

HOUSE BILL NO. 239

INTRODUCED BY RANEY, YELLOWTAIL, WEEDING,
WHALEN, DRISCOLL, GILBERT, GRADY, REA
BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

IN THE HOUSE

JANUARY 17, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON NATURAL RESOURCES.

JANUARY 18, 1991 FIRST READING.

JANUARY 29, 1991 ON MOTION, ADDITIONAL SPONSORS ADDED.

JANUARY 31, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 1, 1991 PRINTING REPORT.

FEBRUARY 2, 1991 SECOND READING, DO PASS.

FEBRUARY 4, 1991 ENGROSSING REPORT.

FEBRUARY 5, 1991 THIRD READING, PASSED.
AYES, 92; NOES, 7.

TRANSMITTED TO SENATE WITH AMENDMENTS.

IN THE SENATE

FEBRUARY 6, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON PUBLIC HEALTH, WELFARE, & SAFETY.

FIRST READING.

MARCH 23, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 25, 1991 ON MOTION, CONSIDERATION PASSED
UNTIL THE 65TH LEGISLATIVE DAY.

MARCH 27, 1991 SECOND READING, CONCURRED IN
AS AMENDED. SENATE COMMITTEE AMEND-
MENTS STRICKEN. BILL CONCURRED IN.

MARCH 28, 1991 THIRD READING, CONCURRED IN.
AYES, 33; NOES, 16.

RETURNED TO HOUSE.

IN THE HOUSE

APRIL 6, 1991

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

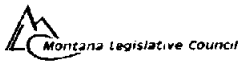
1 HOUSE BILL NO. 239
 2 INTRODUCED BY Randy Yellowtail
 3 BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL
 4 Whalen
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE THE
 6 INFECTIOUS WASTE MANAGEMENT ACT; TO ESTABLISH MANAGEMENT
 7 STANDARDS FOR THE STORAGE, TRANSPORTATION, TREATMENT, AND
 8 DISPOSAL OF INFECTIOUS WASTE; AND TO GRANT PROFESSIONAL AND
 9 OCCUPATIONAL BOARDS RULEMAKING AUTHORITY AND THE AUTHORITY
 10 TO IMPOSE ANNUAL FEES."

11
 12 STATEMENT OF INTENT
 13 A statement of intent is required for this bill because
 14 [section 6] grants rulemaking authority to the department of
 15 health and environmental sciences and to professional
 16 licensing boards. It is the intent of the legislature that
 17 these regulations be designed to protect the public health,
 18 safety, and welfare and the environment and that they be
 19 developed in consideration of the needs of Montana's medical
 20 service community and with the best current technical
 21 information.

22
 23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 24 NEW SECTION. Section 1. Short title. [Sections 1
 25 through 6] may be cited as the "Infectious Waste Management

1 Act".
 2 NEW SECTION. Section 2. Purpose. The purpose of
 3 [sections 1 through 6] is to protect the public health,
 4 safety, and welfare of the citizens of Montana by developing
 5 and implementing infectious waste management policies that
 6 are reasonable, cost-effective, aesthetically pleasing, and
 7 environmentally acceptable.

8 NEW SECTION. Section 3. Definitions. As used in
 9 [sections 1 through 6], the following definitions apply:
 10 (1) "Department" means the department of health and
 11 environmental sciences established in 2-15-2101.
 12 (2) "Generator" means an individual, firm, facility, or
 13 company that produces infectious waste.
 14 (3) "Infectious" means capable of producing disease. To
 15 be infectious, the following four factors simultaneously
 16 must be present:
 17 (a) virulence, which is the ability of microorganisms
 18 to cause disease;
 19 (b) dose, which is microorganisms in a quantity
 20 sufficient to cause infection;
 21 (c) portal of entry, which is an opening or route of
 22 access into a human body; and
 23 (d) host susceptibility, which means the host's natural
 24 resistance is incapable of preventing infection.
 25 (4) "Infectious waste" means waste capable of producing



1 infectious disease. Infectious waste includes but is not
2 limited to:

3 (a) cultures and stocks of infectious agents and
4 associated biologicals;

5 (b) human pathological waste, including tissues,
6 organs, and body parts removed during surgery or an autopsy;

7 (c) free-flowing waste human blood and products of
8 blood, including serum, plasma, and other blood components
9 and items soaked or saturated with blood; and

10 (d) sharps that have been used in patient care, medical
11 research, or industrial laboratories.

12 (5) "Sharps" means any discarded health care article
13 that may cause punctures or cuts, including but not limited
14 to needles, scalpel blades, and broken glass that may be
15 contaminated with blood.

16 (6) "Steam sterilization" means a treatment method for
17 infectious waste utilizing saturated steam within a pressure
18 vessel (known as a steam sterilizer, autoclave, or retort)
19 at a time, for a period of time, and at a temperature
20 sufficient to kill infectious agents within the waste.

21 (7) "Storage" means the actual or intended containment
22 of wastes on either a temporary basis or a long-term basis.

