

HOUSE BILL No. 5575

December 13, 2007, Introduced by Rep. Miller and referred to the Committee on Regulatory Reform.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 13805, 13807, 13809, 13810, 13811, 13813,
13815, 13817, 13819, 13821, 13823, 13825, 13827, 13829, 13830, and
13831 (MCL 333.13805, 333.13807, 333.13809, 333.13810, 333.13811,
333.13813, 333.13815, 333.13817, 333.13819, 333.13821, 333.13823,
333.13825, 333.13827, 333.13829, 333.13830, and 333.13831),
sections 13805, 13807, 13809, 13810, 13811, and 13815 as added by
1990 PA 21, sections 13813, 13817, 13819, 13823, 13825, 13827,
13829, 13830, and 13831 as added by 1990 PA 18, and section 13821
as amended by 1996 PA 67, and by adding sections 13812, 13820,
13832, and 13833.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 13805. ~~(1) "Advisory council" means the interdepartmental~~

1 ~~medical waste advisory council created in section 13827.~~

2 (1) "ALTERNATIVE TREATMENT TECHNOLOGY" MEANS A METHOD FOR THE
3 DECONTAMINATION OF MEDICAL WASTE OTHER THAN INCINERATION.

4 (2) "Autoclave" means ~~to sterilize using~~ A VESSEL USED TO
5 DECONTAMINATE MEDICAL WASTE BY superheated steam under pressure.

6 (3) "BIOHAZARD SYMBOL" MEANS THE SYMBOL DEPICTED IN 29 CFR
7 1910.1030.

8 (4) "BODY ART FACILITY" MEANS A FACILITY THAT PRACTICES
9 PHYSICAL HUMAN BODY ADORNMENT BY AN OPERATOR UTILIZING BODY
10 PIERCING, TATTOOING, BRANDING, OR PERMANENT COSMETICS.

11 (5) "BODY PIERCING" MEANS THE PERFORATION OF HUMAN TISSUE,
12 OTHER THAN AN EAR, FOR A NONMEDICAL PURPOSE.

13 (6) "BRANDING" MEANS A PERMANENT MARK MADE ON HUMAN TISSUE BY
14 BURNING WITH A HOT IRON OR OTHER INSTRUMENT.

15 (7) ~~(3)~~ "Decontamination" means ~~rendering~~ THE PROCESS OF
16 REDUCING POTENTIAL PATHOGENS IN medical waste TO RENDER IT safe for
17 routine handling as solid waste.

18 (8) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL QUALITY
19 OR ITS AUTHORIZED REPRESENTATIVE.

20 (9) ~~(4)~~ "Fund" means the medical waste emergency response fund
21 created in section 13829.

22 (10) ~~(5)~~ "Health facility or agency" means that term as
23 defined in section 20106.

24 (11) ~~(6)~~ "Household" means a single detached dwelling unit or
25 a single unit of a multiple dwelling.

26 (12) ~~(7)~~ "Infectious agent" means a pathogen that is
27 sufficiently virulent ~~so that if~~ EXPOSURE OF a susceptible host ~~is~~

1 ~~exposed~~ to the pathogen in an adequate concentration and through a
2 portal of entry ~~, the result could be~~ **RESULT IN** transmission of
3 disease to a human.

4 (13) "LABORATORY" MEANS ANY OF THE FOLLOWING THAT GENERATES
5 MEDICAL WASTE:

6 (A) A RESEARCH FACILITY.

7 (B) AN ANALYTICAL FACILITY.

8 (C) A CLINICAL FACILITY THAT PERFORMS ANALYSIS OR RESEARCH.

9 (14) "LANDFILL" MEANS A MUNICIPAL SOLID WASTE LANDFILL AS
10 DEFINED BY R 299.4104 OF THE MICHIGAN ADMINISTRATIVE CODE.

11 (15) ~~(8)~~ "Medical waste" means any of the following: ~~that are~~
12 ~~not generated from a household, a farm operation or other~~
13 ~~agricultural business, a home for the aged, or a home health care~~
14 ~~agency.~~

15 (a) Cultures and stocks of infectious agents and associated
16 ~~biologicals~~ **TOXINS**, including, **BUT NOT LIMITED TO**, laboratory
17 waste, biological production wastes, discarded live and attenuated
18 vaccines, culture dishes, and related devices.

19 (b) Liquid human and animal waste, including blood and blood
20 products and body fluids, but not including urine or materials
21 stained with blood or body fluids.

22 (c) Pathological waste.

23 (d) Sharps.

24 ~~Contaminated wastes~~ **WASTES** from animals **USED IN RESEARCH**
25 that have been exposed to agents infectious to humans, ~~these being~~
26 ~~primarily research animals~~ **INCLUDING, BUT NOT LIMITED TO,**
27 **CARCASSES, BODY PARTS, BLOOD, BODY FLUIDS OTHER THAN URINE, AND**

1 FECES OR BEDDING VISIBLY CONTAMINATED WITH BLOOD OR BODY FLUIDS.

2 (F) TRAUMA WASTE.

3 Sec. 13807. (1) "Pathogen" means ~~a microorganism~~ **AN AGENT** that
4 ~~produces~~ **CAUSES** disease **IN HUMANS**.

5 (2) "Pathological waste" means human organs, tissues, body
6 parts other than teeth, products of conception, and fluids removed
7 ~~by trauma or during surgery, or autopsy, or other medical~~
8 procedure, and not fixed in formaldehyde **OR OTHER FIXATIVE AGENT. A**
9 **SPECIFIC ORGAN, BODY PART, OR TISSUE REMOVED BY TRAUMA OR DURING**
10 **SURGERY, AUTOPSY, OR OTHER MEDICAL PROCEDURE THAT IS NOT KNOWN TO**
11 **BE OR IS NOT HIGHLY LIKELY TO BE CONTAMINATED WITH AN INFECTIOUS**
12 **AGENT AND THAT IS REQUESTED BY AN INDIVIDUAL TO BE RETURNED FOR**
13 **RELIGIOUS, ETHNIC, OR PERSONAL REASONS IS NOT PATHOLOGICAL WASTE.**

14 (3) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
15 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

16 (4) ~~(3)~~ "Point of generation" means the point at which medical
17 waste leaves the producing facility site.

18 (5) ~~(4)~~ "Producing facility", **SUBJECT TO SUBSECTION (6)**, means
19 a facility that generates, stores, **REMOVES**, decontaminates, or
20 ~~incinerates~~ **TRANSPORTS** medical waste, ~~—~~ **INCLUDING, BUT NOT LIMITED**
21 **TO, ALL OF THE FOLLOWING:**

22 (A) A TRANSFER STATION WHERE MEDICAL WASTE IS STORED.

23 (B) A HOME HEALTH CARE AGENCY WHERE MEDICAL WASTE IS STORED
24 THAT WAS GENERATED DURING DELIVERY OF HOME HEALTH CARE SERVICES AND
25 RETURNED TO THE HOME HEALTH CARE AGENCY BY ITS EMPLOYEES.

26 (C) A TRAUMA WASTE MANAGEMENT PRACTITIONER.

27 (6) "PRODUCING FACILITY" DOES NOT INCLUDE THE FOLLOWING:

1 (A) A FUNERAL HOME THAT DOES NOT PRACTICE EMBALMING AND DOES
2 NOT GENERATE MEDICAL WASTE.

3 (B) A RESIDENCE.

4 (C) A FARM OPERATION OR OTHER AGRICULTURAL BUSINESS.

5 (D) A FACILITY LICENSED BY THE DEPARTMENT OF HUMAN SERVICES
6 THAT PROVIDES RESIDENTIAL CARE SERVICES, SUCH AS ADULT AND CHILD
7 FOSTER FAMILY AND GROUP HOMES, CHILD DAY CARE CENTERS, CHILD CARE
8 INSTITUTIONS, CHILD OR ADULT FOSTER CARE CAMPS, AND HOMES FOR THE
9 AGED.

10 (7) "PUBLIC SHARPS COLLECTION PROGRAM" MEANS A PROGRAM
11 OPERATED BY A PUBLIC AUTHORITY OR NONPROFIT ORGANIZATION DESIGNED
12 TO ASSIST THE HOME USER IN THE SAFE DISPOSAL OF DISCARDED SHARPS
13 ONLY.

14 (8) ~~(5)~~—"Release" means any spilling, leaking, pumping,
15 pouring, emitting, emptying, discharging, injecting, escaping,
16 leaching, dumping, or disposing of medical waste into the
17 environment in violation of this part.

