



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/09/04, by Sara Feigenholtz - Deborah L. Graham

SYNOPSIS AS INTRODUCED:

415 ILCS 5/3.458 new

415 ILCS 5/56.1

415 ILCS 5/56.7 new

from Ch. 111 1/2, par. 1056.1

Amends the Environmental Protection Act. Provides that no permit shall be required for the operation of a sharps collection station if the operator follows certain procedures concerning the acceptance, storage, treatment, disposal, and transportation of the medical waste. Defines "sharps collection station". Effective immediately.

LRB093 21017 BDD 47030 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning infectious medical waste.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by
5 changing Section 56.1 and by adding Sections 3.458 and 56.7 as
6 follows:

7 (415 ILCS 5/3.458 new)

8 Sec. 3.458. Sharps collection station.

9 (a) "Sharps collection station" means a designated area at
10 an applicable facility where (i) hypodermic, intravenous, or
11 other medical needles, (ii) hypodermic or intravenous
12 syringes, or (iii) medical household waste containing medical
13 sharps, including, but not limited to, hypodermic,
14 intravenous, or other medical needles, and hypodermic or
15 intravenous syringes, are collected for transport, storage,
16 treatment, transfer, or disposal.

17 (b) For purposes of this Section, "applicable facility"
18 means any of the following:

19 (1) A hospital.

20 (2) A physician's office.

21 (3) A pharmacy employing a registered pharmacist.

22 (4) The principal place of business of any government
23 official who is authorized under Section 1 of the
24 Hypodermic Syringes and Needles Act (720 ILCS 635/) to
25 possess hypodermic, intravenous, or other medical needles,
26 or hypodermic or intravenous syringes, by reason of his or
27 her official duties.

28 (5) The base of operation of any physician, registered
29 professional nurse, nurse acting under the direction of a
30 physician, or other person authorized under Section 1 of
31 the Hypodermic Syringes and Needles Act to possess
32 hypodermic, intravenous, or other medical needles, or

1 hypodermic or intravenous syringes, that provides
2 healthcare services at sites other than his or her base of
3 operation.

4 (415 ILCS 5/56.1) (from Ch. 111 1/2, par. 1056.1)

5 Sec. 56.1. Acts prohibited.

6 (A) No person shall:

7 (a) Cause or allow the disposal of any potentially
8 infectious medical waste. Sharps may be disposed in any
9 landfill permitted by the Agency under Section 21 of this Act
10 to accept municipal waste for disposal, if both:

11 (1) the infectious potential has been eliminated from
12 the sharps by treatment; and

13 (2) the sharps are packaged in accordance with Board
14 regulations.

15 (b) Cause or allow the delivery of any potentially
16 infectious medical waste for transport, storage, treatment, or
17 transfer except in accordance with Board regulations.

18 (c) Beginning July 1, 1992, cause or allow the delivery of
19 any potentially infectious medical waste to a person or
20 facility for storage, treatment, or transfer that does not have
21 a permit issued by the agency to receive potentially infectious
22 medical waste, unless no permit is required under subsection
23 (g) (1).

24 (d) Beginning July 1, 1992, cause or allow the delivery or
25 transfer of any potentially infectious medical waste for
26 transport unless:

27 (1) the transporter has a permit issued by the Agency
28 to transport potentially infectious medical waste, or the
29 transporter is exempt from the permit requirement set forth
30 in subsection (f) (1).

31 (2) a potentially infectious medical waste manifest is
32 completed for the waste if a manifest is required under
33 subsection (h).

34 (e) Cause or allow the acceptance of any potentially
35 infectious medical waste for purposes of transport, storage,

1 treatment, or transfer except in accordance with Board
2 regulations.

3 (f) Beginning July 1, 1992, conduct any potentially
4 infectious medical waste transportation operation:

5 (1) Without a permit issued by the Agency to transport
6 potentially infectious medical waste. No permit is
7 required under this provision (f)(1) for:

8 (A) a person transporting potentially infectious
9 medical waste generated solely by that person's
10 activities;

11 (B) noncommercial transportation of less than 50
12 pounds of potentially infectious medical waste at any
13 one time; or

14 (C) the U.S. Postal Service.