23 (8) "Transportation" means the movement of infectious
24 waste from the point of generation to any intermediate
25 points or to the point of ultimate treatment or disposal.

1 (9) "Treatment" means the application of a method,
2 technique, or process, including incineration, designed to
3 render infectious waste sterile.

4 NEW SECTION. **Section 4. Prohibition.** A person may not
5 treat, store, transport, or dispose of infectious waste in a
6 manner not authorized under the provisions of [sections 1
7 through 6] or rules adopted under the provisions of
8 [sections 1 through 6].

9 NEW SECTION. **Section 5. Management standards --**
10 **procedures for storage, transportation, treatment, and**
11 **disposal.** (1) Infectious waste must be separated from
12 ordinary waste at the point of origin and stored until the
13 waste is rendered noninfectious in separate, distinct
14 containers with biohazard warning labels in compliance with
15 the following procedures:

16 (a) Sharps must be contained for storage,
17 transportation, treatment, and subsequent disposal in
18 leakproof, rigid, puncture-resistant containers that must be
19 taped closed or capped securely to prevent loss of contents.

20 (b) Infectious waste other than sharps must be
21 contained in moisture-proof disposable containers or bags of
22 a strength sufficient to prevent ripping, tearing, or
23 bursting under normal conditions of use. The bags must be
24 securely tied to prevent leakage or expulsion of solid or
25 liquid wastes during storage, handling, and transportation.

1 (2) To inhibit the spread of infectious agents,
2 infectious waste must be stored prior to treatment in a
3 secured area that prevents access by unauthorized personnel
4 and must be clearly marked or labeled as infectious.

5 (3) Handling of infectious waste must be done in a
6 manner to prevent compaction or other mechanical
7 manipulation that might cause the release of infectious
8 agents.

9 (4) (a) Treatment and disposal of infectious waste must
10 be accomplished through the following methods:

11 (i) incineration with complete combustion that reduces
12 infectious waste to carbonized or mineralized ash;

13 (ii) steam sterilization that renders infectious waste
14 noninfectious; or

15 (iii) sterilization by standard chemical techniques or
16 by any scientifically proven techniques approved by state
17 and federal authorities.

18 (b) Liquid or semisolid infectious waste may be
19 discharged into a sewer system that provides secondary
20 treatment or into a primary treatment sewage system if waste
21 is first sterilized by chemical treatment.

22 (c) Fetal remains or recognizable body parts other than
23 teeth must be disposed of by incineration or interment.

24 (5) If infectious waste has been rendered noninfectious
25 by one of the methods listed in subsection (4) and is no

1 longer biologically hazardous, it may be mixed with and
2 disposed of with ordinary waste in the following manner:

3 (a) Steam-sterilized waste must be labeled identifying
4 it as such with heat sensitive tape or bagged in marked
5 autoclavable bags.

6 (b) Chemically treated waste or waste otherwise treated
7 under subsection (4)(a)(iii) must be appropriately labeled.

8 (6) Infectious waste may be transported by the
9 generator, a municipal solid waste service, or a regulated
10 commercial hauler to an offsite treatment facility if the
11 waste is confined in a leakproof, noncompacting, fully
12 enclosed vehicle compartment.

13 (7) (a) Infectious waste that has been treated by one
14 of the methods in subsection (4) may be disposed of in a
15 properly operated landfill licensed under 75-10-221.

16 (b) Untreated infectious waste may be disposed of at a
17 licensed, properly operated landfill until April 1, 1993, if
18 it is buried in a separate area without compaction and with
19 minimum disturbance.

20 (8) An employee who handles or manages infectious waste
21 must receive training provided by the employer that is
22 adequate to ensure safe performance of duties.

23 (9) Generators and transporters of infectious waste
24 shall develop a contingency plan to handle spills and
25 equipment failure.

1 NEW SECTION. **Section 6. Licensing and regulation --**

2 **rulemaking authority.** (1) A board or department of the state
3 that licenses a profession, occupation, or health care
4 facility that generates infectious waste shall require each
5 licensee to comply with [sections 1 through 6] as a
6 condition of licensure. The board or department shall adopt
7 rules to implement [sections 1 through 6] and may impose and
8 adjust annual fees commensurate with the costs of
9 regulation.

10 (2) A profession, occupation, or health care facility
11 that generates or transports infectious waste or that
12 operates treatment, storage, or disposal facilities
13 regulated by [sections 1 through 6] that is not already
14 licensed by a board or department under subsection (1) must
15 obtain a permit annually from the department. The department
16 shall adopt rules to implement [sections 1 through 6] and
17 may establish an annual fee commensurate with the costs of
18 regulation. Fees collected under the provisions of [sections
19 1 through 6] must be deposited in the solid waste management
20 account established in 75-10-117.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0239, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:


A bill to: create the infectious waste management act; establish management standards for the storage, transportation, treatment, and disposal of infectious waste; and grant professional and occupational boards rule making authority and the authority to impose annual fees.