18 (9) ~~(6)~~—"Response activity" means an activity necessary to
19 protect the public health, safety, welfare, and the environment,
20 and includes, but is not limited to, evaluation, cleanup, removal,
21 containment, isolation, treatment, monitoring, maintenance,
22 replacement of water supplies, and temporary relocation of people.

23 (10) ~~(7)~~—"Sharps" means ~~needles, syringes, scalpels, and~~
24 ~~intravenous tubing with needles~~ ANY OBJECT THAT IS ABLE TO CUT OR
25 PENETRATE THE SKIN OR PACKAGING MATERIAL. THIS INCLUDES, BUT IS NOT
26 LIMITED TO, A NEEDLE, A SYRINGE WITH AN ATTACHED NEEDLE, A SCALPEL,
27 A LANCET, A BROKEN VACCINE VIAL, A CULTURE SLIDE OR DISH, A

1 CAPILLARY TUBE, AND INTRAVENOUS TUBING WITH A NEEDLE attached.

2 (11) ~~(8)~~—"Storage" means the containment of medical waste in a
3 manner that does not constitute disposal of the medical waste.

4 (12) "TATTOOING" MEANS 1 OR MORE OF THE FOLLOWING:

5 (A) MAKING AN INDELIBLE MARK UPON THE HUMAN BODY BY THE
6 INSERTION OF A PIGMENT UNDER THE SKIN.

7 (B) MAKING AN INDELIBLE DESIGN UPON THE HUMAN BODY BY
8 PRODUCTION OF SCARS OTHER THAN BY BRANDING.

9 (13) ~~(9)~~—"Transport" means the movement of medical waste from
10 the point of generation OR FROM A TRAUMA SCENE to any intermediate
11 point and finally to the point of treatment or disposal. Transport
12 does not include the movement of medical waste from a health
13 facility or agency to another health facility or agency for the
14 purposes of testing and research.

15 (14) "TRAUMA" MEANS EITHER OF THE FOLLOWING:

16 (A) ILLNESS OR DEATH OTHER THAN IN A HOSPITAL, CLINIC, OR
17 OTHER MEDICAL SETTING.

18 (B) BODILY INJURY.

19 (15) "TRAUMA SCENE" MEANS A SITE CONTAMINATED WITH TRAUMA
20 WASTE. THE SITE MAY BE, BUT IS NOT LIMITED TO, A FIXED PHYSICAL
21 STRUCTURE OR A MOBILE PHYSICAL STRUCTURE, SUCH AS A MOBILE HOME,
22 RECREATIONAL VEHICLE, MOTOR VEHICLE, AIRCRAFT, WATERCRAFT, OR
23 VESSEL.

24 (16) "TRAUMA WASTE" MEANS HUMAN ORGANS, TISSUES, BODY PARTS
25 OTHER THAN TEETH, PRODUCTS OF CONCEPTION, AND FLUIDS REMOVED BY
26 TRAUMA, AND NOT FIXED IN FORMALDEHYDE OR OTHER FIXATIVE AGENT. A
27 SPECIFIC ORGAN, BODY PART, OR TISSUE REMOVED BY TRAUMA THAT IS NOT

1 KNOWN TO BE OR IS NOT HIGHLY LIKELY TO BE CONTAMINATED WITH AN
2 INFECTIOUS AGENT AND THAT IS REQUESTED BY AN INDIVIDUAL TO BE
3 RETURNED FOR RELIGIOUS, ETHNIC, OR PERSONAL REASONS IS NOT TRAUMA
4 WASTE.

5 (17) "TRAUMA WASTE MANAGEMENT PRACTITIONER" OR "PRACTITIONER"
6 MEANS A PERSON WHO UNDERTAKES AS A COMMERCIAL ACTIVITY THE CLEANUP,
7 HANDLING, AND TRANSPORT OF TRAUMA WASTE FROM A TRAUMA SCENE IN THIS
8 STATE.

9 (18) "USDOT" MEANS THE UNITED STATES DEPARTMENT OF
10 TRANSPORTATION.

11 Sec. 13809. A producing facility that does not ~~incinerate~~
12 **DECONTAMINATE** medical waste on site shall ~~do~~ **ENSURE THAT** all of the
13 following **ARE DONE** to contain medical waste:

14 (a) Package, contain, and locate medical waste in a manner
15 that protects and prevents the medical waste from release at the
16 producing facility or at any time before ultimate disposal.

17 ~~(b) Separate the categories of~~ **AT THE POINT OF ORIGIN, SORT**
18 **AND SEPARATE** medical waste ~~at the point of origin~~ **BY TYPE AS LISTED**
19 **IN SECTION 13805(15)** into appropriate containers. ~~that are labelled~~
20 ~~as required under subdivision (c).~~

21 (c) Label **OR MARK** the containers required under subdivision
22 ~~(b) with a biohazard symbol or the words "medical waste" or~~
23 ~~"pathological waste" in letters not less than 1 inch high~~ **BEFORE**
24 **TRANSPORT IN ACCORDANCE WITH USDOT REGULATIONS AS SPECIFIED IN 49**
25 **CFR PART 172, SUBPARTS D AND E.**

26 ~~—— (d) Not compact or mix medical waste with other waste~~
27 ~~materials before decontamination, incineration, and disposal.~~

~~1 (c) If decontaminated medical waste is mixed with other solid~~
~~2 waste, clearly label the container to indicate that it contains~~
~~3 decontaminated medical waste.~~

4 (D) SEGREGATE MEDICAL WASTE THAT IS BEING PACKAGED FOR FINAL
5 DECONTAMINATION OR DISPOSAL FROM OTHER WASTE MATERIALS.

6 (E) ~~(f)~~—Store medical waste in ~~such~~ a manner that prevents
7 putrefaction and also prevents infectious agents from coming in
8 contact with the air or with individuals.

9 (F) ~~(g)~~—If medical waste is stored outside of the producing
10 facility OR AT THE BUSINESS LOCATION OF A TRAUMA WASTE MANAGEMENT
11 PRACTITIONER, store the medical waste in a secured area or locked
12 in a container that weighs more than 500 pounds and prevent access
13 to the area or container by vermin or unauthorized individuals.

14 (G) ~~(h)~~—Not store medical waste on the premises of the
15 producing facility for more than 90 days. THE STORAGE PERIOD BEGINS
16 WHEN THE USE OF THE STORAGE CONTAINER IS INITIATED. HOWEVER, IF A
17 PRODUCING FACILITY GENERATES ONLY SHARPS AS MEDICAL WASTE AND
18 GENERATES 1 LITER OR LESS OF SHARPS WASTE IN A 90-DAY PERIOD, THE
19 90-DAY STORAGE PERIOD BEGINS WHEN THE SHARPS CONTAINER BECOMES
20 FULL, EXCEPT THAT A PARTIALLY FULL SHARPS CONTAINER SHALL BE
21 DISPOSED OF WITHIN 1 YEAR AFTER SHARPS ARE FIRST PLACED IN THE
22 CONTAINER. IF A PRODUCING FACILITY GENERATES ONLY SHARPS AS MEDICAL
23 WASTE, THE PRODUCING FACILITY SHALL RECORD ON THE SHARPS WASTE
24 CONTAINER THE FOLLOWING DATES, WHEN THOSE DATES OCCUR:

25 (i) THE DATE WHEN SHARPS WASTE IS FIRST PLACED IN THE STORAGE
26 CONTAINER.

27 (ii) THE DATE WHEN THE CONTAINER BECOMES FULL.

1 (H) NOT STORE TRANSFER STATION STORAGE CONTAINERS FOR MORE
2 THAN 7 DAYS OR AS OTHERWISE APPROVED BY THE DEPARTMENT.

3 (I) STORE TRAUMA WASTE BEING TRANSPORTED IN A VEHICLE SO IT IS
4 PHYSICALLY SEPARATED BY PARTITION OR COMPARTMENTS AND DOES NOT
5 PRESENT A CROSS-CONTAMINATION HAZARD TO THE DECONTAMINATION
6 EQUIPMENT AND SUPPLIES STORED AND TRANSPORTED IN THE SAME VEHICLE.

7 (J) TRANSPORT MEDICAL WASTE IN ACCORDANCE WITH USDOT SHIPPING
8 REGULATIONS.

9 (K) RETAIN USDOT MEDICAL WASTE SHIPPING PAPER RECORDS FOR A
10 MINIMUM OF 3 YEARS.

