

HB4082



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4082

Introduced 1/16/2020, by Rep. Allen Skillicorn

SYNOPSIS AS INTRODUCED:

415 ILCS 5/3.360
415 ILCS 5/56.1

was 415 ILCS 5/3.84
from Ch. 111 1/2, par. 1056.1

Amends the Environmental Protection Act. Excludes tissue and products from an abortion from the definition of "potentially infectious medical waste". Requires (currently, allows) tissue and products from an abortion or a miscarriage to be buried, entombed, or cremated.

LRB101 16148 CPF 65515 b

A BILL FOR

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 Environmental Protection Act is amended by
5 changing Sections 3.360 and 56.1 as follows:

6 (415 ILCS 5/3.360) (was 415 ILCS 5/3.84)

7 Sec. 3.360. Potentially infectious medical waste.

8 (a) "Potentially infectious medical waste" means the
9 following types of waste generated in connection with the
10 diagnosis, treatment (i.e., provision of medical services), or
11 immunization of human beings or animals; research pertaining to
12 the provision of medical services; or the production or testing
13 of biologicals:

14 (1) Cultures and stocks. This waste shall include but
15 not be limited to cultures and stocks of agents infectious
16 to humans, and associated biologicals; cultures from
17 medical or pathological laboratories; cultures and stocks
18 of infectious agents from research and industrial
19 laboratories; wastes from the production of biologicals;
20 discarded live or attenuated vaccines; or culture dishes
21 and devices used to transfer, inoculate, or mix cultures.

22 (2) Human pathological wastes. This waste shall
23 include tissue, organs, and body parts (except teeth and

1 the contiguous structures of bone and gum); body fluids
2 that are removed during surgery, autopsy, or other medical
3 procedures; or specimens of body fluids and their
4 containers.

5 (3) Human blood and blood products. This waste shall
6 include discarded human blood, blood components (e.g.,
7 serum and plasma), or saturated material containing free
8 flowing blood or blood components.

9 (4) Used sharps. This waste shall include but not be
10 limited to discarded sharps used in animal or human patient
11 care, medical research, or clinical or pharmaceutical
12 laboratories; hypodermic, intravenous, or other medical
13 needles; hypodermic or intravenous syringes; Pasteur
14 pipettes; scalpel blades; or blood vials. This waste shall
15 also include but not be limited to other types of broken or
16 unbroken glass (including slides and cover slips) in
17 contact with infectious agents.

18 (5) Animal waste. Animal waste means discarded
19 materials, including carcasses, body parts, body fluids,
20 blood, or bedding originating from animals inoculated
21 during research, production of biologicals, or
22 pharmaceutical testing with agents infectious to humans.

23 (6) Isolation waste. This waste shall include
24 discarded materials contaminated with blood, excretions,
25 exudates, and secretions from humans that are isolated to
26 protect others from highly communicable diseases. "Highly

1 communicable diseases" means those diseases identified by
2 the Board in rules adopted under subsection (e) of Section
3 56.2 of this Act.

4 (7) Unused sharps. This waste shall include but not be
5 limited to the following unused, discarded sharps:
6 hypodermic, intravenous, or other needles; hypodermic or
7 intravenous syringes; or scalpel blades.

8 (b) Potentially infectious medical waste does not include:

9 (1) waste generated as general household waste;

10 (2) waste (except for sharps) for which the infectious
11 potential has been eliminated by treatment;

12 (3) sharps that meet both of the following conditions:

13 (A) the infectious potential has been eliminated
14 from the sharps by treatment; and

15 (B) the sharps are rendered unrecognizable by
16 treatment; or

17 (4) sharps that are managed in accordance with the
18 following requirements:

19 (A) the infectious potential is eliminated from
20 the sharps by treatment at a facility that is permitted
21 by the Agency for the treatment of potentially
22 infectious medical waste;

23 (B) the sharps are certified by the treatment
24 facility as non-special waste in accordance with
25 Section 22.48 of this Act;

26 (C) the sharps are packaged at the treatment

1 facility the same as required under Board rules for
2 potentially infectious medical waste;

3 (D) the sharps are transported under the custody of
4 the treatment facility to a landfill permitted by the
5 Agency under Section 21 of this Act to accept municipal
6 waste for disposal; and

7 (E) the activities in subparagraphs (A) through
8 (D) of this paragraph (4) are authorized in, and
9 conducted in accordance with, a permit issued by the
10 Agency to the treatment facility.

11 "Potentially infectious medical waste" does not include
12 tissue or products from an abortion, as defined in Section 1-10
13 of the Reproductive Health Act.

14 (Source: P.A. 98-366, eff. 1-1-14.)

15 (415 ILCS 5/56.1) (from Ch. 111 1/2, par. 1056.1)
16 Sec. 56.1. Acts prohibited.

17 (A) No person shall:

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

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

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

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

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

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

14 (1) the transporter has a permit issued by the
15 Agency to transport potentially infectious medical
16 waste, or the transporter is exempt from the permit
17 requirement set forth in subsection (f) (1).

18 (2) a potentially infectious medical waste
19 manifest is completed for the waste if a manifest is
20 required under subsection (h).

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

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

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

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

7 (B) noncommercial transportation of less than
8 50 pounds of potentially infectious medical waste
9 at any one time; or

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

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

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

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

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

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

25 (A) Person conducting a potentially infectious
26 medical waste treatment, storage, or transfer

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

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

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

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

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

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

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

22 (1) potentially infectious medical waste being
23 transported by generators who generated the waste by
24 their own activities, when the potentially infectious
25 medical waste is transported within or between sites or
26 facilities owned, controlled, or operated by that

1 person;

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

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

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

12 (j) Beginning January 1, 1994, conduct a potentially
13 infectious medical waste treatment operation at an
14 incinerator in existence on the effective date of this
15 Title in violation of emission standards established for
16 these incinerators under Section 129 of the Clean Air Act
17 (42 USC 7429), as amended.

18 (k) Beginning July 1, 2015, knowingly mix household
19 sharps, including, but not limited to, hypodermic,
20 intravenous, or other medical needles or syringes or other
21 medical 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, with any
24 other material intended for collection as a recyclable
25 material by a residential hauler.

26 (l) Beginning on July 1, 2015, knowingly place

1 household sharps into a container intended for collection
2 by a residential hauler for processing at a recycling
3 center.

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

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