in Section  
 5 117690, that renders the pharmaceutical waste as solid waste.

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

8 118215. (a) Except as provided in subdivisions (b) and (c), a  
 9 person generating or treating medical waste shall ensure that the  
 10 medical waste is treated by one of the following methods, thereby  
 11 rendering it solid waste, as defined in Section 40191 of the Public  
 12 Resources Code, prior to disposal:

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

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

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

1 (A) Standard written operating procedures shall be established  
2 for biological indicators, or for other indicators of adequate  
3 sterilization approved by the department, for each steam sterilizer,  
4 including time, temperature, pressure, type of waste, type of  
5 container, closure on container, pattern of loading, water content,  
6 and maximum load quantity.

7 (B) Recording or indicating thermometers shall be checked  
8 during each complete cycle to ensure the attainment of 121°  
9 Centigrade (250° Fahrenheit) for at least one-half hour, depending  
10 on the quantity and density of the load, to achieve sterilization of  
11 the entire load. Thermometers, thermocouples, or other monitoring  
12 devices identified in the facility operating plan shall be checked  
13 for calibration annually. Records of the calibration checks shall  
14 be maintained as part of the facility's files and records for a period  
15 of two years or for the period specified in the regulations.

16 (C) Heat-sensitive tape, or another method acceptable to the  
17 enforcement agency, shall be used on each biohazard bag or sharps  
18 container that is processed onsite to indicate that the waste went  
19 through heat treatment. If the biohazard bags or sharps containers  
20 are placed in a large liner bag within the autoclave for treatment,  
21 heat-sensitive tape or another method acceptable to the enforcement  
22 agency only needs to be placed on the liner bag and not on every  
23 hazardous waste bag or sharps container being treated.

24 (D) The biological indicator *Geobacillus stearothermophilus*,  
25 or other indicator of adequate sterilization as approved by the  
26 department, shall be placed at the center of a load processed under  
27 standard operating conditions at least monthly to confirm the  
28 attainment of adequate sterilization conditions.

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

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

- 34 (i) Approved by the department.
- 35 (ii) Result in the destruction of pathogenic micro-organisms.

36 (B) Any alternative medical waste treatment method proposed  
37 to the department shall be evaluated by the department and either  
38 approved or rejected pursuant to the criteria specified in this  
39 subdivision.

1 (C) Any alternative medical waste treatment solely designed to  
2 treat pharmaceutical waste, including a pharmaceutical incinerator,  
3 shall be evaluated and approved by the department with regard to  
4 the necessary treatment of pharmaceuticals. By June 1, 2017, the  
5 department shall complete the first evaluation ~~and approval~~ of  
6 these alternative medical waste treatments, including a  
7 pharmaceutical incinerator. *In evaluating any alternative medical*  
8 *waste treatment, the department shall consult with the State Water*  
9 *Resources Control Board, the Department of Toxic Substances*  
10 *Control, the State Air Resources Board, and local air quality*  
11 *management districts to ensure compliance with all other*  
12 *applicable environmental quality laws prior to approval of the*  
13 *alternative medical waste treatment.*

14 (b) Fluid blood or fluid blood products may be discharged to a  
15 public sewage system without treatment if its discharge is  
16 consistent with waste discharge requirements placed on the public  
17 sewage system by the California regional water quality control  
18 board with jurisdiction.

19 (c) (1) A medical waste that is a biohazardous laboratory waste,  
20 as defined in subparagraph (B) of paragraph (1) of subdivision (b)  
21 of Section 117690, may be treated by a chemical disinfection if  
22 the waste is liquid or semiliquid and the chemical disinfection  
23 method is recognized by the National Institutes of Health, the  
24 Centers for Disease Control and Prevention, or the American  
25 Biological Safety Association, and if the use of chemical  
26 disinfection as a treatment method is identified in the site's medical  
27 waste management plan.

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

31 (3) Following treatment by chemical disinfection, the medical  
32 waste may be discharged to the public sewage system if the  
33 discharge is consistent with waste discharge requirements placed  
34 on the public sewage system by the California regional water  
35 control board, and the discharge is in compliance with the  
36 requirements imposed by the owner or operator of the public  
37 sewage system. If the chemical disinfection of the medical waste  
38 causes the waste to become a hazardous waste, the waste shall be  
39 managed in accordance with the requirements of Chapter 6.5  
40 (commencing with Section 25100) of Division 20.

1     SEC. 3. Section 118217 is added to the Health and Safety Code,  
2 to read:  
3     118217. A law enforcement agency that operates a prescription  
4 drug takeback program may utilize up to four times per year a  
5 pharmaceutical incinerator that is evaluated and approved by the  
6 department pursuant to ~~Section 118215~~, *118215 and that complies*  
7 *with all other applicable federal and state laws and local*  
8 *ordinances.*

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