

1-1 By: Zerwas, Villalba (Senate Sponsor - Creighton) H.B. No. 2244
 1-2 (In the Senate - Received from the House April 28, 2015;
 1-3 May 4, 2015, read first time and referred to Committee on Natural
 1-4 Resources and Economic Development; May 13, 2015, reported
 1-5 favorably by the following vote: Yeas 10, Nays 0; May 13, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 A BILL TO BE ENTITLED
 1-21 AN ACT

1-22 relating to the regulation of medical waste; adding and amending
 1-23 provisions subject to a criminal penalty.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 361.003, Health and Safety Code, is
 1-26 amended by adding Subdivisions (14-a) and (18-a) to read as
 1-27 follows:

1-28 (14-a) "Health care-related facility" means a
 1-29 facility listed under 25 T.A.C. Section 1.134. The term does not
 1-30 include:

1-31 (A) a single-family or multifamily dwelling; or
 1-32 (B) a hotel, motel, or other establishment that
 1-33 provides lodging and related services for the public.

1-34 (18-a) "Medical waste" means treated and untreated
 1-35 special waste from health care-related facilities composed of
 1-36 animal waste, bulk blood, bulk human blood, bulk human body fluids,
 1-37 microbiological waste, pathological waste, and sharps, as those
 1-38 terms are defined by 25 T.A.C. Section 1.132, as well as regulated
 1-39 medical waste, as that term is defined by 49 C.F.R. Section 173.134.
 1-40 The term does not include:

1-41 (A) waste produced on a farm or ranch as defined
 1-42 by 34 T.A.C. Section 3.296(f); or

1-43 (B) artificial, nonhuman materials removed from
 1-44 a patient and requested by the patient, including orthopedic
 1-45 devices and breast implants.

1-46 SECTION 2. Subchapter C, Chapter 361, Health and Safety
 1-47 Code, is amended by adding Section 361.0905 to read as follows:

1-48 Sec. 361.0905. REGULATION OF MEDICAL WASTE. (a) The
 1-49 commission is responsible under this section for the regulation of
 1-50 the handling, transportation, storage, and disposal of medical
 1-51 waste.

1-52 (b) The commission shall accomplish the purposes of this
 1-53 chapter by requiring a permit, registration, or other authorization
 1-54 for and otherwise regulating the handling, storage, disposal, and
 1-55 transportation of medical waste. The commission shall adopt rules
 1-56 as necessary to accomplish the purposes of this subchapter.

1-57 (c) The commission has the powers and duties specifically
 1-58 prescribed by this chapter relating to medical waste regulation and
 1-59 all other powers necessary or convenient to carry out those
 1-60 responsibilities under this chapter.

