

AN ACT concerning safety.

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

Section 5. The Environmental Protection Act is amended by changing Sections 56.1, 56.3, 56.4, 56.5, and 56.6 as follows:

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

Sec. 56.1. Acts prohibited.

(A) No person shall:

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

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

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

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

(c) Beginning July 1, 1992, cause or allow the delivery of any potentially infectious medical waste to a person or facility for storage, treatment, or transfer

that does not have a permit issued by the agency to receive potentially infectious medical waste, unless no permit is required under subsection (g) (1).

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

(1) the transporter has a permit issued by the Agency to transport potentially infectious medical waste, or the transporter is exempt from the permit requirement set forth in subsection (f) (1); and -

(2) the potentially infectious medical waste is accompanied by completed shipping papers meeting the requirements of the federal hazardous materials transportation regulations (Title 49 CFR Subtitle B, Chapter I, Subchapter C) if required under subsection ~~(h) a potentially infectious medical waste manifest is completed for the waste if a manifest is required under subsection (h).~~

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

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

(1) Without a permit issued by the Agency to transport potentially infectious medical waste. No

permit is required under this provision (f) (1) for:

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

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

(C) the U.S. Postal Service.

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

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

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

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

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

(A) Person conducting a potentially infectious medical waste treatment, storage, or transfer operation for potentially infectious medical waste generated by the person's own activities that are

treated, stored, or transferred within the site where the potentially infectious medical waste is generated.

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

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

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

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

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

(h) Transport potentially infectious medical waste unless the transporter carries completed shipping papers for the potentially infectious medical waste that meet the requirements of the federal hazardous materials transportation regulations as set forth in 49 CFR Subtitle B, Chapter I, Subchapter C ~~a completed potentially infectious medical waste manifest~~. No manifest or shipping papers are ~~is~~ required under this Title for the transportation of:

(1) potentially infectious medical waste being transported by generators who generated the waste by

their own activities, when the potentially infectious medical waste is transported within or between sites or facilities owned, controlled, or operated by that person;

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

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

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

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

(k) Beginning July 1, 2015, knowingly mix household sharps, including, but not limited to, hypodermic, intravenous, or other medical needles or syringes or other medical household waste containing used or unused sharps, including, but not limited to, hypodermic, intravenous, or other medical needles or syringes or other sharps, with

any other material intended for collection as a recyclable material by a residential hauler.

(1) Beginning on July 1, 2015, knowingly place household sharps into a container intended for collection by a residential hauler for processing at a recycling center.

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

(C) Notwithstanding subsection (A) or any other provision of law, including the Vital Records Act, tissue and products from an abortion, as defined in Section 1-10 of the Reproductive Health Act, or a miscarriage may be buried, entombed, or cremated.

(Source: P.A. 101-13, eff. 6-12-19.)

(415 ILCS 5/56.3) (from Ch. 111 1/2, par. 1056.3)

Sec. 56.3. Commencing March 31, 1993, and annually thereafter, each transporter of potentially infectious medical waste required to have a permit under subsection (f) of Section 56.1 of this Act, each facility for which a permit is

required under subsection (g) of Section 56.1 of this Act that stores, treats, or transfers potentially infectious medical waste and each facility not required to have a permit under subsection (g) of Section 56.1 of this Act that treats more than 50 pounds per month of potentially infectious medical waste shall file a report with the Agency specifying the quantities and disposition of potentially infectious medical waste transported, stored, treated, disposed, or transferred during the previous calendar year. Such reports shall be on forms and in a format prescribed ~~and provided~~ by the Agency.

(Source: P.A. 87-752; 87-1097.)

(415 ILCS 5/56.4) (from Ch. 111 1/2, par. 1056.4)

Sec. 56.4. Potentially infectious medical ~~Medical~~ waste manifests and shipping papers.

(a) Until January 1, 2027, manifests ~~Manifests~~ for potentially infectious medical waste shall consist of an original (the first page of the form) and 3 copies. Upon delivery of potentially infectious medical waste by a generator to a transporter, the transporter shall deliver one copy of the completed manifest to the generator. Upon delivery of potentially infectious medical waste by a transporter to a treatment or disposal facility, the transporter shall keep one copy of the completed manifest, and the transporter shall deliver the original and one copy of the completed manifest to the treatment or disposal facility. The treatment or disposal

facility shall keep one copy of the completed manifest and return the original to the generator within 35 days. The manifest, as provided for in this Section, shall not terminate while being transferred between the generator, transporter, transfer station, or storage facility, unless transfer activities are conducted at the treatment or disposal facility. The manifest shall terminate at the treatment or disposal facility.

