

1 AN ACT concerning safety.

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

4 Section 5. The Department of Public Health Powers and
5 Duties Law of the Civil Administrative Code of Illinois is
6 amended by adding Section 2310-252 as follows:

7 (20 ILCS 2310/2310-252 new)

8 Sec. 2310-252. Guidelines for needle disposal; education.

9 (a) The Illinois Department of Public Health, in
10 cooperation with the Illinois Environmental Protection Agency,
11 must create guidelines for the proper disposal of hypodermic
12 syringes, needles, and other sharps used for
13 self-administration purposes that are consistent with the
14 available guidelines regarding disposal for home health care
15 products provided by the United States Environmental
16 Protection Agency. In establishing these guidelines, the
17 Department shall promote flexible and convenient disposal
18 methods appropriate to the area and level of services available
19 to the person disposing of the hypodermic syringe, needle, or
20 other sharps. The Department guidelines shall encourage the use
21 of safe disposal programs that include, but are not limited to,
22 the following:

23 (1) drop box or supervised collection sites;

24 (2) sharps mail-back programs;

25 (3) syringe exchange programs; and

26 (4) at-home needle destruction devices.

27 (b) The Illinois Department of Public Health must develop
28 educational materials regarding the safe disposal of
29 hypodermic syringes, needles, and other sharps and distribute
30 copies of these educational materials to pharmacies and the
31 public. The educational materials must include information
32 regarding safer injection, HIV prevention, proper methods for

1 the disposal of hypodermic syringes, needles, and other sharps,
2 and contact information for obtaining treatment for drug abuse
3 and addiction.

4 Section 10. 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 or syringes or other sharps, or (ii)
12 medical household waste containing medical sharps, including,
13 but not limited to, hypodermic, intravenous, or other medical
14 needles or syringes or other sharps, are collected for
15 transport, storage, treatment, transfer, or disposal.

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

18 (1) A hospital.

19 (2) An ambulatory surgical treatment center,
20 physician's office, clinic, or other setting where a
21 physician provides care.

22 (3) A pharmacy employing a registered pharmacist.

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

29 (415 ILCS 5/56.1) (from Ch. 111 1/2, par. 1056.1)

30 Sec. 56.1. Acts prohibited.

31 (A) No person shall:

32 (a) Cause or allow the disposal of any potentially
33 infectious medical waste. Sharps may be disposed in any

1 landfill permitted by the Agency under Section 21 of this Act
2 to accept municipal waste for disposal, if both:

3 (1) the infectious potential has been eliminated from
4 the sharps by treatment; and

5 (2) the sharps are packaged in accordance with Board
6 regulations.

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

10 (c) Beginning July 1, 1992, cause or allow the delivery of
11 any potentially infectious medical waste to a person or
12 facility for storage, treatment, or transfer that does not have
13 a permit issued by the agency to receive potentially infectious
14 medical waste, unless no permit is required under subsection
15 (g) (1).

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

19 (1) the transporter has a permit issued by the Agency
20 to transport potentially infectious medical waste, or the
21 transporter is exempt from the permit requirement set forth
22 in subsection (f) (1).

23 (2) a potentially infectious medical waste manifest is
24 completed for the waste if a manifest is required under
25 subsection (h).

26 (e) Cause or allow the acceptance of any potentially
27 infectious medical waste for purposes of transport, storage,
28 treatment, or transfer except in accordance with Board
29 regulations.

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

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

35 (A) a person transporting potentially infectious
36 medical waste generated solely by that person's

1 activities;

2 (B) noncommercial transportation of less than 50
3 pounds of potentially infectious medical waste at any
4 one time; or

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

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

8 (3) In violation of any regulation adopted by the
9 Board.

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

12 (g) Beginning July 1, 1992, conduct any potentially
13 infectious medical waste treatment, storage, or transfer
14 operation:

15 (1) without a permit issued by the Agency that
16 specifically authorizes the treatment, storage, or transfer of
17 potentially infectious medical waste. No permit is required
18 under this subsection (g) or subsection (d)(1) of Section 21
19 for any:

20 (A) Person conducting a potentially infectious
21 medical waste treatment, storage, or transfer
22 operation for potentially infectious medical waste
23 generated by the person's own activities that are
24 treated, stored, or transferred within the site where
25 the potentially infectious medical waste is generated.

26 (B) Hospital that treats, stores, or transfers
27 only potentially infectious medical waste generated by
28 its own activities or by members of its medical staff.

29 (C) Sharps collection station that is operated in
30 accordance with Section 56.7.

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

33 (3) in violation of any regulation adopted by the
34 Board.

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

1 (h) Transport potentially infectious medical waste unless
2 the transporter carries a completed potentially infectious
3 medical waste manifest. No manifest is required for the
4 transportation of:

5 (1) potentially infectious medical waste being
6 transported by generators who generated the waste by their
7 own activities, when the potentially infectious medical
8 waste is transported within or between sites or facilities
9 owned, controlled, or operated by that person;

10 (2) less than 50 pounds of potentially infectious
11 medical waste at any one time for a noncommercial
12 transportation activity; or

13 (3) potentially infectious medical waste by the U.S.
14 Postal Service.

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

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

24 (B) In making its orders and determinations relative to
25 penalties, if any, to be imposed for violating subdivision
26 (A)(a) of this Section, the Board, in addition to the factors
27 in Sections 33(c) and 42(h) of this Act, or the Court shall
28 take into consideration whether the owner or operator of the
29 landfill reasonably relied on written statements from the
30 person generating or treating the waste that the waste is not
31 potentially infectious medical waste.

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

33 (415 ILCS 5/56.7 new)

34 Sec. 56.7. No permit shall be required under subsection
35 (d) (1) of Section 21 or subsection (q) of Section 56.1 of this

1 Act for a sharps collection station if the station is operated
2 in accordance with all of the following:

3 (1) The only waste accepted at the sharps collection
4 station is (i) hypodermic, intravenous, or other medical
5 needles or syringes or other sharps, or (ii) medical
6 household waste containing used or unused sharps,
7 including but not limited to, hypodermic, intravenous, or
8 other medical needles or syringes or other sharps.

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

12 (3) The waste is not treated at the sharps collection
13 station unless it is treated in the same manner as required
14 for potentially infectious medical waste under this Act and
15 under Board regulations.

16 (4) The waste is not disposed of at the sharps
17 collection station.

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

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.