11 Sec. 13810. A producing facility that ~~incinerates~~
12 **DECONTAMINATES** medical waste on site shall ~~do~~ **ENSURE THAT** all of
13 the following **ARE DONE** to contain medical waste:

14 (a) Package, contain, and locate medical waste in a ~~matter~~
15 **MANNER** that protects and prevents the medical waste from release at
16 the producing facility or at any time before ultimate disposal.

17 (B) SORT AND SEPARATE MEDICAL WASTE BY TYPE AS LISTED IN
18 SECTION 13805(15) INTO APPROPRIATE CONTAINERS THAT ARE LABELED IN
19 ACCORDANCE WITH SUBDIVISION (D).

20 (C) ~~(b)~~ Separate and dispose of sharps in the manner described
21 in section ~~13811(d)~~ **13811(1)(D)**.

22 (D) ~~(e)~~ Label the containers required under subdivision (a) **OR**
23 **(B)** with a biohazard symbol or the words "medical waste" or
24 "pathological waste" in letters not less than 1 inch high.

25 (E) ~~(d)~~ Not store medical waste on premises of the producing
26 facility for more than 90 days.

27 Sec. 13811. (1) A producing facility shall ~~store~~

1 ~~decontaminate, and dispose of~~ **ENSURE THAT** medical waste **IS**
 2 **DECONTAMINATED AND DISPOSED OF** pursuant to **ALL OF** the following
 3 **REQUIREMENTS:**

4 (a) Cultures and stocks of material contaminated with an
 5 infectious agent shall be stored in closed, puncture-resistant
 6 containers, ~~decontaminated by autoclaving or incineration~~ **USE OF AN**
 7 **AUTOClave OR INCINERATOR**, and disposed of in a ~~sanitary~~ landfill,
 8 **OR SHALL BE SUBJECTED TO A DECONTAMINATION AND DISPOSAL PROCESS**
 9 **APPROVED BY THE DEPARTMENT.**

10 (b) Blood, ~~and blood products~~, and body fluids shall be
 11 disposed of by 1 or more of the following methods:

12 (i) ~~Flushing~~ **FLUSHED** down a sanitary sewer.

13 ~~—— (ii) Decontaminating by autoclaving or incineration.~~

14 ~~—— (iii) Solidifying.~~

15 ~~—— (iv) If not in liquid form, transferring to a sanitary~~
 16 ~~landfill.~~

17 (ii) **DECONTAMINATED BY USE OF AN AUTOCLAVE OR INCINERATOR AND**
 18 **DISPOSED OF IN A LANDFILL.**

19 (iii) **SOLIDIFIED THEN DECONTAMINATED BY USE OF AN AUTOCLAVE OR**
 20 **INCINERATOR AND DISPOSED OF IN A LANDFILL.**

21 (iv) ~~(v)~~ **A DECONTAMINATION AND DISPOSAL** process approved by the
 22 department.

23 (c) Pathological waste **AND TRAUMA WASTE** shall be disposed of
 24 by 1 or more of the following methods:

25 ~~—— (i) Incineration or cremation.~~

26 (i) **INCINERATED AND DISPOSED OF IN A LANDFILL.**

27 (ii) **CREMATED.**

1 (iii) ~~(ii) Grinding and flushing~~ **GROUND AND FLUSHED** into a
2 sanitary sewer.

3 (iv) ~~(iii) Burial~~ **BURIED** in a cemetery, if **PACKAGED AND**
4 transported in ~~leakproof containers of sufficient integrity to~~
5 ~~prevent rupture~~ **ACCORDANCE WITH USDOT REQUIREMENTS.**

6 ~~—— (iv) Grinding until rendered unrecognizable, stored in closed,~~
7 ~~puncture-resistant, properly labeled containers, and, if not in~~
8 ~~liquid form, disposed of in a sanitary landfill.~~

9 (v) A **DECONTAMINATION AND DISPOSAL** process approved by the
10 department.

11 (d) Sharps shall be disposed of by 1 of the following methods:

12 ~~—— (i) Placement in rigid, puncture-resistant containers that are~~
13 ~~appropriately labeled and transported to a sanitary landfill in a~~
14 ~~manner that retains the integrity of the container.~~

15 ~~—— (ii) Incineration or decontamination and grinding that renders~~
16 ~~the objects unrecognizable. Ground sharps shall be placed in a~~
17 ~~sealed, rupture-resistant container and transported to a sanitary~~
18 ~~landfill.~~

19 (i) **DISPOSED OF IN A LANDFILL IF PACKAGED AND TRANSPORTED IN**
20 **ACCORDANCE WITH USDOT REQUIREMENTS.**

21 (ii) **DECONTAMINATED BY USE OF AN AUTOCLAVE OR INCINERATOR AND**
22 **DISPOSED OF IN A LANDFILL.**

23 (iii) A **DECONTAMINATION AND DISPOSAL** process approved by the
24 department.

25 (e) Animal waste contaminated with ~~organisms infectious to~~
26 ~~humans~~ **A PATHOGEN** shall be disposed of by ~~incineration or by burial~~
27 ~~in a sanitary landfill in properly labeled, double containers that~~

1 ~~are leakproof and puncture resistant and are tightly sealed to~~
2 ~~prevent escape of fluids or material. Contaminated animal organs~~
3 ~~disposed of separately shall be rendered unrecognizable.~~ 1 OF THE
4 FOLLOWING METHODS:

5 (i) DECONTAMINATED BY USE OF AN AUTOCLAVE OR INCINERATOR AND
6 DISPOSED OF IN A LANDFILL.

7 (ii) DISPOSED OF IN A LANDFILL IF PACKAGED AND TRANSPORTED IN
8 ACCORDANCE WITH USDOT REQUIREMENTS.

9 (iii) A DECONTAMINATION AND DISPOSAL PROCESS APPROVED BY THE
10 DEPARTMENT.

11 (2) A MEDICAL WASTE TREATMENT TECHNOLOGY SHALL ATTAIN DURING
12 OPERATION A MINIMUM LEVEL OF DECONTAMINATION TO PROTECT HUMAN
13 HEALTH, SAFETY, WELFARE, AND THE ENVIRONMENT AS ESTABLISHED BY
14 RULES PROMULGATED BY THE DEPARTMENT.

15 SEC. 13812. (1) A MEDICAL WASTE TREATMENT TECHNOLOGY SHALL NOT
16 BE INSTALLED OR USED UNLESS THE TECHNOLOGY HAS BEEN REVIEWED AND
17 APPROVED BY THE DEPARTMENT. THE DEPARTMENT SHALL REVIEW THE
18 TECHNOLOGY FOR COMPLIANCE WITH THIS ACT AND RULES PROMULGATED UNDER
19 THIS ACT.

20 (2) AN APPLICATION FOR EVALUATION AND REVIEW OF THE MEDICAL
21 WASTE TREATMENT TECHNOLOGY SHALL BE SUBMITTED TO THE DEPARTMENT,
22 WITH SUPPORTIVE DOCUMENTATION, ON A FORM PROVIDED BY THE
23 DEPARTMENT. THE DEPARTMENT SHALL REVIEW THE APPLICATION AND
24 SUPPORTIVE DOCUMENTATION AND SHALL APPROVE OR DENY THE APPLICATION.
25 IF THE APPLICATION IS DENIED, THE DEPARTMENT SHALL SPECIFY THE
26 REASONS FOR THE DENIAL ISSUED AND WHAT ADDITIONAL INFORMATION IS
27 NEEDED TO APPROVE AN APPLICATION.

1 (3) AN EVALUATION FEE OF \$500.00 SHALL BE SUBMITTED WITH EACH
2 APPLICATION UNDER THIS SECTION. THE COLLECTED FEE SHALL BE
3 FORWARDED TO THE STATE TREASURY AND DEPOSITED IN THE FUND.

4 (4) THE MANUFACTURER SHALL PROVIDE TO THE DEPARTMENT THE NAME
5 AND ADDRESS OF EACH PRODUCING FACILITY WHERE INSTALLATION OF THE
6 APPROVED TECHNOLOGY IS TO OCCUR. THE EQUIPMENT SHALL NOT BE USED
7 UNTIL ON-SITE EFFICACY AND VALIDATION TESTING ARE SUCCESSFULLY
8 COMPLETED. APPROVAL OF A TREATMENT TECHNOLOGY BY THE DEPARTMENT
9 UNDER THIS PART IS FOR THE USE OF THE TECHNOLOGY AS A MEDICAL WASTE
10 TREATMENT METHOD ONLY. THE PRODUCING FACILITY IS RESPONSIBLE FOR
11 SECURING ANY OTHER PERMITS OR REQUIRED APPROVALS NEEDED FOR THE
12 TECHNOLOGY FROM OTHER AGENCIES OR DEPARTMENT PROGRAMS.