ASSUMPTIONS:

1. A 1.00 FTE Environmental Specialist IV (grade 14, step 2) would be required to help write rules and carry out on-site inspections of infectious waste transporters and storage, treatment and disposal facilities that are not regulated by another professional or occupational board. A 0.20 FTE Lawyer (grade 17, step 7) will be required to assist in rule writing for the first year after this statute takes effect.
2. The rule writing effort would be complete by the end of FY92.
3. Administrative rules regarding management of infectious waste in health care facilities would integrate inspections with existing licensing/certification processes to the fullest extent practical, including deemed status for JCAHO (Joint Commission for the Accreditation of Hospital Organizations) accredited hospitals.
4. DHES would contract in FY92 to write administrative rules for health care facilities. A 0.50 FTE Administrative Assistant (grade 8, step 2) would be required in the second year to absorb additional workload created by an augmented inspection process. Costs would be funded by fees as authorized in HB0239.
5. Costs of developing rules and enforcing compliance with licensing standards of professional boards attached to the Department of Commerce would be minimal and could be absorbed within current level budgets.

FISCAL IMPACT:

see next page


ROE SUNDSTED, BUDGET DIRECTOR HB-91
Office of Budget and Program Planning DATE

BOB RANEY, PRIMARY SPONSOR

DATE

Fiscal Note for HB0239, as introduced.

HB 239

Fiscal Note Request, HB0239, as introduced.
 Form BD-15
 Page 2

FISCAL IMPACT:

Solid & Hazardous Waste Bureau (DHES):

	FY92			FY93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
FTE	0.00	1.20	1.20	0.00	1.00	1.00
Personnel	0	34,930	34,930	0	27,780	27,780
Operating Expenses	0	31,170	31,170	0	24,131	24,131
Total	0	66,100	66,100	0	51,911	51,911
<u>Funding:</u>						
Infectious Waste Fees (02)	0	66,100	66,100	0	51,911	51,911

Licensing & Certification Bureau (DHES):

	FY92			FY93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
FTE	0.00	0.00	0.00	0.00	0.50	0.50
Personnel	0	0	0	0	9,383	9,383
Operating Expenses	0	60,000	60,000	0	1,783	1,783
Total	0	60,000	60,000	0	11,166	11,166
<u>Funding:</u>						
Infectious Waste Fees (02)	0	60,000	60,000	0	11,166	11,166

HB 239

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0239, second reading.

DESCRIPTION OF PROPOSED LEGISLATION:


A bill to: create the infectious waste management act; establish management standards for the storage, transportation, treatment, and disposal of infectious waste; and grant professional and occupational boards rule making authority and the authority to impose annual fees.

ASSUMPTIONS:

1. A 1.00 FTE Environmental Specialist IV (grade 14, step 2) would be required to help write rules and carry out on-site inspections of infectious waste transporters and storage, treatment and disposal facilities that are not regulated by another professional or occupational board. A 0.20 FTE Lawyer (grade 17, step 7) will be required to assist in rule writing for the first year after this statute takes effect.
2. The rule writing effort would be complete by the end of FY92.
3. Administrative rules regarding management of infectious waste in health care facilities would integrate inspections with existing licensing/certification processes to the fullest extent practical, including deemed status for JCAHO (Joint Commission for the Accreditation of Hospital Organizations) accredited hospitals.
4. DHES would contract in FY92 to write administrative rules for health care facilities. An additional \$4000 per year would be required for miscellaneous expenses. Costs would be funded by fees as authorized in HB0239.
5. Costs of developing rules and enforcing compliance with licensing standards of professional boards attached to the Department of Commerce would be minimal and could be absorbed within current level budgets.

FISCAL IMPACT:

see next page

 2-5-91

ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

BOB RANEY, PRIMARY SPONSOR DATE
Fiscal Note for HB0239, second reading.

SECOND READING **HB 239**

FISCAL IMPACT:

Solid & Hazardous Waste Bureau (DHES):

<u>Expenditures:</u>	<u>FY92</u>			<u>FY93</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
FTE	0.00	1.20	1.20	0.00	1.00	1.00
Personnel	0	34,930	34,930	0	27,780	27,780
Operating Expenses	0	31,170	31,170	0	24,131	24,131
Total	0	66,100	66,100	0	51,911	51,911
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<u>Expenditures:</u>	<u>FY92</u>			<u>FY93</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
FTE	0.00	0.00	0.00	0.00	0.00	0.00
Personnel	0	0	0	0	0	0
Operating Expenses	0	39,000	39,000	0	4,000	4,000
Total	0	39,000	39,000	0	4,000	4,000
<u>Funding:</u>						
Infectious Waste Fees (02)	0	39,000	39,000	0	4,000	4,000

APPROVED BY COMM. ON
NATURAL RESOURCES

HOUSE BILL NO. 239

INTRODUCED BY RANEY, YELLOWTAIL, WEEDING,

WHALEN, DRISCOLL, GILBERT, GRADY, REA

BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE THE
INFECTIOUS WASTE MANAGEMENT ACT; TO ESTABLISH MANAGEMENT
STANDARDS FOR THE STORAGE, TRANSPORTATION, TREATMENT, AND
DISPOSAL OF INFECTIOUS WASTE; AND TO GRANT PROFESSIONAL AND
OCCUPATIONAL BOARDS RULEMAKING AUTHORITY AND THE AUTHORITY
TO IMPOSE ANNUAL FEES."

