

ASSEMBLY, No. 2363

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 19, 1996

By Assemblyman DiGAETANO

1 AN ACT concerning regulated medical waste, amending P.L.1989,
2 c.34, and supplementing Titles 13 and 45 of the Revised Statutes.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 3 of P.L.1989, c.34 (C.13:1E-48.3) is amended to read
8 as follows:

9 3. As used in sections 1 through 25 of this act:

10 "Board" means the Board of Public Utilities.

11 "Collection" means the activity related to pick-up and
12 transportation of regulated medical waste from a generator, or from
13 an intermediate location, to a facility, or to a site outside the State, for
14 disposal.

15 "Commissioners" means the Commissioner of Environmental
16 Protection and the Commissioner of Health.

17 "Departments" means the Department of Environmental Protection
18 and the Department of Health.

19 "Dispose" or "disposal" means the storage, treatment, utilization,
20 processing, resource recovery of, or the discharge, deposit, injection,
21 dumping, spilling, leaking, or placing of any regulated medical waste
22 into or on any land or water so that the regulated medical waste or any
23 constituent thereof may enter the environment or be emitted into the
24 air or discharged into any waters, including groundwaters.

25 "Facility" means a solid waste facility as defined in section 3 of P.L.
26 1970, c. 39 (C.13:1E-3); or any other incinerator or commercial or
27 noncommercial regulated medical waste disposal facility in this State
28 that accepts regulated medical waste for disposal.

29 "Federal Act" means the "Medical Waste Tracking Act of 1988" (42
30 U.S.C. § 6903 et seq.), or any rule or regulation adopted pursuant
31 thereto.

32 "Generator" means an ambulatory surgical or care facility,
33 community health center, medical doctor's office, dentist's office,
34 podiatrist's office, home health care agency, health care facility,

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 hospital, medical clinic, mortuary, morgue, nursing home, urgent care
2 center, veterinary office or clinic, animal, biological, clinical, medical,
3 microbiological, or pathological diagnostic or research laboratory, any
4 of which generates regulated medical waste, or any other facility
5 identified by the departments that generates regulated medical waste.
6 "Generator" shall not include individual households utilizing home
7 self-care.

8 "Regulated medical waste" means blood vials; cultures and stocks
9 of infectious agents and associated biologicals, including cultures from
10 medical and pathological laboratories, cultures and stocks of infectious
11 agents from research and industrial laboratories, wastes from the
12 production of biologicals, discarded live and attenuated vaccines, and
13 culture dishes and devices used to transfer, inoculate, and mix
14 cultures; pathological wastes, including tissues, organs, and body parts
15 that are removed during surgery or autopsy; waste human blood and
16 products of blood, including serum, plasma, and other blood
17 components; human blood and pathological waste, including tissues,
18 organs and body parts and fluids that are removed during embalming,
19 as defined in section 3 of P.L.1952, c.340 (C.45:7-34); sharps that
20 have been used in patient care or in medical, research, or industrial
21 laboratories engaged in medical research, testing, or analysis of
22 diseases affecting the human body, including hypodermic needles,
23 syringes, Pasteur pipettes, broken glass, and scalpel blades;
24 contaminated animal carcasses, body parts, and bedding of animals
25 that were exposed to infectious agents during research, production of
26 biologicals, or testing of pharmaceuticals; any other substance or
27 material related to the transmission of disease as may be deemed
28 appropriate by the departments; and any other substance or material
29 as may be required to be regulated by, or permitted to be exempted
30 from, the Federal Act. The departments may adopt, by rule or
31 regulation and pursuant to the "Administrative Procedure Act," P.L.
32 1968, c. 410 (C. 52:14B-1 et seq.), a more specific definition of
33 regulated medical waste upon the expiration of the demonstration
34 program established under the Federal Act.

35 "Noncommercial facility" means a facility or on-site generator, as
36 the case may be, which accepts regulated medical waste from other
37 generators for on-site disposal for a cost-based fee not in excess of the
38 costs actually incurred by the facility or on-site generator for the
39 treatment or disposal of the regulated medical waste.

40 "Transporter" means a person engaged in the collection or
41 transportation of regulated medical waste.