13 Sec. 13813. (1) ~~Each~~ A producing facility shall register with
14 the department on a form prescribed by the department. ~~A producing~~
15 ~~facility shall have a written medical waste management plan that~~
16 ~~contains information required in section 13817 on file on the~~
17 ~~premises within 90 days after registration.~~

18 (2) A producing facility shall submit the following
19 registration fee with the registration form:

20 (a) For a producing facility ~~that is a private practice office~~
21 with fewer than 4 licensees under article 15 who are physicians,
22 **PHYSICIAN ASSISTANTS**, dentists, podiatrists, certified nurse
23 practitioners, certified nurse midwives, **ACUPUNCTURISTS**, or
24 veterinarians employed by, under contract to, or working at the
25 producing facility, a registration fee of \$50.00 **BEFORE OCTOBER 1,**
26 **2009 OR \$80.00 ON OR AFTER OCTOBER 1, 2009.**

27 (b) For a producing facility that is a private practice office

1 with 4 or more licensees under article 15 who are physicians,
2 **PHYSICIAN ASSISTANTS**, dentists, podiatrists, certified nurse
3 practitioners, certified nurse midwives, **ACUPUNCTURISTS**, or
4 veterinarians employed by, under contract to, or working at the
5 producing facility, a ~~registration fee of \$20.00 for each licensee,~~
6 ~~up to a maximum total registration fee of \$80.00~~ **BEFORE OCTOBER 1,**
7 **2009 OR \$100.00 ON OR AFTER OCTOBER 1, 2009.**

8 (C) FOR A PRODUCING FACILITY THAT IS A HEALTH FACILITY OR
9 AGENCY, INCLUDING A HOSPITAL WITH FEWER THAN 150 BEDS AND A HOME
10 HEALTH CARE AGENCY, A REGISTRATION FEE OF \$75.00 BEFORE OCTOBER 1,
11 2009 OR \$100.00 ON OR AFTER OCTOBER 1, 2009.

12 (D) FOR A PRODUCING FACILITY THAT IS A HEALTH FACILITY OR
13 AGENCY THAT IS A HOSPITAL WITH 150 OR MORE LICENSED BEDS OR A
14 LABORATORY, A REGISTRATION FEE OF \$150.00.

15 (E) FOR A PRODUCING FACILITY THAT IS NOT A HEALTH FACILITY OR
16 AGENCY, INCLUDING, BUT NOT LIMITED TO, A BODY ART FACILITY, BLOOD
17 DRAW STATION, BLOOD OR BLOOD PRODUCT COLLECTION FACILITY, FUNERAL
18 HOME, ANIMAL CONTROL SHELTER, PHARMACY, SCHOOL DISTRICT, NURSING
19 HOME, HOSPICE, AND AMBULANCE OPERATION, A REGISTRATION FEE OF
20 \$75.00 BEFORE OCTOBER 1, 2009 OR \$80.00 ON OR AFTER OCTOBER 1,
21 2009.

22 (F) FOR A PRODUCING FACILITY THAT IS A TRAUMA WASTE MANAGEMENT
23 PRACTITIONER, A MEDICAL WASTE TREATMENT FACILITY, OR A MEDICAL
24 WASTE COLLECTION AND TRANSPORT COMPANY, A REGISTRATION FEE OF
25 \$150.00.

26 (3) A MOBILE HEALTH CARE UNIT, SUCH AS A BLOODMOBILE, THAT IS
27 OWNED AND OPERATED BY A REGISTERED PRODUCING FACILITY IN A FIXED

1 LOCATION SHALL BE INCLUDED UNDER THE REGISTRATION OF THE REGISTERED
2 FACILITY.

3 (4) ~~(3)~~ Upon receipt of a complete registration form and
4 registration fee under this section, ~~or section 13815,~~ the
5 department shall issue a certificate of registration to the
6 producing facility **UNLESS THE DEPARTMENT DETERMINES THAT THE**
7 **PRODUCING FACILITY IS NOT IN COMPLIANCE WITH THIS PART OR THE RULES**
8 **PROMULGATED UNDER THIS PART.** A certificate of registration issued
9 under this section is valid for 3 years from its date of issuance.
10 ~~The department shall investigate each complaint received and may~~
11 ~~inspect a producing facility registered under this section pursuant~~
12 ~~to the receipt of a complaint.~~

13 (5) ~~(4)~~ Registration fees collected pursuant to this section
14 and section 13815 shall be forwarded to the state treasury and
15 deposited ~~pursuant to section 13829~~ **IN THE FUND.**

16 (6) A PUBLIC SHARPS COLLECTION PROGRAM SHALL REGISTER AS A
17 MEDICAL WASTE PRODUCING FACILITY BUT IS EXEMPT FROM PAYMENT OF ANY
18 REGISTRATION FEE UNDER THIS SECTION.

19 (7) NOTWITHSTANDING SECTION 13807(6), ALL FUNERAL HOMES SHALL
20 MANAGE USED BODY BAGS AS MEDICAL WASTE PURSUANT TO THIS PART.

21 Sec. 13815. ~~A producing facility shall submit the following~~
22 ~~registration fee with the registration form required under section~~
23 ~~13813.~~

24 ~~— (a) For a producing facility that is a health facility or~~
25 ~~agency other than a hospital described in subdivision (b) and for a~~
26 ~~producing facility that is not a health facility or agency, a~~
27 ~~registration fee of \$75.00.~~

1 ~~_____ (b) For a producing facility that is a health facility or~~
2 ~~agency that is a hospital with 150 or more licensed beds or a~~
3 ~~clinical laboratory, a registration fee of \$150.00.~~

4 (1) SUBJECT TO SUBSECTION (2), A PERSON SHALL NOT ENGAGE IN
5 THE CLEANUP, HANDLING, AND TRANSPORT OF TRAUMA WASTE FROM A TRAUMA
6 SCENE IN THIS STATE UNLESS THE PERSON IS REGISTERED AND HAS BEEN
7 ISSUED A TRAUMA WASTE TRANSPORT PERMIT UNDER THIS SECTION. EXCEPT
8 AS OTHERWISE PROVIDED IN THIS SUBSECTION, BEFORE A PERSON ENGAGES
9 IN THE CLEANUP, HANDLING, AND TRANSPORT OF TRAUMA WASTE FROM A
10 TRAUMA SCENE IN THIS STATE, THE PERSON SHALL APPLY FOR REGISTRATION
11 AND TO RECEIVE A TRAUMA WASTE TRANSPORT PERMIT ON FORMS AND IN THE
12 MANNER PRESCRIBED BY THE DEPARTMENT.

13 (2) A PERSON WHO ENGAGED IN THE CLEANUP, HANDLING, AND
14 TRANSPORT OF TRAUMA WASTE FROM A TRAUMA SCENE IN THIS STATE ON THE
15 DAY BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
16 SUBSECTION MAY CONTINUE TO ENGAGE IN THE CLEANUP, HANDLING, AND
17 TRANSPORT OF TRAUMA WASTE FROM A TRAUMA SCENE ON AND AFTER THAT
18 DATE, SUBJECT TO THE FOLLOWING:

19 (A) WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THE AMENDATORY ACT
20 THAT ADDED THIS SUBSECTION, THE PERSON SHALL NOTIFY THE DEPARTMENT
21 THAT THE PERSON IS ENGAGING IN THE CLEANUP, HANDLING, AND TRANSPORT
22 OF TRAUMA WASTE FROM A TRAUMA SCENE AND THAT THE PERSON INTENDS TO
23 CONTINUE TO ENGAGE IN THAT ACTIVITY.

24 (B) ON OR BEFORE THE DATE AND IN THE MANNER PRESCRIBED BY THE
25 DEPARTMENT, THE PERSON SHALL SUBMIT AN APPLICATION FOR REGISTRATION
26 AND TO RECEIVE A TRAUMA WASTE TRANSPORT PERMIT.