1-61 (d) In matters relating to medical waste regulation, the

2-1 commission shall consider water pollution control and water quality
 2-2 aspects, air pollution control and ambient air quality aspects, and
 2-3 the protection of human health and safety.
 2-4 (e) Rules adopted to regulate the operation of municipal
 2-5 solid waste storage and processing units apply in the same manner to
 2-6 medical waste only to the extent that the rules address:
 2-7 (1) permit and registration requirements that can be
 2-8 made applicable to a facility that handles medical waste, including
 2-9 requirements related to:
 2-10 (A) applications;
 2-11 (B) site development;
 2-12 (C) notice; and
 2-13 (D) permit or registration duration and limits;
 2-14 (2) minor modifications to permits and registrations,
 2-15 including changes in operating hours and buffer zones;
 2-16 (3) the reconciliation of conflicting site operation
 2-17 plan provisions for a site that conducts activities that require a
 2-18 separate permit or authorization;
 2-19 (4) waste acceptance and analysis;
 2-20 (5) facility-generated waste, including wastewater
 2-21 and sludge;
 2-22 (6) contaminated water management;
 2-23 (7) on-site storage areas for source-separated or
 2-24 recyclable materials;
 2-25 (8) the storage of waste:
 2-26 (A) to prevent the waste from becoming a hazard,
 2-27 including a fire hazard, to human health or safety;
 2-28 (B) to ensure the use of sufficient containers
 2-29 between collections; and
 2-30 (C) to prevent the waste from becoming litter;
 2-31 (9) closure requirements for storage and processing
 2-32 units;
 2-33 (10) recordkeeping and reporting requirements, except
 2-34 for rules regarding the recordkeeping provisions required to
 2-35 justify the levels of recovered recycled products;
 2-36 (11) fire protection;
 2-37 (12) access control;
 2-38 (13) unloading waste;
 2-39 (14) spill prevention and control;
 2-40 (15) operating hours;
 2-41 (16) facility signage;
 2-42 (17) control of litter, including windblown material;
 2-43 (18) noise pollution and visual screening;
 2-44 (19) capacity overloading and mechanical breakdown;
 2-45 (20) sanitation, including employee sanitation
 2-46 facilities;
 2-47 (21) ventilation and air pollution control, except as
 2-48 those rules apply to:
 2-49 (A) process areas where putrescible waste is
 2-50 processed;
 2-51 (B) the minimal air exposure for liquid waste;
 2-52 and
 2-53 (C) the cleaning and maintenance of mobile waste
 2-54 processing unit equipment; and
 2-55 (22) facility health and safety plans, including
 2-56 employee training in health and safety.
 2-57 (f) Medical waste facilities, on-site treatment services
 2-58 and mobile treatment units that send treated medical waste and
 2-59 treated medical waste including sharps or residuals of sharps to a
 2-60 solid waste landfill must include a statement to the solid waste
 2-61 landfill that the shipment has been treated by an approved method in
 2-62 accordance with 25 T.A.C. Section 1.136 (relating to Approved
 2-63 Methods of Treatment and Disposition). Home generated wastes are
 2-64 exempted from this requirement.
 2-65 (g) In a facility that handles medical waste processing or
 2-66 storage, the commission shall not require a minimum separating
 2-67 distance greater than 25 feet between the processing equipment or
 2-68 storage area, and the facility boundary owned or controlled by the
 2-69 owner or operator. A medical waste storage unit is not subject to

3-1 this subsection, provided that medical waste contained in transport
3-2 vehicles is refrigerated below 45 degrees if the waste is in the
3-3 vehicle longer than 72 hours. The commission may consider
3-4 alternatives to the buffer zone requirements of this subsection for
3-5 permitted, registered, or otherwise authorized medical waste
3-6 processing and storage facilities.

3-7 SECTION 3. Section 7.141(4), Water Code, is amended to read
3-8 as follows:

3-9 (4) "Medical waste" has the meaning assigned by
3-10 Section 361.003, Health and Safety [~~includes animal waste, bulk~~
3-11 ~~blood and blood products, microbiological waste, pathological~~
3-12 ~~waste, sharps, and special waste from health care-related~~
3-13 ~~facilities as those terms are defined in 25 T.A.C. Section 1.132~~
3-14 ~~(Texas Department of Health, Definition, Treatment, and~~
3-15 ~~Disposition of Special Waste from Health Care-Related Facilities)].~~
3-16 ~~The term does not include medical waste produced on farmland and~~
3-17 ~~ranchland as defined by Section 252.001(6), Agriculture] Code.~~

3-18 SECTION 4. Section 361.560, Health and Safety Code, as
3-19 amended by S.B. 219, Acts of the 84th Legislature, Regular Session,
3-20 2015, is repealed.

3-21 SECTION 5. (a) Not later than June 1, 2016, the Texas
3-22 Commission on Environmental Quality shall adopt rules to implement
3-23 the changes in law made by this Act. The rules must be adopted in the
3-24 form of a new chapter of the Texas Administrative Code that includes
3-25 all rules of the commission relating to medical waste regulation.

3-26 (b) Rules adopted to implement the changes in law made by
3-27 this Act must minimize the effect on other rules regulating
3-28 municipal solid waste facilities.

3-29 SECTION 6. A facility that has a permit, registration,
3-30 pending permit application, or other authorization that allows the
3-31 handling of medical waste is not required to comply with the changes
3-32 in law made by this Act until rules adopted by the Texas Commission
3-33 on Environmental Quality to implement the changes in law made by
3-34 this Act take effect. Any change to a permit, registration, or
3-35 other authorization in effect on the effective date of this Act that
3-36 is necessary to implement the changes in law made by this Act may be
3-37 authorized without notice and comment and shall not be referred for
3-38 a contested case proceeding.

3-39 SECTION 7. This Act takes effect immediately if it receives
3-40 a vote of two-thirds of all the members elected to each house, as
3-41 provided by Section 39, Article III, Texas Constitution. If this
3-42 Act does not receive the vote necessary for immediate effect, this
3-43 Act takes effect September 1, 2015.

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