

By: Deuell

S.B. No. 1176

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of medical waste.

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

SECTION 1. Section 361.003, Health and Safety Code, is amended by adding Subdivision (18-a) and amending Subdivision (20) to read as follows:

(18-a) "Medical waste" has the meaning assigned to the term "special waste from health care-related facilities" by Department of State Health Services rule and includes animal waste, bulk blood, bulk human blood products, bulk human body fluids, microbiological waste, pathological waste, and sharps. The term does not include:

(A) waste produced on a farm or ranch as defined by Section 151.316, Tax Code; or

(B) artificial, nonhuman materials removed from a patient and requested by the patient, including orthopedic devices and breast implants.

(20) "Municipal solid waste" means solid waste resulting from or incidental to municipal, community, commercial, institutional, or recreational activities, and includes garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and other solid waste other than industrial solid waste or medical waste.

SECTION 2. Subchapter C, Chapter 361, Health and Safety

1 Code, is amended by adding Section 361.0905 to read as follows:

2 Sec. 361.0905. REGULATION OF MEDICAL WASTE MANAGEMENT. (a)

3 The commission is responsible under this section for the management
4 of medical waste.

5 (b) The commission shall accomplish the purposes of this
6 chapter by controlling all aspects of the management of medical
7 waste.

8 (c) The commission has the powers and duties specifically
9 prescribed by this chapter relating to medical waste management and
10 all other powers necessary or convenient to carry out those
11 responsibilities under this chapter.

12 (d) In matters relating to medical waste management, the
13 commission shall consider water pollution control and water quality
14 aspects, air pollution control and ambient air quality aspects, and
15 the protection of human health and safety.

16 (e) Rules adopted to regulate municipal solid waste apply in
17 the same manner to medical waste for:

18 (1) conflicting site operation plan provisions for a
19 site that conducts activities that require a separate permit or
20 authorization;

21 (2) waste acceptance and analysis;

22 (3) facility-generated waste, including wastewater
23 and sludge;

24 (4) contaminated water management;

25 (5) on-site storage areas for source-separated or
26 recyclable materials;

27 (6) processing areas for putrescible or liquid waste;

- 1 (7) approved waste containers for facilities that
2 receive animal and plant health inspection service waste;
- 3 (8) recordkeeping and reporting requirements, except
4 for rules regarding the recordkeeping provisions required to
5 justify the levels of recovered recycled products;
- 6 (9) fire protection;
- 7 (10) access control;
- 8 (11) unloading waste;
- 9 (12) spill prevention and control;
- 10 (13) operating hours;
- 11 (14) facility signage;
- 12 (15) control of litter, including windblown material;
- 13 (16) facility access roads;
- 14 (17) noise pollution and visual screening;
- 15 (18) capacity overloading and mechanical breakdown;
- 16 (19) sanitation, including employee sanitation
17 facilities;
- 18 (20) ventilation and air pollution control, except as
19 those rules apply to:
- 20 (A) process areas where putrescible waste is
21 processed;
- 22 (B) the minimal air exposure for liquid waste;
23 and
- 24 (C) the cleaning and maintenance of mobile waste
25 processing unit equipment; and
- 26 (21) facility health and safety plans, including
27 employee training in health and safety.

1 (f) In a facility that handles medical waste, processing
2 equipment shall be located not less than 25 feet from the property
3 boundary. A medical waste storage unit is not subject to this
4 subsection, provided that the medical waste is contained in
5 transport vehicles and refrigerated below 45 degrees if the waste
6 is in the facility longer than 72 hours.

7 (g) A generator of medical waste shall affix to each
8 container a label that contains:

9 (1) the name and address of the generator; and

10 (2) either:

11 (A) the date of the shipment; or

12 (B) the identification number of the shipment.

13 (h) The commission by rule may exempt from notice and public
14 comment requirements certain amendments to a permit or registration
15 for a facility that handles medical waste, including amendments
16 relating to operating hours, waste acceptance, and operation and
17 waste acceptance on a day not previously authorized.

18 SECTION 3. Section 7.141(4), Water Code, is amended to read
19 as follows:

20 (4) "Medical waste" has the meaning assigned by
21 Section 361.003, Health and Safety [~~includes animal waste, bulk~~
22 ~~blood and blood products, microbiological waste, pathological~~
23 ~~waste, sharps, and special waste from health care-related~~
24 ~~facilities as those terms are defined in 25 T.A.C. Section 1.132~~
25 ~~(Texas Department of Health, Definition, Treatment, and~~
26 ~~Disposition of Special Waste from Health Care-Related Facilities)].
27 ~~The term does not include medical waste produced on farmland and~~~~

1 ~~ranchland as defined by Section 252.001(6), Agriculture]~~ Code.

2 SECTION 4. Section 361.560, Health and Safety Code, is
3 repealed.

4 SECTION 5. The changes in law made by this Act do not affect
5 the validity of rules of the Texas Commission on Environmental
6 Quality governing the management of medical waste under 30 T.A.C.
7 Chapter 330, Subchapter Y, or the management of municipal solid
8 waste under 30 T.A.C. Chapter 330, Subchapter E, as those rules
9 existed on the effective date of this Act.

10 SECTION 6. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2013.