27 (C) UPON RECEIPT OF THE APPLICATION UNDER SUBDIVISION (B), THE

1 DEPARTMENT SHALL PROCEED IN THE MANNER PRESCRIBED IN SUBSECTION (4)
2 FOR ACTING UPON A NEW APPLICATION AND EITHER ISSUE A CERTIFICATE OF
3 REGISTRATION AND A TRAUMA WASTE TRANSPORT PERMIT OR NOTIFY THE
4 PERSON THAT ITS APPLICATION FOR REGISTRATION AND ISSUANCE OF A
5 TRAUMA WASTE TRANSPORT PERMIT HAS BEEN DENIED UNDER THIS SECTION
6 AND INCLUDE THE REASONS FOR THE DENIAL. THE PERSON SHALL
7 IMMEDIATELY CEASE OPERATION AS A TRAUMA WASTE MANAGEMENT
8 PRACTITIONER UPON RECEIPT OF A NOTICE THAT ITS APPLICATION FOR
9 REGISTRATION AND ISSUANCE OF A TRAUMA WASTE TRANSPORT PERMIT HAS
10 BEEN DENIED UNDER THIS SECTION. A PERSON WHO RECEIVES A NOTICE THAT
11 ITS APPLICATION FOR REGISTRATION AND ISSUANCE OF A TRAUMA WASTE
12 TRANSPORT PERMIT HAS BEEN DENIED UNDER THIS SUBDIVISION MAY REAPPLY
13 AS PRESCRIBED IN SUBSECTION (3), AND THE DEPARTMENT SHALL PROCEED
14 IN THE MANNER PRESCRIBED IN SUBSECTION (4) ON THE APPLICATION AS IF
15 IT WERE A NEW APPLICATION.

16 (3) A PERSON THAT SUBMITS AN APPLICATION FOR REGISTRATION AND
17 TO RECEIVE A TRAUMA WASTE TRANSPORT PERMIT UNDER THIS SECTION SHALL
18 SUBMIT ALL OF THE FOLLOWING WITH THE APPLICATION:

19 (A) A REGISTRATION FEE OF \$150.00.

20 (B) A WRITTEN TRAUMA WASTE MANAGEMENT PLAN THAT MEETS THE
21 REQUIREMENTS OF SUBSECTION (7).

22 (C) PROOF OF FINANCIAL RESPONSIBILITY FOR BODILY INJURY,
23 PROPERTY DAMAGE, OR ENVIRONMENTAL DAMAGE TO THIRD PARTIES CAUSED BY
24 ACCIDENTAL OCCURRENCES ARISING FROM THE TRAUMA WASTE CLEANUP AND
25 TRANSPORT ACTIVITIES OF THE TRAUMA WASTE MANAGEMENT PRACTITIONER.

26 (D) SUBJECT TO SUBSECTION (5), A FEE PRESCRIBED BY THE
27 DEPARTMENT TO COVER THE EXPENSE OF THE BACKGROUND CHECK REQUIRED

1 UNDER SUBSECTION (4).

2 (4) UPON RECEIPT OF A COMPLETE APPLICATION FOR REGISTRATION
3 FORM UNDER THIS SECTION AND SUBJECT TO SUBSECTION (5), THE
4 DEPARTMENT SHALL CAUSE TO BE CONDUCTED A BACKGROUND CHECK OF ALL
5 INDIVIDUALS LISTED IN THE APPLICATION AS BEING THE OWNERS,
6 OFFICERS, DIRECTORS, PARTNERS, OR OTHER KEY EMPLOYEES OF THE TRAUMA
7 WASTE MANAGEMENT PRACTITIONER. THE DEPARTMENT SHALL DETERMINE
8 WHETHER ANY INFORMATION RECEIVED AS A RESULT OF THE BACKGROUND
9 CHECK MAKES THE PRACTITIONER INELIGIBLE TO BE REGISTERED AND ISSUED
10 A TRAUMA WASTE TRANSPORT PERMIT UNDER THIS SECTION AND, IF SO,
11 SHALL NOT REGISTER OR ISSUE A PERMIT TO THE PERSON. THE DEPARTMENT
12 SHALL NOTIFY THE PERSON THAT ITS APPLICATION FOR REGISTRATION AND
13 ISSUANCE OF A TRAUMA WASTE TRANSPORT PERMIT HAS BEEN DENIED UNDER
14 THIS SECTION AND INCLUDE THE REASONS FOR THE DENIAL. A PERSON WHO
15 RECEIVES A NOTICE THAT ITS APPLICATION FOR REGISTRATION AND A
16 TRAUMA WASTE TRANSPORT PERMIT HAS BEEN DENIED UNDER THIS SUBSECTION
17 MAY REAPPLY IN THE MANNER PRESCRIBED IN SUBSECTION (3), AND THE
18 DEPARTMENT SHALL PROCEED IN THE MANNER PRESCRIBED IN THIS
19 SUBSECTION ON THE APPLICATION AS IF IT WERE A NEW APPLICATION. IF
20 THE DEPARTMENT DETERMINES THAT THE APPLICANT IS ABLE TO ENGAGE IN
21 THE CLEANUP, HANDLING, AND TRANSPORT OF TRAUMA WASTE IN A MANNER
22 THAT WILL PROTECT THE PUBLIC HEALTH, SAFETY, WELFARE, AND THE
23 ENVIRONMENT, THE DEPARTMENT SHALL ISSUE A CERTIFICATION OF
24 REGISTRATION AND A TRAUMA WASTE TRANSPORT PERMIT TO THE APPLICANT
25 UNDER THIS SECTION. IF ANY OF THE INFORMATION OR DOCUMENTATION
26 REQUIRED UNDER SUBSECTION (3) IS NOT YET AVAILABLE AT THE TIME OF
27 APPLICATION, THE DEPARTMENT MAY ISSUE A PERMIT ON A CONDITIONAL

1 BASIS, SUBJECT TO RECEIPT OF THAT INFORMATION OR DOCUMENTATION AS
2 SOON AS PRACTICAL AFTER ISSUANCE OF THE CONDITIONAL PERMIT. THE
3 APPLICANT SHALL COMPLY WITH ALL DEADLINES AND REQUIREMENTS FOR THE
4 SUBMISSION OF THE INFORMATION OR DOCUMENTATION IN ORDER TO RECEIVE
5 AN UNCONDITIONAL TRAUMA WASTE TRANSPORT PERMIT UNDER THIS SECTION.

6 (5) A CERTIFICATE OF REGISTRATION AND TRAUMA WASTE TRANSPORT
7 PERMIT ISSUED UNDER THIS SECTION IS VALID FOR 1 YEAR FROM THE DATE
8 OF ISSUANCE. A TRAUMA WASTE MANAGEMENT PRACTITIONER SHALL COMPLY
9 WITH SUBSECTION (2) AND ANY RULES OR OTHER GUIDANCE ISSUED BY THE
10 DEPARTMENT TO OBTAIN A RENEWAL PERMIT UNDER THIS SECTION. THE
11 DEPARTMENT SHALL ACT ON A RENEWAL APPLICATION IN THE SAME MANNER AS
12 A NEW APPLICATION UNDER SUBSECTION (4). HOWEVER, THE DEPARTMENT IS
13 NOT REQUIRED TO CONDUCT A BACKGROUND CHECK ANNUALLY, BUT SHALL
14 CONDUCT A BACKGROUND CHECK OF A TRAUMA WASTE MANAGEMENT
15 PRACTITIONER FOR A RENEWAL APPLICATION AT LEAST ONCE EVERY 3 YEARS.

16 (6) WITHIN 90 DAYS OF THE EFFECTIVE DATE OF THE AMENDATORY ACT
17 THAT ADDED THIS SUBSECTION AND ON A CONTINUING BASIS, THE
18 DEPARTMENT, IN CONSULTATION WITH THE TRAUMA WASTE MANAGEMENT
19 INDUSTRY AND THE HEALTH CARE INDUSTRY, SHALL ESTABLISH THE
20 FOLLOWING STANDARDS:

21 (A) DOCUMENTATION OF PERSONAL PROTECTION REQUIRED TO BE
22 PROVIDED FOR AND USED BY EMPLOYEES OF TRAUMA WASTE MANAGEMENT
23 PRACTITIONERS.

24 (B) TECHNOLOGIES AND CHEMICALS APPROPRIATE TO THE TASK OF
25 CLEANING, HANDLING, AND DISINFECTING A TRAUMA SCENE.

26 (C) OTHER STANDARDS AS NECESSARY.

