

Legislative Analysis



REVISIONS TO MEDICAL WASTE REGULATORY ACT

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5575

Sponsor: Rep. Fred Miller

Committee: Regulatory Reform

Complete to 4-28-08

A SUMMARY OF HOUSE BILL 5575 AS INTRODUCED 12-13-07

The bill would make numerous revisions to Part 138 of Article 12 of the Public Health Code, entitled Medical Waste. Among the significant revisions, the bill would do the following:

- Remove references to the Interdepartmental Medical Waste Advisory Council and place all regulatory responsibilities with the Department of Environmental Quality (DEQ), including administration of the Medical Waste Emergency Response Fund.
- Add definitions of several terms and revise several current definitions.
- Include certain home health agencies in the definition of a "producing facility" and as subject to the act's requirements. Exclude from that term a funeral home that does not embalm or generate medical waste; a residence; a farm operation or other agricultural business; and a facility licensed by the Department of Human Services that provides residential care services.
- Increase the registration fee for a producing facility; include physician assistants and acupuncturists in determining the size of a producing facility for fee purposes; require producing facilities that are not health facilities, such as tattoo and body art facilities, blood draw stations, pharmacies, nursing home, and others to register and pay a fee; specify a fee for other categories such as a hospital or trauma waste management practitioner.
- Require labeling of containers of medical waste that will be transported to be carried out in compliance with U.S. Department of Transportation regulations. The transport of materials would have to comply with applicable USDOT hazardous material regulations.
- Revise storage requirements and prohibitions, e.g., not store transfer station storage containers for more than 7 days or as provided by the DEQ.
- Require medical waste to be sorted and separated by type and appropriately labeled.
- Require review and approval by the DEQ of all non-department approved medical waste treatment technology before installation or use. An evaluation of \$500 would have to be submitted with an application for evaluation.

- Establish a system of regulation and registration requirements for a person engaging in the cleanup, handling, and transport of trauma waste from a trauma scene that is similar to provisions in House Bill 5574.
- Require a producing facility to update its medical waste management plan at least every three years or within 30 days of certain changes listed in the act. This would not apply to a trauma waste management practitioner.
- Allow DEQ to expend money from the Medical Waste Emergency Response Fund for programs relating to medical waste reduction, management, and education, in addition to current restrictions on fund expenditures.
- Allow DEQ to request the attorney general to bring an action for appropriate relief for violations of Part 138.
- Create a civil fine penalty of not more than \$2,500 for each violation and an additional civil fine of not more than \$1,000 for each day the violation continues; a civil fine of \$500 for failure to register as a producing facility or trauma waste management practitioner or to make available to the DEQ the required medical waste management plan.
- Allow a court to order a person who violated Part 138 to pay additional costs, including the cost to contain and remove medical waste and the full value of damage done to the state's natural resources. Revenue collected under this provision would be deposited in the fund. (However, if a law enforcement agency of a local unit of government was primarily responsible for the enforcement of Part 138, the payment would go to the local unit).
- In addition to the costs described above, a person who violated Part 138, a departmental rule promulgated under this part, or a final order would be guilty of a misdemeanor punishable by not more than six months imprisonment and/or a fine of not more than \$1,000.
- Allow the DEQ to issue cease and desists orders to correct a violation.

MCL 333.13805 et al.

FISCAL IMPACT:

A fiscal analysis is in process.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Kirk Lindquist

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.