1-1	By: Deuell S.B. No. 1176
1-2	(In the Senate - Filed March 5, 2013; March 12, 2013, read
1-3	,
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
1-8	Yea Nay Absent PNV
1-9	Nelson X
1-10	Deuell X
1-11	Huffman X
1-12	Nichols X
1-13 1-14	Schwertner X Taylor X
1-14	Taylor X Uresti X
1-16	West X
1-17	Zaffirini X
1-18	COMMITTEE SUBSTITUTE FOR S.B. No. 1176 By: Deuell
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1-19 1-20	A BILL TO BE ENTITLED AN ACT
1-20	AN ACI
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 1-27	term "special waste from health care-related facilities" by 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 1-35	a patient and requested by the patient, including orthopedic devices and breast implants.
1-35 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 1-43	chapter by requiring a permit or registration for and otherwise regulating the collection, treatment, storage, disposal, and
1-43	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 1 - 52	aspects, air pollution control and ambient air quality aspects, and the protection of human health and safety.
1-52 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

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(1) contaminated water management; (2) on-site storage areas for source-separated of recyclable materials; (6) the storage of water: (7) including a fire hazard, to human health or safety; (8) to ensure the use of sufficient contained between collections; and (C) to prevent the waste from becoming litter; (1) approved waste containers for facilities the receive animal and plant health inspection service waste; (1) approved waste containers for facilities the receive animal and plant health inspection service waste; (2) recordecepting and reporting requirements, except for rules regarding the recordkeeping provisions required in (1) access convered recycled products; (2) fire protection; (3) reported waste converder recycled products; (3) record waste; (4) access control; (5) file protection; (10) access control; (11) unloading waste; (12) file concil very and waste; (13) operating hours; (13) operating hours; (13) caperativy overloading and mechanical breakdown; (13) caperativy overloading and mechanical breakdown; (13) caperativy overloading and mechanical breakdown; (13) caperativy overloading and mechanical breakdown; (14) raccess areas where putrescible waste : (2) the cleaning and maintenance of mobile waste : (2) the cleaning and maintenance of mobile waste : (3) processed; (3) the minimal air exposure for liquid waste (2) the cleaning and maintenance of mobile waste : (4) the access disposed of recovered, or recorded; and (2) facility is submission, and accuracy of reports is (3) the source of recovered, or recorded; and (3) the devent of processing or disposal capacit (4) the same and address of the generator; (3) either is and refrigerated below 45 degrees if the wast (3) either is and refrigerated below 45 degrees if the wast (3) either is and refrigerated below 45 degrees if the wast (4) the name and address of the generator; (5) the commission by rule shall exempt from notice an (6) the date of the shipment; or (7) the name and address of the generator; (6) the demined by head contains; (7) the c		C.S.S.B. No. 1176
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2-53(1) the name and address of the generator; (2) the contents of the container; and (3) either:2-55(3) either: (A) the date of the shipment; or (B) the identification number of the shipment.2-58(h) The commission by rule shall exempt from notice and registration for a facility that handles medical waste, includin 2-61 amendments relating to operating hours and other minimu 2-62 modifications, as determined by the commission.2-64amended to read as follows: (4) "Medical waste" has the meaning assigned by 2-66 Section 361.003, Health and Safety [includes animal waste, but 2-67 blood and blood products, microbiological waste, pathological 2-68 waste, sharps, and special waste from health care-related		
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2-59 public comment requirements certain amendments to a permit of registration for a facility that handles medical waste, includin amendments relating to operating hours and other minimus and and block of the commission. 2-63 SECTION 3. Subdivision (4), Section 7.141, Water Code, amended to read as follows: 2-64 amended to read as follows: 2-65 (4) "Medical waste" has the meaning assigned by a section 361.003, Health and Safety [includes animal waste, businessed and blood products, microbiological waste, pathological waste, sharps, and special waste from health care-related and block and block and special waste from health care-related and block and block and special waste from health care-related and block and block and special waste from health care-related and block and block and special waste from health care-related and block and block and special waste from health care-related and block and blo		
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		blood and blood products, microbiological waste, pathological
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2-09 factifities as those terms are defined in 25 T.A.C. Section I.I.	2-69	facilities as those terms are defined in 25 T.A.C. Section 1.132

C.S.S.B. No. 1176

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

3-11 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.

3-16

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