27 (7) A TRAUMA WASTE MANAGEMENT PRACTITIONER SHALL DEVELOP A

1 TRAUMA WASTE MANAGEMENT PLAN THAT CONTAINS INFORMATION RELATING TO
2 THE CLEANUP, HANDLING, AND TRANSPORT OF ALL TRAUMA WASTE REMOVED,
3 STORED, TRANSPORTED, AND DISPOSED OF BY THE PRACTITIONER. THE
4 TRAUMA WASTE MANAGEMENT PLAN SHALL DESCRIBE ALL OF THE FOLLOWING:

5 (A) THE PERSONAL PROTECTION TO BE PROVIDED TO EMPLOYEES OF THE
6 PRACTITIONER TO MINIMIZE EXPOSURE TO INFECTIOUS AGENTS THROUGHOUT
7 THE PROCESS OF HANDLING AND TRANSPORTING TRAUMA WASTE.

8 (B) THE TECHNOLOGIES, CHEMICALS, AND PROCEDURES TO BE USED IN
9 THE TASK OF CLEANING, HANDLING, AND DISINFECTING THE TRAUMA SCENE.

10 (C) ANY OTHER INFORMATION THAT THE DEPARTMENT DETERMINES IS
11 NECESSARY UNDER SUBSECTION (6).

12 (8) A TRAUMA WASTE MANAGEMENT PRACTITIONER SHALL UPDATE ITS
13 TRAUMA WASTE MANAGEMENT PLAN EVERY YEAR OR WITHIN 30 DAYS OF A
14 CHANGE IN ANY OF THE FOLLOWING:

15 (A) A PERSON OR SITE NAMED IN THE PLAN.

16 (B) THE TYPES OF TRAUMA WASTE HANDLED OR THE METHODS OF
17 HANDLING TRAUMA WASTE.

18 (9) UPON REQUEST, A TRAUMA WASTE MANAGEMENT PRACTITIONER SHALL
19 PRODUCE ITS CURRENT TRAUMA WASTE MANAGEMENT PLAN FOR AN EMPLOYEE OF
20 THE DEPARTMENT PURSUANT TO A ROUTINE OR UNANNOUNCED INSPECTION OR
21 THE INVESTIGATION OF A COMPLAINT. A PRACTITIONER SHALL MAINTAIN A
22 CURRENT VERSION OF ITS TRAUMA MANAGEMENT PLAN ON FILE ON THE
23 PREMISES AT ALL TIMES. UPON REVISION OF ANY PORTION OF ITS TRAUMA
24 WASTE MANAGEMENT PLAN, A PRACTITIONER SHALL PROMPTLY FILE THE
25 REVISED PLAN WITH THE DEPARTMENT AND SHALL COMPLY WITH ALL
26 REQUIREMENTS OF THE DEPARTMENT UNDER SECTION 13819.

27 (10) A TRAUMA WASTE MANAGEMENT PRACTITIONER SHALL COMPLY WITH

1 ITS TRAUMA WASTE MANAGEMENT PLAN AND SHALL TRANSPORT TRAUMA WASTE
2 TO A PRODUCING FACILITY THAT DECONTAMINATES OR INCINERATES MEDICAL
3 WASTE FOR TREATMENT OR DISPOSAL. A TRAUMA WASTE MANAGEMENT
4 PRACTITIONER SHALL NOT STORE TRAUMA WASTE ON ITS PREMISES FOR MORE
5 THAN 14 DAYS. A TRAUMA WASTE MANAGEMENT PRACTITIONER SHALL PACKAGE
6 MEDICAL WASTE IN THE MANNER PRESCRIBED IN SECTION 13821 AND AS
7 OTHERWISE PRESCRIBED BY THE DEPARTMENT.

8 (11) THE DEPARTMENT MAY INSPECT A TRAUMA WASTE MANAGEMENT
9 PRACTITIONER IN EITHER A ROUTINE OR UNANNOUNCED MANNER IN ORDER TO
10 DETERMINE WHETHER THE PRACTITIONER SHOULD BE REGISTERED AND A NEW
11 OR RENEWAL PERMIT SHOULD BE ISSUED TO THE PRACTITIONER UNDER THIS
12 SECTION OR TO INVESTIGATE A COMPLAINT. THE DEPARTMENT MAY DENY,
13 SUSPEND, OR REVOKE REGISTRATION AND THE ISSUANCE OF A PERMIT IF THE
14 DEPARTMENT DETERMINES THAT THE PRACTITIONER IS NOT ABLE TO ENGAGE
15 IN THE CLEANUP, HANDLING, AND TRANSPORT OF TRAUMA WASTE IN A MANNER
16 THAT WILL PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE AND THE
17 ENVIRONMENT. A TRAUMA WASTE MANAGEMENT PRACTITIONER IS ENTITLED TO
18 NOTICE AND A HEARING IN THE MANNER PRESCRIBED IN SECTION 92 OF THE
19 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.292, IF
20 THE DEPARTMENT DETERMINES THAT IT MUST SUSPEND OR REVOKE
21 REGISTRATION AND THE ISSUANCE OF A PERMIT UNDER THIS SUBSECTION.

22 (12) THE DEPARTMENT SHALL DEVELOP, MAINTAIN, AND POST ON ITS
23 WEBSITE A CURRENT LIST OF REGISTERED TRAUMA WASTE MANAGEMENT
24 PRACTITIONERS. THE DEPARTMENT SHALL PERIODICALLY SUBMIT A CURRENT
25 LIST OF REGISTERED TRAUMA WASTE MANAGEMENT PRACTITIONERS TO LOCAL
26 HEALTH AGENCIES, LOCAL HEALTH OFFICERS, LOCAL ENVIRONMENTAL HEALTH
27 ADMINISTRATORS, AND COUNTY SHERIFFS. UPON REQUEST, THE DEPARTMENT

1 SHALL SUBMIT A CURRENT LIST OF REGISTERED TRAUMA WASTE MANAGEMENT
2 PRACTITIONERS TO OTHER PUBLIC AGENCIES AND TO THE GENERAL PUBLIC.

3 Sec. 13817. (1) SUBJECT TO SUBSECTION (7), A PRODUCING
4 FACILITY SHALL HAVE A WRITTEN MEDICAL WASTE MANAGEMENT PLAN ON FILE
5 ON THE PREMISES WITHIN 90 DAYS AFTER REGISTRATION AS A PRODUCING
6 FACILITY. The medical waste management plan ~~required in section~~
7 ~~13813~~ shall contain information relating to the handling of all
8 medical waste generated, stored, OR decontaminated, ~~or incinerated~~
9 at ~~each~~ **THE** producing facility or transported from the producing
10 facility for handling by another facility for storage ~~OR~~
11 decontamination, ~~incineration~~, or for disposal in a sanitary
12 landfill, cemetery, or other disposal site. A ~~professional~~
13 ~~corporation~~ **PERSON** may identify and prepare a common medical waste
14 management plan for all producing facilities owned and operated by
15 the ~~corporation~~ **PERSON**. **A COPY OF THE COMMON MEDICAL WASTE**
16 **MANAGEMENT PLAN SHALL BE KEPT AVAILABLE AT EACH PRODUCING FACILITY**
17 **SITE FOR INSPECTION BY THE DEPARTMENT.**

18 (2) ~~The~~ **A** medical waste management plan shall **COMPLY WITH THIS**
19 **ACT AND** describe each of the following, to the extent the
20 information is applicable to the producing facility:

- 21 (a) The types of medical waste handled.
- 22 (b) The segregation, packaging, labeling, and collection
23 procedures used.
- 24 (c) The use and methods of on-site or off-site storage.
- 25 (d) The use and methods of on-site or off-site
26 decontamination.
- 27 (e) The use of on-site or off-site incineration.

(f) The corporate or other legally recognized business name,
~~of solid waste haulers who transport~~ **ADDRESS, AND TELEPHONE NUMBER**
OF MEDICAL WASTE DISPOSAL SERVICE COMPANIES THAT TRANSPORT OR TREAT
 medical waste for the producing facility.

(g) The ~~use~~ **NAME AND ADDRESS** of ~~sanitary~~ landfills,
 cemeteries, and other disposal sites **TO WHICH MEDICAL WASTE IS**
DIRECTLY TAKEN BY THE PRODUCING FACILITY.

(h) The measures to minimize exposure of the **PRODUCING**
 facility's employees to infectious agents throughout the process of
 handling and disposing of the medical waste, including, where
 applicable, the use of protocols, procedures and training, personal
 protective devices and clothing, physical containment or isolation
 devices or systems, and prevention or control of aerosols.