STATEMENT OF INTENT

A statement of intent is required for this bill because
[section 6] grants rulemaking authority to the department of
health and environmental sciences and to professional
licensing boards. It is the intent of the legislature that
these regulations be designed to protect the public health,
safety, and welfare and the environment and that they be
developed in consideration of the needs of Montana's medical
service community and with the best current technical
information.

IT IS ALSO THE INTENT OF THE LEGISLATURE THAT [SECTIONS
1 THROUGH 6] BE IMPLEMENTED WITH MINIMUM FISCAL IMPACT. THE
DEPARTMENT AND PROFESSIONAL LICENSING BOARDS SHALL ENSURE

COMPLIANCE WITH [SECTIONS 1 THROUGH 6] THROUGH THE COURSE OF
NORMAL INSPECTIONS, THE EXISTING LICENSING PROCESS, AND THE
INVESTIGATION OF COMPLAINTS. THE DEPARTMENT AND PROFESSIONAL
LICENSING BOARDS MAY IMPOSE AND ADJUST ANNUAL FEES
COMMENSURATE WITH THE COSTS OF REGULATION AND INSPECTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Short title. [Sections 1
through 6] may be cited as the "Infectious Waste Management
Act".

NEW SECTION. Section 2. Purpose. The purpose of
[sections 1 through 6] is to protect the public health,
safety, and welfare of the citizens of Montana by developing
and implementing infectious waste management policies that
are reasonable, cost-effective, aesthetically pleasing, and
environmentally acceptable.

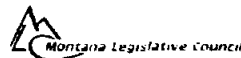
NEW SECTION. Section 3. Definitions. As used in
[sections 1 through 6], the following definitions apply:

(1) "Department" means the department of health and
environmental sciences established in 2-15-2101.

(2) "Generator" means an individual, firm, facility, or
company that produces infectious waste.

(3) "Infectious" means capable of producing disease. To
be infectious, the following four factors simultaneously
must be present:

SECOND READING



1 (a) virulence, which is the ability of microorganisms
2 to cause disease;

3 (b) dose, which is microorganisms in a quantity
4 sufficient to cause infection;

5 (c) portal of entry, which is an opening or route of
6 access into a human body; and

7 (d) host susceptibility, which means the host's natural
8 resistance is incapable of preventing infection.

9 (4) "Infectious waste" means waste capable of producing
10 infectious disease. Infectious waste includes but is not
11 limited to:

12 (a) cultures and stocks of infectious agents and
13 associated biologicals;

14 (b) human pathological waste, including tissues,
15 organs, and body parts removed during surgery or an autopsy;

16 (c) free-flowing waste human blood and products of
17 blood, including serum, plasma, and other blood components
18 and items soaked or saturated with blood; and

19 (d) sharps that have been used in patient care, medical
20 research, or industrial laboratories.

21 (5) "Sharps" means any discarded health care article
22 that may cause punctures or cuts, including but not limited
23 to needles, scalpel blades, and broken glass that may be
24 contaminated with blood.

25 (6) "Steam sterilization" means a treatment method for

1 infectious waste utilizing saturated steam within a pressure
2 vessel (known as a steam sterilizer, autoclave, or retort)
3 at a time, for a period of time, and at a temperature
4 sufficient to kill infectious agents within the waste.

5 (7) "Storage" means the actual or intended containment
6 of wastes on either a temporary basis or a long-term basis.

7 (8) "Transportation" means the movement of infectious
8 waste from the point of generation to any intermediate
9 points or to the point of ultimate treatment or disposal.

10 (9) "Treatment" means the application of a method,
11 technique, or process, including incineration, designed to
12 render infectious waste sterile.

13 NEW SECTION. **Section 4. Prohibition.** A person may not
14 treat, store, transport, or dispose of infectious waste in a
15 manner not authorized under the provisions of [sections 1
16 through 6] or rules adopted under the provisions of
17 [sections 1 through 6].

18 NEW SECTION. **Section 5. Management standards** --
19 procedures for storage, transportation, treatment, and
20 disposal. (1) Infectious waste must be separated from
21 ordinary waste at the point of origin and stored until the
22 waste is rendered noninfectious in separate, distinct
23 containers with biohazard warning labels in compliance with
24 the following procedures:

25 (a) Sharps must be contained for storage,

1 transportation, treatment, and subsequent disposal in
2 leakproof, rigid, puncture-resistant containers that must be
3 taped closed or capped securely to prevent loss of contents.

4 (b) Infectious waste other than sharps must be
5 contained in moisture-proof disposable containers or bags of
6 a strength sufficient to prevent ripping, tearing, or
7 bursting under normal conditions of use. The bags must be
8 securely tied to prevent leakage or expulsion of solid or
9 liquid wastes during storage, handling, and transportation.