15 (2) In violation of any condition of any permit issued
16 by the Agency under this Act.

17 (3) In violation of any regulation adopted by the
18 Board.

19 (4) In violation of any order adopted by the Board
20 under this Act.

21 (g) Beginning July 1, 1992, conduct any potentially
22 infectious medical waste treatment, storage, or transfer
23 operation:

24 (1) without a permit issued by the Agency that
25 specifically authorizes the treatment, storage, or transfer of
26 potentially infectious medical waste. No permit is required
27 under this subsection (g) or subsection (d)(1) of Section 21
28 for any:

29 (A) Person conducting a potentially infectious
30 medical waste treatment, storage, or transfer
31 operation for potentially infectious medical waste
32 generated by the person's own activities that are
33 treated, stored, or transferred within the site where
34 the potentially infectious medical waste is generated.

35 (B) Hospital that treats, stores, or transfers
36 only potentially infectious medical waste generated by

1 its own activities or by members of its medical staff.

2 (C) Sharps collection station that is operated in
3 accordance with Section 56.7.

4 (2) in violation of any condition of any permit issued
5 by the Agency under this Act.

6 (3) in violation of any regulation adopted by the
7 Board.

8 (4) In violation of any order adopted by the Board
9 under this Act.

10 (h) Transport potentially infectious medical waste unless
11 the transporter carries a completed potentially infectious
12 medical waste manifest. No manifest is required for the
13 transportation of:

14 (1) potentially infectious medical waste being
15 transported by generators who generated the waste by their
16 own activities, when the potentially infectious medical
17 waste is transported within or between sites or facilities
18 owned, controlled, or operated by that person;

19 (2) less than 50 pounds of potentially infectious
20 medical waste at any one time for a noncommercial
21 transportation activity; or

22 (3) potentially infectious medical waste by the U.S.
23 Postal Service.

24 (i) Offer for transportation, transport, deliver, receive
25 or accept potentially infectious medical waste for which a
26 manifest is required, unless the manifest indicates that the
27 fee required under Section 56.4 of this Act has been paid.

28 (j) Beginning January 1, 1994, conduct a potentially
29 infectious medical waste treatment operation at an incinerator
30 in existence on the effective date of this Title in violation
31 of emission standards established for these incinerators under
32 Section 129 of the Clean Air Act (42 USC 7429), as amended.

33 (B) In making its orders and determinations relative to
34 penalties, if any, to be imposed for violating subdivision
35 (A)(a) of this Section, the Board, in addition to the factors
36 in Sections 33(c) and 42(h) of this Act, or the Court shall

1 take into consideration whether the owner or operator of the
2 landfill reasonably relied on written statements from the
3 person generating or treating the waste that the waste is not
4 potentially infectious medical waste.

5 (Source: P.A. 92-574, eff. 6-26-02.)

6 (415 ILCS 5/56.7 new)

7 Sec. 56.7. No permit shall be required under subsection
8 (d)(1) of Section 21 or subsection (g) of Section 56.1 of this
9 Act for a sharps collection station if the station is operated
10 in accordance with all of the following:

11 (1) The only waste accepted at the sharps collection
12 station is (i) hypodermic, intravenous, or other medical
13 needles, (ii) hypodermic or intravenous syringes; and
14 (iii) medical household waste containing used or unused
15 sharps, including but not limited to, hypodermic,
16 intravenous, or other medical needles, and hypodermic or
17 intravenous syringes.

18 (2) The waste is stored and transferred in the same
19 manner as required for potentially infectious medical
20 waste under this Act and under Board regulations.

21 (3) The waste is not treated at the sharps collection
22 station unless it is treated in the same manner as required
23 for potentially infectious medical waste under this Act and
24 under Board regulations.

25 (4) The waste is not disposed of at the sharps
26 collection station.

27 (5) The waste is transported in the same manner as
28 required for potentially infectious medical waste under
29 this Act and under Board regulations.

30 Section 99. Effective date. This Act takes effect upon
31 becoming law.