(i) The name of the individual responsible for the management
 of the medical waste.

(J) CLEANUP METHODS AND PROCEDURES TO BE USED IN RESPONSE TO
SPILLS OF MEDICAL WASTE.

~~—— (2) A medical waste management plan shall comply with the~~
~~requirements of this act.~~

(3) A producing facility shall update ~~a~~ **ITS** medical waste
 management plan ~~each time there is~~ **EVERY 3 YEARS OR WITHIN 30 DAYS**
OF a change in ~~either~~ **ANY** of the following: ~~, within 30 days after~~
~~the change occurs.~~

(a) A person or site named in the plan.

(b) The types of medical waste handled or the methods of
 handling medical waste at the facility.

(4) Upon request, a producing facility shall make its medical

1 waste management plan available to the department pursuant to a
2 routine or unannounced inspection or the investigation of a
3 complaint.

4 (5) Upon receipt of 24 hours' advance notice, a producing
5 facility shall make its medical waste management plan available to
6 an employee of the producing facility for inspection on the
7 premises or provide a copy of the medical waste management plan to
8 the employee.

9 (6) A producing facility shall comply with its medical waste
10 management plan.

11 (7) **THIS SECTION DOES NOT APPLY TO A TRAUMA WASTE MANAGEMENT**
12 **PRACTITIONER.**

13 Sec. 13819. (1) Upon review of a medical waste management plan
14 under section ~~13817(4)~~ **13817 OR A TRAUMA WASTE MANAGEMENT PLAN**
15 **UNDER SECTION 13815**, the department may require a producing
16 facility **OR TRAUMA WASTE MANAGEMENT PRACTITIONER** to modify ~~the~~
17 ~~medical waste management~~ **ITS** plan at any time the department
18 determines **THAT** the plan is not adequate to protect the public
19 health, **SAFETY, AND WELFARE AND THE ENVIRONMENT** or is inconsistent
20 with state or federal law. Upon ~~determining that the plan is~~
21 ~~inadequate or inconsistent under this section~~ **MAKING SUCH A**
22 **DETERMINATION**, the department shall notify the producing facility
23 **OR THE TRAUMA WASTE MANAGEMENT PRACTITIONER** in writing of ~~its~~ **THE**
24 determination and the specific modifications necessary for
25 compliance. The producing facility **OR TRAUMA WASTE MANAGEMENT**
26 **PRACTITIONER** shall modify the plan **ACCORDINGLY** within ~~10 days after~~
27 ~~receipt of the notice from~~ **THE TIME PERIOD SPECIFIED BY** the

1 department **IN ITS NOTICE.**

2 (2) The department may issue a warning to a producing facility
3 **OR TRAUMA WASTE MANAGEMENT PRACTITIONER** that fails to modify a plan
4 within the 10-day period.

5 **SEC. 13820. THE DEPARTMENT MAY ENTER AT ANY REASONABLE TIME**
6 **UPON PRIVATE OR PUBLIC PROPERTY UPON WHICH MEDICAL WASTE IS**
7 **REASONABLY BELIEVED TO BE LOCATED TO DETERMINE COMPLIANCE WITH THIS**
8 **PART OR A RULE PROMULGATED UNDER THIS PART.**

9 Sec. 13821. (1) A producing facility that transports medical
10 waste **OR HAS MEDICAL WASTE TRANSPORTED** off the premises of the
11 producing facility **OR A TRAUMA SCENE** shall package **AND TRANSPORT**
12 the medical waste in the following manner: **ACCORDANCE WITH THE**
13 **APPLICABLE USDOT HAZARDOUS MATERIALS REGULATIONS SPECIFIED UNDER 49**
14 **CFR PARTS 171 TO 180.**

15 ~~—— (a) Sharps that are not ground or incinerated as described in~~
16 ~~section 13811(d) shall be contained for disposal in individual~~
17 ~~leakproof, rigid, puncture-resistant containers that are secured to~~
18 ~~preclude loss of the contents. In addition, a container used to~~
19 ~~store or transport a number of individual sharps containers shall~~
20 ~~be leakproof. These containers shall be conspicuously labeled with~~
21 ~~the word "sharps". Sharps that are contained pursuant to this~~
22 ~~subdivision may be disposed of as solid waste pursuant to part 115~~
23 ~~(solid waste management) of the natural resources and environmental~~
24 ~~protection act, Act No. 451 of the Public Acts of 1994, being~~
25 ~~sections 324.11501 to 324.11549 of the Michigan Compiled Laws.~~
26 ~~However, sharps shall not be compacted or handled during transport~~
27 ~~in a manner that will result in breakage of a sharps container.~~

~~(b) Medical waste other than sharps shall be contained in bags other than body pouches or other containers that are impervious to moisture and have a strength sufficient to resist ripping, tearing, breaking, or bursting under normal conditions of usage or handling. The bags or containers shall be secured so as to prevent leakage during storage, handling, or transport.~~

(2) MEDICAL WASTE THAT IS DECONTAMINATED AND PACKAGED IN ACCORDANCE WITH SECTIONS 13809, 13810, AND 13811, AS APPLICABLE, MAY BE DISPOSED OF AS SOLID WASTE PURSUANT TO PART 115 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.11501 TO 324.11550.

(3) HAZARDOUS WASTE, AS DEFINED IN PART 111 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.11101 TO 324.11153, SHALL NOT BE DISPOSED OF AS MEDICAL WASTE.

Sec. 13823. ~~(1) If~~ **A PERSON WHO DISCOVERS** suspected medical waste ~~is discovered on any land or water in the~~ **THIS** state and ~~reported to the department of natural resources, the department of public health, a local health department, the department of state police, or any other state or local governmental agency, the agency or department receiving the report shall promptly investigate to confirm the existence of medical waste. If the existence of medical waste is confirmed by a department or agency other than the department of natural resources, a report shall be transmitted immediately to the department of natural resources.~~ **SHALL REPORT THE MEDICAL WASTE TO THE DEPARTMENT.** The department of ~~natural resources~~ may if appropriate take measures to contain the medical waste, to close off the area, to remove the medical waste from the

1 environment, and to do all things necessary to protect the public
2 health, safety, and welfare and the environment. The department of
3 ~~natural resources may if appropriate conduct an investigation to~~
4 determine the source of the medical waste.

5 ~~—— (2) The department of natural resources may consult with the~~
6 ~~department of public health, the appropriate local health~~
7 ~~department, the department of state police, and the department of~~
8 ~~attorney general on the actions taken by the department of natural~~
9 ~~resources under this section.~~

10 ~~—— (3) After the department of natural resources confirms the~~
11 ~~existence of medical waste under this section, the department of~~
12 ~~natural resources shall inform the legislature, the governor, the~~
13 ~~advisory council, and the public on the results of any~~
14 ~~investigation conducted within 30 days after the investigation is~~
15 ~~completed.~~

16 Sec. 13825. ~~(1) If there is a suspected violation of this part~~
17 ~~on the premises of a health facility or agency or on the premises~~
18 ~~of an incinerator owned and operated by a health facility or agency~~
19 **PRODUCING FACILITY**, the department of public health shall promptly
20 conduct an investigation to confirm the violation. ~~If the suspected~~
21 ~~violation is reported to the department of natural resources, a~~
22 ~~local health department, the department of state police, or any~~
23 ~~other state or local governmental agency, the report immediately~~
24 ~~shall be transmitted to the department of public health. If the~~
25 ~~investigation confirms the existence of a violation of this part,~~
26 ~~the department of public health may if appropriate take measures to~~
27 ~~correct the violation and to do all things necessary to protect the~~

1 public health, safety, and welfare and the environment.

