

1-1 By: Deuell S.B. No. 1176
 1-2 (In the Senate - Filed March 5, 2013; March 12, 2013, read
 1-3 first time and referred to Committee on Health and Human Services;
 1-4 April 22, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 0; April 22, 2013,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1176 By: Deuell

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the regulation of medical waste.
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Section 361.003, Health and Safety Code, is
 1-24 amended by adding Subdivision (18-a) to read as follows:
 1-25 (18-a) "Medical waste" has the meaning assigned to the
 1-26 term "special waste from health care-related facilities" by
 1-27 Department of State Health Services rule and includes animal waste,
 1-28 bulk blood, bulk human blood products, bulk human body fluids,
 1-29 microbiological waste, pathological waste, and sharps. The term
 1-30 does not include:
 1-31 (A) waste produced on a farm or ranch as defined
 1-32 by Section 151.316, Tax Code; or
 1-33 (B) artificial, nonhuman materials removed from
 1-34 a patient and requested by the patient, including orthopedic
 1-35 devices and breast implants.
 1-36 SECTION 2. Subchapter C, Chapter 361, Health and Safety
 1-37 Code, is amended by adding Section 361.0905 to read as follows:
 1-38 Sec. 361.0905. REGULATION OF MEDICAL WASTE MANAGEMENT.
 1-39 (a) The commission is responsible under this section for the
 1-40 management of medical waste.
 1-41 (b) The commission shall accomplish the purposes of this
 1-42 chapter by requiring a permit or registration for and otherwise
 1-43 regulating the collection, treatment, storage, disposal, and
 1-44 transportation of medical waste.
 1-45 (c) The commission has the powers and duties specifically
 1-46 prescribed by this chapter relating to medical waste management and
 1-47 all other powers necessary or convenient to carry out those
 1-48 responsibilities under this chapter.
 1-49 (d) In matters relating to medical waste management, the
 1-50 commission shall consider water pollution control and water quality
 1-51 aspects, air pollution control and ambient air quality aspects, and
 1-52 the protection of human health and safety.
 1-53 (e) Rules adopted to regulate municipal solid waste apply in
 1-54 the same manner to medical waste only to the extent that the rules
 1-55 address:
 1-56 (1) the reconciliation of conflicting site operation
 1-57 plan provisions for a site that conducts activities that require a
 1-58 separate permit or authorization;
 1-59 (2) waste acceptance and analysis;
 1-60 (3) facility-generated waste, including wastewater

2-1 and sludge;
 2-2 (4) contaminated water management;
 2-3 (5) on-site storage areas for source-separated or
 2-4 recyclable materials;
 2-5 (6) the storage of waste:
 2-6 (A) to prevent the waste from becoming a hazard,
 2-7 including a fire hazard, to human health or safety;
 2-8 (B) to ensure the use of sufficient containers
 2-9 between collections; and
 2-10 (C) to prevent the waste from becoming litter;
 2-11 (7) approved waste containers for facilities that
 2-12 receive animal and plant health inspection service waste;
 2-13 (8) recordkeeping and reporting requirements, except
 2-14 for rules regarding the recordkeeping provisions required to
 2-15 justify the levels of recovered recycled products;
 2-16 (9) fire protection;
 2-17 (10) access control;
 2-18 (11) unloading waste;
 2-19 (12) spill prevention and control;
 2-20 (13) operating hours;
 2-21 (14) facility signage;
 2-22 (15) control of litter, including windblown material;
 2-23 (16) facility access roads;
 2-24 (17) noise pollution and visual screening;
 2-25 (18) capacity overloading and mechanical breakdown;
 2-26 (19) sanitation, including employee sanitation
 2-27 facilities;
 2-28 (20) ventilation and air pollution control, except as
 2-29 those rules apply to:
 2-30 (A) process areas where putrescible waste is
 2-31 processed;
 2-32 (B) the minimal air exposure for liquid waste;
 2-33 and
 2-34 (C) the cleaning and maintenance of mobile waste
 2-35 processing unit equipment;
 2-36 (21) facility health and safety plans, including
 2-37 employee training in health and safety; and
 2-38 (22) the form, submission, and accuracy of reports to
 2-39 track:
 2-40 (A) the amount of waste stored, treated,
 2-41 processed, disposed of, recovered, or recycled; and
 2-42 (B) the amount of processing or disposal capacity
 2-43 and reserve capacity.
 2-44 (f) In a facility that handles medical waste, processing
 2-45 equipment shall be located not less than 25 feet from the property
 2-46 boundary unless the adjacent property owner agrees to a location
 2-47 within 25 feet. A medical waste storage unit is not subject to this
 2-48 subsection, provided that the medical waste is contained in
 2-49 transport vehicles and refrigerated below 45 degrees if the waste
 2-50 is in the facility longer than 72 hours.
 2-51 (g) A generator of medical waste shall affix to each
 2-52 container a label that contains:
 2-53 (1) the name and address of the generator;
 2-54 (2) the contents of the container; and
 2-55 (3) either:
 2-56 (A) the date of the shipment; or
 2-57 (B) the identification number of the shipment.
 2-58 (h) The commission by rule shall exempt from notice and
 2-59 public comment requirements certain amendments to a permit or
 2-60 registration for a facility that handles medical waste, including
 2-61 amendments relating to operating hours and other minimum
 2-62 modifications, as determined by the commission.
 2-63 SECTION 3. Subdivision (4), Section 7.141, Water Code, is
 2-64 amended to read as follows:
 2-65 (4) "Medical waste" has the meaning assigned by
 2-66 Section 361.003, Health and Safety [~~includes animal waste, bulk~~
 2-67 ~~blood and blood products, microbiological waste, pathological~~
 2-68 ~~waste, sharps, and special waste from health care-related~~
 2-69 ~~facilities as those terms are defined in 25 T.A.C. Section 1.132~~

3-1 ~~(Texas Department of Health, Definition, Treatment, and~~
3-2 ~~Disposition of Special Waste from Health Care-Related Facilities).~~
3-3 ~~The term does not include medical waste produced on farmland and~~
3-4 ~~ranchland as defined by Section 252.001(6), Agriculture] Code.~~

3-5 SECTION 4. Section 361.560, Health and Safety Code, is
3-6 repealed.

3-7 SECTION 5. A facility that has a permit or registration that
3-8 allows the handling of medical waste is not, before January 1, 2014,
3-9 required to meet the requirements of any rule adopted to implement
3-10 the changes in law made by this Act.

3-11 SECTION 6. This Act takes effect immediately if it receives
3-12 a vote of two-thirds of all the members elected to each house, as
3-13 provided by Section 39, Article III, Texas Constitution. If this
3-14 Act does not receive the vote necessary for immediate effect, this
3-15 Act takes effect September 1, 2013.

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