10 (2) To inhibit the spread of infectious agents,
11 infectious waste must be stored prior to treatment in a
12 secured area that prevents access by unauthorized personnel
13 and must be clearly marked or labeled as infectious.

14 (3) Handling of infectious waste must be done in a
15 manner to prevent compaction or other mechanical
16 manipulation that might cause the release of infectious
17 agents.

18 (4) (a) Treatment and disposal of infectious waste must
19 be accomplished through the following methods:

20 (i) incineration with complete combustion that reduces
21 infectious waste to carbonized or mineralized ash;

22 (ii) steam sterilization that renders infectious waste
23 noninfectious; or

24 (iii) sterilization by standard chemical techniques or
25 by any scientifically proven techniques approved by state

1 and federal authorities.

2 (b) Liquid or semisolid infectious waste may be
3 discharged into a sewer system that provides secondary
4 treatment or into a primary treatment sewage system if waste
5 is first sterilized by chemical treatment. A SUBSURFACE
6 DISPOSAL SYSTEM INSTALLED AND OPERATED IN ACCORDANCE WITH
7 STATE OR LOCAL SANITARY REGULATIONS IS, FOR THE PURPOSE OF
8 THIS SUBSECTION (B), A SEWER SYSTEM PROVIDING SECONDARY
9 TREATMENT.

10 (c) Petal remains or recognizable body parts other than
11 teeth must be disposed of by incineration or interment.

12 (5) If infectious waste has been rendered noninfectious
13 by one of the methods listed in subsection (4) and is no
14 longer biologically hazardous, it may be mixed with and
15 disposed of with ordinary waste in the following manner:

16 (a) Steam-sterilized waste must be labeled identifying
17 it as such with heat sensitive tape or bagged in marked
18 autoclavable bags.

19 (b) Chemically treated waste or waste otherwise treated
20 under subsection (4)(a)(iii) must be appropriately labeled.

21 (6) Infectious waste may be transported by the
22 generator, a municipal solid waste service, or a regulated
23 commercial hauler to an offsite treatment facility if the
24 waste is confined in a leakproof, noncompacting, fully
25 enclosed vehicle compartment.

1 (7) (a) Infectious waste that has been treated by one
2 of the methods in subsection (4) may be disposed of in a
3 properly operated landfill licensed under 75-10-221.

4 (b) Untreated infectious waste may be disposed of at a
5 licensed, properly operated landfill until April 1, 1993, if
6 it is buried in a separate area without compaction and with
7 minimum disturbance.

8 (8) An employee who handles or manages infectious waste
9 must receive training provided by the employer that is
10 adequate to ensure safe performance of duties.

11 (9) Generators and transporters of infectious waste
12 shall develop a contingency plan to handle spills and
13 equipment failure.

14 NEW SECTION. **Section 6.** Licensing and regulation --
15 rulemaking authority. (1) A board or department of the state
16 that licenses a profession, occupation, or health care
17 facility that generates infectious waste shall require each
18 licensee to comply with [sections 1 through 6] as a
19 condition of licensure. The board or department shall adopt
20 rules to implement [sections 1 through 6] and may impose and
21 adjust annual fees commensurate with the costs of
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23 (2) A profession, occupation, or health care facility
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1 regulated by [sections 1 through 6] that is not already
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6 regulation. Fees collected under the provisions of [sections
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8 account established in 75-10-117.

-End-

HOUSE BILL NO. 239

INTRODUCED BY RANEY, YELLOWTAIL, WEEDING,

WHALEN, DRISCOLL, GILBERT, GRADY, REA

BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE THE INFECTIOUS WASTE MANAGEMENT ACT; TO ESTABLISH MANAGEMENT STANDARDS FOR THE STORAGE, TRANSPORTATION, TREATMENT, AND DISPOSAL OF INFECTIOUS WASTE; AND TO GRANT PROFESSIONAL AND OCCUPATIONAL BOARDS RULEMAKING AUTHORITY AND THE AUTHORITY TO IMPOSE ANNUAL FEES."

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 6] grants rulemaking authority to the department of health and environmental sciences and to professional licensing boards. It is the intent of the legislature that these regulations be designed to protect the public health, safety, and welfare and the environment and that they be developed in consideration of the needs of Montana's medical service community and with the best current technical information.

IT IS ALSO THE INTENT OF THE LEGISLATURE THAT [SECTIONS 1 THROUGH 6] BE IMPLEMENTED WITH MINIMUM FISCAL IMPACT. THE DEPARTMENT AND PROFESSIONAL LICENSING BOARDS SHALL ENSURE

COMPLIANCE WITH [SECTIONS 1 THROUGH 6] THROUGH THE COURSE OF NORMAL INSPECTIONS, THE EXISTING LICENSING PROCESS, AND THE INVESTIGATION OF COMPLAINTS. THE DEPARTMENT AND PROFESSIONAL LICENSING BOARDS MAY IMPOSE AND ADJUST ANNUAL FEES COMMENSURATE WITH THE COSTS OF REGULATION AND INSPECTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Short title. [Sections 1 through 6] may be cited as the "Infectious Waste Management Act".

