



Sen. Jacqueline Y. Collins

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LRB094 03776 RSP 46218 a

1 AMENDMENT TO HOUSE BILL 523

2 AMENDMENT NO. _____. Amend House Bill 523 by replacing
3 everything after the enacting clause with the following:

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;

1 (3) syringe exchange programs; and

2 (4) at-home needle destruction devices.

3 (b) The Illinois Department of Public Health must develop
4 educational materials regarding the safe disposal of
5 hypodermic syringes, needles, and other sharps and distribute
6 copies of these educational materials to pharmacies and the
7 public. The educational materials must include information
8 regarding safer injection, HIV prevention, proper methods for
9 the disposal of hypodermic syringes, needles, and other sharps,
10 and contact information for obtaining treatment for drug abuse
11 and addiction.

12 Section 10. The Environmental Protection Act is amended by
13 changing Section 56.1 and by adding Sections 3.458 and 56.7 as
14 follows:

15 (415 ILCS 5/3.458 new)

16 Sec. 3.458. Sharps collection station.

17 (a) "Sharps collection station" means a designated area at
18 an applicable facility where (i) hypodermic, intravenous, or
19 other medical needles or syringes or other sharps, or (ii)
20 medical household waste containing medical sharps, including,
21 but not limited to, hypodermic, intravenous, or other medical
22 needles or syringes or other sharps, are collected for
23 transport, storage, treatment, transfer, or disposal.

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

26 (1) A hospital.

27 (2) An ambulatory surgical treatment center,
28 physician's office, clinic, or other setting where a
29 physician provides care.

30 (3) A pharmacy employing a registered pharmacist.

31 (4) The principal place of business of any government
32 official who is authorized under Section 1 of the

1 Hypodermic Syringes and Needles Act (720 ILCS 635/) to
2 possess hypodermic, intravenous, or other medical needles,
3 or hypodermic or intravenous syringes, by reason of his or
4 her official duties.

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

6 Sec. 56.1. Acts prohibited.

7 (A) No person shall:

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

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

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

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

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

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

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

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

1 subsection (h).

2 (e) Cause or allow the acceptance of any potentially
3 infectious medical waste for purposes of transport, storage,
4 treatment, or transfer except in accordance with Board
5 regulations.

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

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

11 (A) a person transporting potentially infectious
12 medical waste generated solely by that person's
13 activities;

14 (B) noncommercial transportation of less than 50
15 pounds of potentially infectious medical waste at any
16 one time; or

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

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

20 (3) In violation of any regulation adopted by the
21 Board.

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

24 (g) Beginning July 1, 1992, conduct any potentially
25 infectious medical waste treatment, storage, or transfer
26 operation:

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

32 (A) Person conducting a potentially infectious
33 medical waste treatment, storage, or transfer
34 operation for potentially infectious medical waste

1 generated by the person's own activities that are
2 treated, stored, or transferred within the site where
3 the potentially infectious medical waste is generated.

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

7 (C) Sharps collection station that is operated in
8 accordance with Section 56.7.

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

11 (3) in violation of any regulation adopted by the
12 Board.

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

15 (h) Transport potentially infectious medical waste unless
16 the transporter carries a completed potentially infectious
17 medical waste manifest. No manifest is required for the
18 transportation of:

19 (1) potentially infectious medical waste being
20 transported by generators who generated the waste by their
21 own activities, when the potentially infectious medical
22 waste is transported within or between sites or facilities
23 owned, controlled, or operated by that person;

24 (2) less than 50 pounds of potentially infectious
25 medical waste at any one time for a noncommercial
26 transportation activity; or

27 (3) potentially infectious medical waste by the U.S.
28 Postal Service.

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

33 (j) Beginning January 1, 1994, conduct a potentially
34 infectious medical waste treatment operation at an incinerator

1 in existence on the effective date of this Title in violation
2 of emission standards established for these incinerators under
3 Section 129 of the Clean Air Act (42 USC 7429), as amended.

4 (B) In making its orders and determinations relative to
5 penalties, if any, to be imposed for violating subdivision
6 (A)(a) of this Section, the Board, in addition to the factors
7 in Sections 33(c) and 42(h) of this Act, or the Court shall
8 take into consideration whether the owner or operator of the
9 landfill reasonably relied on written statements from the
10 person generating or treating the waste that the waste is not
11 potentially infectious medical waste.

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

13 (415 ILCS 5/56.7 new)

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

18 (1) The only waste accepted at the sharps collection
19 station is (i) hypodermic, intravenous, or other medical
20 needles or syringes or other sharps, or (ii) medical
21 household waste containing used or unused sharps,
22 including but not limited to, hypodermic, intravenous, or
23 other medical needles or syringes or other sharps.

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

27 (3) The waste is not treated at the sharps collection
28 station unless it is treated in the same manner as required
29 for potentially infectious medical waste under this Act and
30 under Board regulations.

31 (4) The waste is not disposed of at the sharps
32 collection station.

33 (5) The waste is transported in the same manner as

1 required for potentially infectious medical waste under
2 this Act and under Board regulations.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".