

Senate Bill No. 1305

Passed the Senate May 11, 2006

Secretary of the Senate

Passed the Assembly June 26, 2006

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 117700 of, and to add Sections 117671 and 118286 to, the Health and Safety Code, relating to medical waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1305, Figueroa. The Medical Waste Management Act.

The existing Medical Waste Management Act, administered by the State Department of Health Services, regulates the management and handling of medical waste, as defined. Under existing law, certain items, such as household waste, are specifically excluded from the definition of medical waste.

This bill would also exclude home-generated sharps waste, as defined, from the definition of medical waste.

Existing law permits a registered medical waste generator, if specified conditions are met, to accept home-generated sharps waste to be consolidated with the facility's medical waste stream.

Existing law also permits a household hazardous waste collection facility, if specified conditions are met, to operate a home-generated sharps consolidation point, and permits the department to approve other home-generated sharps consolidation points.

This bill would specifically define home-generated sharps waste.

This bill would, on or after September 1, 2008, prohibit a person from knowingly placing home-generated sharps waste in certain types of containers, provide that home-generated sharps waste shall be transported only in a sharps container, as defined in the act, or other container approved by the department or local enforcement agency, and provide that this waste shall only be managed at specified locations consistent with existing law.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The development of a safe, convenient, and cost-effective infrastructure for the collection of millions of home-generated sharps, and the public education programs to promote safe disposal of these sharps, will require a cooperative effort by the State Department of Health Services, the California Integrated Waste Management Board, local governments, large employers, dispensing pharmacies, as well as health care, solid waste, pharmaceutical industries, and manufacturers of sharps.

(b) Since mail-back programs utilizing containers that have been approved by the United States Postal Service offer one of the most convenient alternatives for the collection and destruction of home-generated sharps, local government and private sector stakeholders are encouraged to implement mail-back programs and to promote their use prior to September 1, 2008.

(c) Local governments, the California Integrated Waste Management Board, the State Department of Health Services, solid waste service providers, and manufacturers and dispensers of sharps are further encouraged to include information on their Web sites, and other public materials, that identify locations that accept home-generated sharps and provide information about available mail-back programs.

(d) It is the intent of the Legislature that the California Integrated Waste Management Board and the State Department of Health Services, to the extent resources are available, continue to monitor the state's progress in developing the infrastructure for the collection of home-generated sharps and inform the appropriate policy committees of any need for subsequent legislation to achieve the purposes of this act.

SEC. 2. Section 117671 is added to the Health and Safety Code, to read:

117671. "Home-generated sharps waste" means hypodermic needles, pen needles, intravenous needles, lancets, and other devices that are used to penetrate the skin for the delivery of medications derived from a household, including a multifamily residence or household.

SEC. 3. Section 117700 of the Health and Safety Code is amended to read:

117700. Medical waste does not include any of the following:

(a) Waste generated in food processing or biotechnology that does not contain an infectious agent as defined in Section 117675.

(b) Waste generated in biotechnology that does not contain human blood or blood products or animal blood or blood products suspected of being contaminated with infectious agents known to be communicable to humans.

(c) Urine, feces, saliva, sputum, nasal secretions, sweat, tears, or vomitus, unless it contains fluid blood, as provided in subdivision (d) of Section 117635.

(d) Waste which is not biohazardous, such as paper towels, paper products, articles containing nonfluid blood, and other medical solid waste products commonly found in the facilities of medical waste generators.

(e) Hazardous waste, radioactive waste, or household waste, including, but not limited to, home-generated sharps waste, as defined in Section 117671.

(f) Waste generated from normal and legal veterinarian, agricultural, and animal livestock management practices on a farm or ranch.

SEC. 4. Section 118286 is added to the Health and Safety Code, to read:

118286. (a) On or after September 1, 2008, no person shall knowingly place home-generated sharps waste in any of the following containers:

(1) Any container used for the collection of solid waste, recyclable materials, or greenwaste.

(2) Any container used for the commercial collection of solid waste or recyclable materials from business establishments.

(3) Any roll-off container used for the collection of solid waste, construction, and demolition debris, greenwaste, or other recyclable materials.

(b) On or after September 1, 2008, home-generated sharps waste shall be transported only in a sharps container, or other containers approved by the enforcement agency, and shall only be managed at any of the following:

(1) A household hazardous waste facility pursuant to Section 25218.13.

(2) A “home-generated sharps consolidation point” as defined in subdivision (b) of Section 117904.

(3) A medical waste generator's facility pursuant to Section 118147.

(4) A facility through the use of a medical waste mail-back container approved by the department pursuant to subdivision (b) of Section 118245.

Approved _____, 2006

Governor