NEW SECTION. Section 2. Purpose. The purpose of [sections 1 through 6] is to protect the public health, safety, and welfare of the citizens of Montana by developing and implementing infectious waste management policies that are reasonable, cost-effective, aesthetically pleasing, and environmentally acceptable.

NEW SECTION. Section 3. Definitions. As used in [sections 1 through 6], the following definitions apply:

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1 (a) virulence, which is the ability of microorganisms
2 to cause disease;

3 (b) dose, which is microorganisms in a quantity
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6 access into a human body; and

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13 associated biologicals;

14 (b) human pathological waste, including tissues,
15 organs, and body parts removed during surgery or an autopsy;

16 (c) free-flowing waste human blood and products of
17 blood, including serum, plasma, and other blood components
18 and items soaked or saturated with blood; and

19 (d) sharps that have been used in patient care, medical
20 research, or industrial laboratories.

21 (5) "Sharps" means any discarded health care article
22 that may cause punctures or cuts, including but not limited
23 to needles, scalpel blades, and broken glass that may be
24 contaminated with blood.

25 (6) "Steam sterilization" means a treatment method for

1 infectious waste utilizing saturated steam within a pressure
2 vessel (known as a steam sterilizer, autoclave, or retort)
3 at a time, for a period of time, and at a temperature
4 sufficient to kill infectious agents within the waste.

5 (7) "Storage" means the actual or intended containment
6 of wastes on either a temporary basis or a long-term basis.

7 (8) "Transportation" means the movement of infectious
8 waste from the point of generation to any intermediate
9 points or to the point of ultimate treatment or disposal.

10 (9) "Treatment" means the application of a method,
11 technique, or process, including incineration, designed to
12 render infectious waste sterile.

13 NEW SECTION. **Section 4. Prohibition.** A person may not
14 treat, store, transport, or dispose of infectious waste in a
15 manner not authorized under the provisions of [sections 1
16 through 6] or rules adopted under the provisions of
17 [sections 1 through 6].

18 NEW SECTION. **Section 5. Management standards** --
19 **procedures for storage, transportation, treatment, and**
20 **disposal.** (1) Infectious waste must be separated from
21 ordinary waste at the point of origin and stored until the
22 waste is rendered noninfectious in separate, distinct
23 containers with biohazard warning labels in compliance with
24 the following procedures:

25 (a) Sharps must be contained for storage,

1 transportation, treatment, and subsequent disposal in
2 leakproof, rigid, puncture-resistant containers that must be
3 taped closed or capped securely to prevent loss of contents.

4 (b) Infectious waste other than sharps must be
5 contained in moisture-proof disposable containers or bags of
6 a strength sufficient to prevent ripping, tearing, or
7 bursting under normal conditions of use. The bags must be
8 securely tied to prevent leakage or expulsion of solid or
9 liquid wastes during storage, handling, and transportation.

10 (2) To inhibit the spread of infectious agents,
11 infectious waste must be stored prior to treatment in a
12 secured area that prevents access by unauthorized personnel
13 and must be clearly marked or labeled as infectious.

14 (3) Handling of infectious waste must be done in a
15 manner to prevent compaction or other mechanical
16 manipulation that might cause the release of infectious
17 agents.

18 (4) (a) Treatment and disposal of infectious waste must
19 be accomplished through the following methods:

20 (i) incineration with complete combustion that reduces
21 infectious waste to carbonized or mineralized ash;

22 (ii) steam sterilization that renders infectious waste
23 noninfectious; or

24 (iii) sterilization by standard chemical techniques or
25 by any scientifically proven techniques approved by state

1 and federal authorities.

2 (b) Liquid or semisolid infectious waste may be
3 discharged into a sewer system that provides secondary
4 treatment or into a primary treatment sewage system if waste
5 is first sterilized by chemical treatment. A SUBSURFACE
6 DISPOSAL SYSTEM INSTALLED AND OPERATED IN ACCORDANCE WITH
7 STATE OR LOCAL SANITARY REGULATIONS IS, FOR THE PURPOSE OF
8 THIS SUBSECTION (B), A SEWER SYSTEM PROVIDING SECONDARY
9 TREATMENT.

10 (c) Fetal remains or recognizable body parts other than
11 teeth must be disposed of by incineration or interment.

12 (5) If infectious waste has been rendered noninfectious
13 by one of the methods listed in subsection (4) and is no
14 longer biologically hazardous, it may be mixed with and
15 disposed of with ordinary waste in the following manner:

16 (a) Steam-sterilized waste must be labeled identifying
17 it as such with heat sensitive tape or bagged in marked
18 autoclavable bags.

19 (b) Chemically treated waste or waste otherwise treated
20 under subsection (4)(a)(iii) must be appropriately labeled.

