

By: Zerwas

H.B. No. 2244

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) 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.

SECTION 2. Subchapter C, Chapter 361, Health and Safety Code, is amended by adding Section 361.0905 to read as follows:

Sec. 361.0905. REGULATION OF MEDICAL WASTE. (a) The commission is responsible under this section for the regulation of the handling, transportation, storage, and disposal of medical waste.

(b) The commission shall accomplish the purposes of this chapter by requiring a permit, registration, or other authorization

1 for and otherwise regulating the handling, storage, disposal, and  
2 transportation of medical waste.

3 (c) The commission has the powers and duties specifically  
4 prescribed by this chapter relating to medical waste regulation and  
5 all other powers necessary or convenient to carry out those  
6 responsibilities under this chapter.

7 (d) In matters relating to medical waste regulation, the  
8 commission shall consider water pollution control and water quality  
9 aspects, air pollution control and ambient air quality aspects, and  
10 the protection of human health and safety.

11 (e) Rules adopted to regulate the operation of municipal  
12 solid waste storage and processing units apply in the same manner to  
13 medical waste only to the extent that the rules address:

14 (1) the reconciliation of conflicting site operation  
15 plan provisions for a site that conducts activities that require a  
16 separate permit or authorization;

17 (2) waste acceptance and analysis;

18 (3) facility-generated waste, including wastewater  
19 and sludge;

20 (4) contaminated water management;

21 (5) on-site storage areas for source-separated or  
22 recyclable materials;

23 (6) the storage of waste:

24 (A) to prevent the waste from becoming a hazard,  
25 including a fire hazard, to human health or safety;

26 (B) to ensure the use of sufficient containers  
27 between collections; and

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

1 employee training in health and safety.

2 (f) In a facility that handles medical waste, processing  
3 equipment and transfer activities shall be located not less than 25  
4 feet from the facility boundary. A medical waste storage unit is  
5 not subject to this subsection, provided that medical waste  
6 contained in transport vehicles is refrigerated below 45 degrees if  
7 the waste is in the vehicle longer than 72 hours. The commission  
8 may adopt alternatives to the requirements of this subsection for  
9 permitted, registered, or otherwise authorized medical waste  
10 processing facilities.

11 (g) A generator of medical waste shall affix to each  
12 container, other than a container intended for transport by the  
13 United States Postal Service or other common carrier, a label that  
14 contains:

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

16 (2) the contents of the container; and

17 (3) either:

18 (A) the date of the shipment; or

19 (B) the identification number of the shipment.

20 (h) The commission by rule shall exempt from notice and  
21 public comment requirements certain modifications to a permit,  
22 registration, or other authorization for a facility that handles  
23 medical waste, including modifications relating to operating hours  
24 and other minor modifications, as determined by the commission.

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

27 (4) "Medical waste" has the meaning assigned by

1 Section 361.003, Health and Safety [~~includes animal waste, bulk~~  
2 ~~blood and blood products, microbiological waste, pathological~~  
3 ~~waste, sharps, and special waste from health care-related~~  
4 ~~facilities as those terms are defined in 25 T.A.C. Section 1.132~~  
5 ~~(Texas Department of Health, Definition, Treatment, and~~  
6 ~~Disposition of Special Waste from Health Care-Related Facilities).~~  
7 ~~The term does not include medical waste produced on farmland and~~  
8 ~~ranchland as defined by Section 252.001(6), Agriculture]~~ Code.

9 SECTION 4. Section 361.560, Health and Safety Code, is  
10 repealed.

11 SECTION 5. A facility that has a permit, registration,  
12 pending permit application, or other authorization that allows the  
13 handling of medical waste is not required to comply with the changes  
14 in law made by this Act until rules adopted by the Texas Commission  
15 on Environmental Quality to implement the changes in law made by  
16 this Act take effect. Any change to a permit, registration, or  
17 other authorization in effect on the effective date of this Act that  
18 is necessary to implement the changes in law made by this Act may be  
19 authorized without notice and comment and may not be referred for a  
20 contested case proceeding.

21 SECTION 6. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2015.