(b) Until January 1, 2027, potentially ~~Potentially~~ infectious medical waste manifests shall be on forms and in a format ~~in a form~~ prescribed ~~and provided~~ by the Agency. Generators and transporters of potentially infectious medical waste and facilities accepting potentially infectious medical waste are not required to submit copies of such manifests to the Agency. The manifest described in this Section shall be used for the transportation of potentially infectious medical waste instead of the manifest described in Section 22.01 of this Act. Copies of each manifest shall be retained for 3 years by generators, transporters, and facilities, and shall be available for inspection and copying by the Agency.

(c) (Blank). ~~The Agency shall assess a fee of \$4.00 for each potentially infectious medical waste manifest provided by the Agency.~~

(d) All fees collected by the Agency under this Section shall be deposited into the Environmental Protection Permit and Inspection Fund. The Agency may establish procedures

relating to the collection of fees under this Section. The Agency shall not refund any fee paid to it under this Section.

(e) Beginning January 1, 2027, shipping papers required under this Title for potentially infectious medical waste shall satisfy the requirements for shipping papers under the federal hazardous materials transportation regulations as set forth in 49 CFR Subtitle B, Chapter I, Subchapter C.

(Source: P.A. 93-32, eff. 7-1-03.)

(415 ILCS 5/56.5) (from Ch. 111 1/2, par. 1056.5)

Sec. 56.5. Potentially infectious medical ~~Medical~~ waste hauling fees.

(a) Permit applicants ~~The Agency~~ shall annually pay to the Agency ~~collect~~ a \$2,000 ~~\$2000~~ fee for each potentially infectious medical waste hauling permit application and, in addition, shall pay to the Agency ~~collect~~ a fee of \$250 for each potentially infectious medical waste hauling vehicle identified in the annual permit application and for each vehicle that is added to the permit during the annual period. Each applicant required to pay a fee under this Section shall submit the fee along with the permit application. The Agency shall deny any permit application for which a fee is required under this Section that does not contain the appropriate fee.

(b) All fees collected by the Agency under this Section shall be deposited into the Environmental Protection Permit and Inspection Fund. The Agency may establish procedures

relating to the collection of fees under this Section. The Agency shall not refund any fee paid to it under this Section.

(c) The Agency shall not collect a fee under this Section from any hospital that transports only potentially infectious medical waste generated by its own activities or by members of its medical staff.

(Source: P.A. 93-32, eff. 7-1-03.)

(415 ILCS 5/56.6) (from Ch. 111 1/2, par. 1056.6)

Sec. 56.6. Potentially infectious medical ~~Medical~~ waste transportation fees.

(a) ~~Each~~ ~~The Agency shall collect from each~~ transporter of potentially infectious medical waste required to have a permit under Section 56.1(f) of this Act shall pay to the Agency a fee in the amount of 5 3 cents per pound of potentially infectious medical waste transported. ~~Each~~ ~~The Agency shall collect from~~ ~~each~~ transporter of potentially infectious medical waste not required to have a permit under Section 56.1(f)(1)(A) of this Act shall pay to the Agency a fee in the amount of 5 3 cents per pound of potentially infectious medical waste transported to a site or facility not owned, controlled, or operated by the transporter. The Agency shall deny any permit required under Section 56.1(f) of this Act from any applicant who has not paid to the Agency all fees due under this Section.

~~A fee in the amount of 3 cents per pound of potentially infectious medical waste shall be collected by the Agency from~~

a potentially infectious medical waste storage site or treatment facility receiving potentially infectious medical waste shall pay to the Agency a fee in the amount of 5 cents per pound of potentially infectious medical waste received, unless the fee has been previously paid by a transporter.

(b) The Agency shall establish procedures, ~~not later than January 1, 1992,~~ relating to the payment of fees under collection of the fees authorized by this Section. These procedures shall include, but not be limited to: (i) necessary records identifying the quantities of potentially infectious medical waste transported or received; (ii) the form and submission of reports to accompany the payment of fees to the Agency; and (iii) the time and manner of payment of fees to the Agency, which payments shall be not more often than quarterly.

(c) All fees collected by the Agency under this Section shall be deposited into the Environmental Protection Permit and Inspection Fund. The Agency may establish procedures relating to the collection of fees under this Section. The Agency shall not refund any fee paid to it under this Section.

(d) The Agency shall not collect a fee under this Section from a person transporting potentially infectious medical waste to a hospital when the person is a member of the hospital's medical staff.

(Source: P.A. 93-32, eff. 7-1-03.)

Section 99. Effective date. This Act takes effect January 1, 2027.