21 (6) Infectious waste may be transported by the
22 generator, a municipal solid waste service, or a regulated
23 commercial hauler to an offsite treatment facility if the
24 waste is confined in a leakproof, noncompacting, fully
25 enclosed vehicle compartment.

1 (7) (a) Infectious waste that has been treated by one
2 of the methods in subsection (4) may be disposed of in a
3 properly operated landfill licensed under 75-10-221.

4 (b) Untreated infectious waste may be disposed of at a
5 licensed, properly operated landfill until April 1, 1993, if
6 it is buried in a separate area without compaction and with
7 minimum disturbance.

8 (8) An employee who handles or manages infectious waste
9 must receive training provided by the employer that is
10 adequate to ensure safe performance of duties.

11 (9) Generators and transporters of infectious waste
12 shall develop a contingency plan to handle spills and
13 equipment failure.

14 NEW SECTION. **Section 6.** Licensing and regulation --
15 rulemaking authority. (1) A board or department of the state
16 that licenses a profession, occupation, or health care
17 facility that generates infectious waste shall require each
18 licensee to comply with [sections 1 through 6] as a
19 condition of licensure. The board or department shall adopt
20 rules to implement [sections 1 through 6] and may impose and
21 adjust annual fees commensurate with the costs of
22 regulation.

23 (2) A profession, occupation, or health care facility
24 that generates or transports infectious waste or that
25 operates treatment, storage, or disposal facilities

1 regulated by [sections 1 through 6] that is not already
2 licensed by a board or department under subsection (1) must
3 obtain a permit annually from the department. The department
4 shall adopt rules to implement [sections 1 through 6] and
5 may establish an annual fee commensurate with the costs of
6 regulation. Fees collected under the provisions of [sections
7 1 through 6] must be deposited in the solid waste management
8 account established in 75-10-117.

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 23, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration House Bill No. 239 (third reading copy -- blue), respectfully report that House Bill No. 239 be amended and as so amended be concurred in:

1. Page 6, line 2.

Following: "(b)"

Strike: "Liquid"

Insert: "Unless local sewer authorities adopt a stricter requirement, liquid"

Signed: 
Dorothy Eck, Chairman

LB 3/23/91
Amd. Cobrd.

SB 3/23 11:45
Sec. of Senate

SENATE

HB 239

SENATE COMMITTEE OF THE WHOLE AMENDMENT

March 25, 1991 10:01 am

Mr. Chairman: I move to amend House Bill No. 239 (third reading copy -- blue) as follows:

Strike in its entirety Public Health, Welfare, and Safety Standing Committee Report on House Bill No. 239 (third reading copy -- blue) dated March 23, 1991.

ADOPT

REJECT

Signed:

David B. Rye
Senator Rye

141 3-25-91
Am. Coord.

SB 3-25
Sec. of Senate

SENATE
HB 239

HOUSE BILL NO. 239

INTRODUCED BY RANEY, YELLOWTAIL, WEEDING,

WHALEN, DRISCOLL, GILBERT, GRADY, REA

BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE THE INFECTIOUS WASTE MANAGEMENT ACT; TO ESTABLISH MANAGEMENT STANDARDS FOR THE STORAGE, TRANSPORTATION, TREATMENT, AND DISPOSAL OF INFECTIOUS WASTE; AND TO GRANT PROFESSIONAL AND OCCUPATIONAL BOARDS RULEMAKING AUTHORITY AND THE AUTHORITY TO IMPOSE ANNUAL FEES."

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 6] grants rulemaking authority to the department of health and environmental sciences and to professional licensing boards. It is the intent of the legislature that these regulations be designed to protect the public health, safety, and welfare and the environment and that they be developed in consideration of the needs of Montana's medical service community and with the best current technical information.

IT IS ALSO THE INTENT OF THE LEGISLATURE THAT [SECTIONS 1 THROUGH 6] BE IMPLEMENTED WITH MINIMUM FISCAL IMPACT. THE DEPARTMENT AND PROFESSIONAL LICENSING BOARDS SHALL ENSURE

COMPLIANCE WITH [SECTIONS 1 THROUGH 6] THROUGH THE COURSE OF NORMAL INSPECTIONS, THE EXISTING LICENSING PROCESS, AND THE INVESTIGATION OF COMPLAINTS. THE DEPARTMENT AND PROFESSIONAL LICENSING BOARDS MAY IMPOSE AND ADJUST ANNUAL FEES COMMENSURATE WITH THE COSTS OF REGULATION AND INSPECTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Short title. [Sections 1 through 6] may be cited as the "Infectious Waste Management Act".

NEW SECTION. Section 2. Purpose. The purpose of [sections 1 through 6] is to protect the public health, safety, and welfare of the citizens of Montana by developing and implementing infectious waste management policies that are reasonable, cost-effective, aesthetically pleasing, and environmentally acceptable.

NEW SECTION. Section 3. Definitions. As used in [sections 1 through 6], the following definitions apply:

(1) "Department" means the department of health and environmental sciences established in 2-15-2101.