2 ~~—— (2) The department of public health may consult with the~~
3 ~~department of natural resources, the appropriate local health~~
4 ~~department, the department of state police, and the department of~~
5 ~~attorney general on the actions taken by the department of public~~
6 ~~health under this section. If the suspected violation of this part~~
7 ~~is at an incinerator owned and operated by a health facility or~~
8 ~~agency, the department of public health immediately shall notify~~
9 ~~the department of natural resources and request the assistance of~~
10 ~~the department of natural resources in conducting the~~
11 ~~investigation.~~

12 ~~—— (3) If the department of public health confirms the existence~~
13 ~~of a violation under this section, the department of public health~~
14 ~~shall inform the legislature, the governor, the advisory council,~~
15 ~~and the public on the results of the investigation conducted within~~
16 ~~30 days after the investigation is completed.~~

17 Sec. 13827. ~~(1) The interdepartmental medical waste advisory~~
18 ~~council is created in the department. The council shall consist of~~
19 ~~the following members appointed as follows:~~

20 ~~—— (a) One individual appointed by the director of public health~~
21 ~~representing the department.~~

22 ~~—— (b) One individual appointed by the director of the department~~
23 ~~of natural resources representing the department of natural~~
24 ~~resources.~~

25 ~~—— (c) One individual appointed by the director of the department~~
26 ~~of state police representing the department of state police.~~

27 ~~—— (d) One individual appointed by the director of commerce~~

~~representing the department of commerce, who has knowledge of
tourism in the state.~~

~~—— (c) One individual appointed by the attorney general
representing the department of the attorney general.~~

~~—— (2) The representative of the department shall serve as
chairperson.~~

~~—— (3) The advisory council~~ **THE DEPARTMENT** shall do all of the
following:

(a) Collect data pertaining to medical waste reports and
investigations under this part.

(b) Annually report to the governor ~~, AND~~ the standing
committees in the senate and house of representatives with
jurisdiction over public health matters ~~, the department of public
health, and the department of natural resources~~ on all of the
following:

(i) The number of medical waste reports received and
investigations conducted under this part.

(ii) The implementation and effectiveness of this part.

(iii) Changes in the overall regulatory scheme pertaining to
medical waste, including, but not limited to, the enactment of
pertinent federal law.

(iv) Recommendations, if any, that the ~~advisory council~~
DEPARTMENT has for changes to this part or any other state statute
or rule that pertains to medical waste.

~~—— (v) Coordinate reports and investigations under this part
between the department of public health and the department of
natural resources.~~

1 Sec. 13829. (1) The medical waste emergency response fund is
2 created in the state treasury.

3 (2) The state treasurer shall deposit in the fund all ~~money~~
4 **FEES** received pursuant to this act ~~PART, REVENUE UNDER SECTION~~
5 **13831(3)**, and all money received by the fund as otherwise provided
6 by law.

7 (3) The state treasurer shall direct the investment of the
8 fund. Interest and earnings of the fund shall be credited to the
9 fund. Money in the fund at the close of the fiscal year shall
10 remain in the fund and shall not revert to the general fund.

11 (4) **THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE FUND FOR**
12 **AUDITING PURPOSES.**

13 (5) ~~(4) Not~~ **THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND,**
14 **UPON APPROPRIATION, ONLY FOR THE FOLLOWING PURPOSES:**

15 **(A) NOT** more than 80% of the total amount in the fund ~~shall be~~
16 ~~used by the department of public health for administrative expenses~~
17 ~~related to the implementation of this part. , and the balance may~~
18 ~~be used by the department of natural resources for~~

19 **(B) FOR** response activities ~~necessitated by~~ **ADDRESSING** the
20 release of medical waste into the environment.

21 **(C) FOR PROGRAMS RELATING TO MEDICAL WASTE REDUCTION,**
22 **MANAGEMENT, AND EDUCATION.**

23 Sec. 13830. ~~(1)~~ The department shall promulgate rules to
24 ~~prescribe training standards for both medical and nonmedical~~
25 ~~personnel who handle medical waste in producing facilities~~
26 **IMPLEMENT THIS PART.**

27 ~~— (2) Each producing facility shall train its personnel who~~

1 ~~handle medical waste pursuant to the rules promulgated under~~
2 ~~subsection (1).~~

3 Sec. 13831. ~~(1) Except as provided in subsection (2), a person~~
4 ~~who violates this part or a rule promulgated under this part is~~
5 ~~subject to an administrative fine of not more than \$2,500.00 for~~
6 ~~each violation and an additional fine of not more than \$1,000.00~~
7 ~~for each day during which the violation continues. For a first~~
8 ~~offense, the department of public health or the department of~~
9 ~~natural resources may postpone the levying of a fine under this~~
10 ~~subsection for not more than 45 days or until the violation is~~
11 ~~corrected, whichever occurs first.~~

12 ~~—— (2) A person who fails to register with the department or have~~
13 ~~a medical waste management plan available for inspection in~~
14 ~~compliance with sections 13813 and 13817 is subject to an~~
15 ~~administrative fine of \$500.00.~~

16 ~~—— (3) A person who violates this act may be enjoined by a court~~
17 ~~of competent jurisdiction from continuing the violation.~~

18 (1) THE DEPARTMENT MAY REQUEST THAT THE ATTORNEY GENERAL BRING
19 AN ACTION IN THE NAME OF THE PEOPLE OF THIS STATE FOR ANY
20 APPROPRIATE RELIEF, INCLUDING INJUNCTIVE RELIEF, FOR A VIOLATION OF
21 THIS PART OR RULES PROMULGATED UNDER THIS PART.

22 (2) IN ADDITION TO ANY OTHER RELIEF PROVIDED UNDER THIS
23 SECTION, THE COURT MAY IMPOSE ON ANY PERSON IN VIOLATION OF THIS
24 PART OR RULES PROMULGATED UNDER THIS PART A CIVIL FINE AS FOLLOWS:

25 (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), A CIVIL FINE OF NOT
26 MORE THAN \$2,500.00 FOR EACH VIOLATION AND AN ADDITIONAL CIVIL FINE
27 OF NOT MORE THAN \$1,000.00 FOR EACH DAY DURING WHICH THE VIOLATION

1 CONTINUES.

2 (B) A CIVIL FINE OF \$500.00 FOR FAILURE TO REGISTER WITH THE
3 DEPARTMENT UNDER SECTION 13813 OR 13815 OR TO MAKE A TRAUMA WASTE
4 MANAGEMENT PLAN OR A MEDICAL WASTE MANAGEMENT PLAN AVAILABLE TO THE
5 DEPARTMENT UNDER SECTION 13815 OR 13817, RESPECTIVELY.

6 (3) IN ADDITION TO ANY OTHER RELIEF PROVIDED BY THIS SECTION,
7 THE COURT MAY ORDER A PERSON WHO VIOLATES THIS PART OR RULES
8 PROMULGATED UNDER THIS PART TO PAY TO THIS STATE AN AMOUNT EQUAL TO
9 ALL OF THE FOLLOWING:

10 (A) THE COST OF CONTAINING AND REMOVING MEDICAL WASTE AND
11 TAKING ACTION NECESSARY TO PROTECT PUBLIC HEALTH, SAFETY, AND
12 WELFARE, AND THE ENVIRONMENT.

13 (B) THE FULL VALUE OF DAMAGE DONE TO THE NATURAL RESOURCES OF
14 THIS STATE.

15 (C) THE COSTS OF SURVEILLANCE AND ENFORCEMENT INCURRED BY THIS
16 STATE AS A RESULT OF THE VIOLATION.

17 (4) REVENUE COLLECTED UNDER SUBSECTION (2) OR (3) SHALL BE
18 DEPOSITED IN THE FUND.

19 SEC. 13832. THE DEPARTMENT MAY ISSUE A CEASE AND DESIST ORDER
20 TO CORRECT A VIOLATION OF THIS PART OR A RULE PROMULGATED UNDER
21 THIS PART TO A PERSON WHO CONDUCTS, MANAGES, MAINTAINS, OR OPERATES
22 A PRODUCING FACILITY IF THE VIOLATION IS CAUSING AN IMMINENT PUBLIC
23 HEALTH HAZARD OR THREAT TO THE ENVIRONMENT.

24 SEC. 13833. (1) A PERSON WHO VIOLATES THIS PART, A RULE
25 PROMULGATED UNDER THIS PART, OR A FINAL ORDER PURSUANT TO THIS PART
26 IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
27 THAN 6 MONTHS OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH, PLUS

1 ANY PAYMENT ORDERED UNDER SECTION 13831(3). EACH DAY UPON WHICH A
2 VIOLATION DESCRIBED IN THIS SECTION OCCURS IS A SEPARATE OFFENSE.

3 (2) A PAYMENT ORDERED UNDER SECTION 13831(3) RECOVERED IN A
4 PROSECUTION UNDER THIS SECTION SHALL BE DEPOSITED IN THE FUND.
5 HOWEVER, IF A LAW ENFORCEMENT AGENCY OF A LOCAL UNIT OF GOVERNMENT
6 WAS PRIMARILY RESPONSIBLE FOR THE ENFORCEMENT OF THIS PART, THE
7 PAYMENT SHALL INSTEAD BE FORWARDED TO THAT LOCAL UNIT OF
8 GOVERNMENT.