(2) "Generator" means an individual, firm, facility, or company that produces infectious waste.

(3) "Infectious" means capable of producing disease. To be infectious, the following four factors simultaneously must be present:



1 (a) virulence, which is the ability of microorganisms
2 to cause disease;

3 (b) dose, which is microorganisms in a quantity
4 sufficient to cause infection;

5 (c) portal of entry, which is an opening or route of
6 access into a human body; and

7 (d) host susceptibility, which means the host's natural
8 resistance is incapable of preventing infection.

9 (4) "Infectious waste" means waste capable of producing
10 infectious disease. Infectious waste includes but is not
11 limited to:

12 (a) cultures and stocks of infectious agents and
13 associated biologicals;

14 (b) human pathological waste, including tissues,
15 organs, and body parts removed during surgery or an autopsy;

16 (c) free-flowing waste human blood and products of
17 blood, including serum, plasma, and other blood components
18 and items soaked or saturated with blood; and

19 (d) sharps that have been used in patient care, medical
20 research, or industrial laboratories.

21 (5) "Sharps" means any discarded health care article
22 that may cause punctures or cuts, including but not limited
23 to needles, scalpel blades, and broken glass that may be
24 contaminated with blood.

25 (6) "Steam sterilization" means a treatment method for

1 infectious waste utilizing saturated steam within a pressure
2 vessel (known as a steam sterilizer, autoclave, or retort)
3 at a time, for a period of time, and at a temperature
4 sufficient to kill infectious agents within the waste.

5 (7) "Storage" means the actual or intended containment
6 of wastes on either a temporary basis or a long-term basis.

7 (8) "Transportation" means the movement of infectious
8 waste from the point of generation to any intermediate
9 points or to the point of ultimate treatment or disposal.

10 (9) "Treatment" means the application of a method,
11 technique, or process, including incineration, designed to
12 render infectious waste sterile.

13 NEW SECTION. **Section 4. Prohibition.** A person may not
14 treat, store, transport, or dispose of infectious waste in a
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17 [sections 1 through 6].

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 5 contained in moisture-proof disposable containers or bags of
 6 a strength sufficient to prevent ripping, tearing, or
 7 bursting under normal conditions of use. The bags must be
 8 securely tied to prevent leakage or expulsion of solid or
 9 liquid wastes during storage, handling, and transportation.

10 (2) To inhibit the spread of infectious agents,
 11 infectious waste must be stored prior to treatment in a
 12 secured area that prevents access by unauthorized personnel
 13 and must be clearly marked or labeled as infectious.

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 15 manner to prevent compaction or other mechanical
 16 manipulation that might cause the release of infectious
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 19 be accomplished through the following methods:

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 21 infectious waste to carbonized or mineralized ash;

22 (ii) steam sterilization that renders infectious waste
 23 noninfectious; or

24 (iii) sterilization by standard chemical techniques or
 25 by any scientifically proven techniques approved by state

1 and federal authorities.

2 (b) Liquid ~~UNLESS--LOCAL--SEWER--AUTHORITIES--ADOPT--A~~
 3 ~~STRICTER--REQUIREMENT,~~ LIQUID LIQUID or semisolid infectious
 4 waste may be discharged into a sewer system that provides
 5 secondary treatment or into a primary treatment sewage
 6 system if waste is first sterilized by chemical treatment. A
 7 SUBSURFACE DISPOSAL SYSTEM INSTALLED AND OPERATED IN
 8 ACCORDANCE WITH STATE OR LOCAL SANITARY REGULATIONS IS, FOR
 9 THE PURPOSE OF THIS SUBSECTION (B), A SEWER SYSTEM PROVIDING
 10 SECONDARY TREATMENT.

11 (c) Fetal remains or recognizable body parts other than
 12 teeth must be disposed of by incineration or interment.

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 14 by one of the methods listed in subsection (4) and is no
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 24 commercial hauler to an offsite treatment facility if the
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6 licensed, properly operated landfill until April 1, 1993, if
7 it is buried in a separate area without compaction and with
8 minimum disturbance.

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10 must receive training provided by the employer that is
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13 shall develop a contingency plan to handle spills and
14 equipment failure.

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18 facility that generates infectious waste shall require each
19 licensee to comply with [sections 1 through 6] as a
20 condition of licensure. The board or department shall adopt
21 rules to implement [sections 1 through 6] and may impose and
22 adjust annual fees commensurate with the costs of
23 regulation.

24 (2) A profession, occupation, or health care facility
25 that generates or transports infectious waste or that

1 operates treatment, storage, or disposal facilities
2 regulated by [sections 1 through 6] that is not already
3 licensed by a board or department under subsection (1) must
4 obtain a permit annually from the department. The department
5 shall adopt rules to implement [sections 1 through 6] and
6 may establish an annual fee commensurate with the costs of
7 regulation. Fees collected under the provisions of [sections
8 1 through 6] must be deposited in the solid waste management
9 account established in 75-10-117.

-End-