42 (cf: P.L. 1989, c. 34, s. 3)

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44 2. Section 4 of P.L.1989, c.34 (C.13:1E-48.4) is amended to read
45 as follows:

46 4. a. The Department of Environmental Protection, in

1 consultation with the Department of Health, shall adopt, pursuant to
2 the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1
3 et seq.), a regulated medical waste management system that shall
4 provide for the proper and safe manifesting, tracking, identification,
5 packaging, storage, control, monitoring, handling, collection, and
6 disposal of regulated medical waste. The regulated medical waste
7 management system shall include a manifest system that includes, but
8 need not be limited to, a requirement that every shipment of regulated
9 medical waste released by any generator to a transporter for delivery
10 to a facility for disposal, be accompanied by a manifest as prescribed
11 by the Department of Environmental Protection and as may be
12 required by the Federal Act.

13 b. The departments may, by rule or regulation, adopt an exemption
14 from all or a portion of the regulated medical waste management
15 system requirements of this section for regulated medical waste, or
16 portions of regulated medical waste, that have been properly treated
17 by the generator pursuant to subsection b. of section 6 of this act.

18 c. The Department of Environmental Protection, in consultation
19 with the Department of Health, shall adopt rules and regulations
20 governing the disposal of human blood and pathological waste,
21 including tissues, organs, and body parts and fluids that are removed
22 during embalming, as that term is defined in section 3 of P.L.1952,
23 c.340 (C.45:7-34), in accordance with the requirements of section 3
24 of P.L. , c. (C.)(pending before the Legislature as this bill).
25 (cf: P.L.1989, c.34, s.4)

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27 3. (New Section) a. The regulated medical waste management
28 system adopted by the Department of Environmental Protection, in
29 consultation with the Department of Health, pursuant to subsection c.
30 of section 4 of P.L.1989, c.34 (C.13:1E-48.4), for human blood and
31 pathological waste shall require that this regulated medical waste be:

32 (1) securely stored for no more than 30 days, packaged for safe
33 handling in a disposal receptacle containing the human blood and
34 pathological waste of only one person, and distinctively identified as
35 regulated medical waste, with the name and address of the generator
36 in accordance with N.J.A.C. 7:26-3A.15 and containing the gender and
37 the social security number of the deceased, which shall be the basis
38 for the tracking system;

39 (2) securely stored and transported by a transporter separately
40 from all other solid waste, and not stored by a generator, transporter,
41 or any other person longer than 30 days; and

42 (3) incinerated in a facility approved therefor.

43 b. A mortuary, as defined in section 3 of P.L.1952, c. 340
44 (C.45:7-34), shall certify to the transporter for each collection of
45 human blood and pathological waste that is removed during
46 embalming, that he has complied with the requirements of paragraph

1 1 of subsection a. of this section. No transporter may collect human
2 blood and pathological waste removed during embalming unless the
3 mortuary has supplied this certification. A facility operator may
4 require a transporter to produce all such pertinent certifications as a
5 condition of accepting this regulated medical waste for disposal. A
6 record of the certification shall be maintained by a mortuary and
7 transporter for a minimum of three years.

8 c. Except as required in an emergency condition, collection shall
9 be performed monthly.

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11 4. (New section) a. A person licensed to engage in the practice
12 of mortuary science or embalming pursuant to P.L.1952, c.340
13 (C.45:7-32 et seq.) shall remove regulated medical waste from a dead
14 human body using a closed system, process, procedure and device
15 which shall:

16 (1) link the source of the regulated medical waste to a disposal
17 container for the accumulation of same which is completely sealed,
18 secure and which meets all requirements for disposal; and

19 (2) prevent, other than directly into the disposal container, any
20 discharge, deposit, injection, dumping, spilling, leakage or placement
21 of any such regulated medical waste into or on any land or water so
22 that the regulated medical waste or any constituent thereof may not
23 enter the environment or be emitted into the air or discharged into any
24 waters, including ground waters and surface waters.

25 b. The use by a licensed mortician or embalmer of an open system,
26 process, procedure or other device, such as a water-powered
27 aspirator, which discharges, deposits, injects, dumps, spills, leaks or
28 places any such regulated medical waste into or on any land or water
29 so that the regulated medical waste or any constituent thereof may
30 enter the environment or be emitted into the air or discharged into any
31 waters, including ground waters and surface waters is hereby
32 prohibited.

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34 5. This act shall take effect 30 days after enactment.

35 36 37 STATEMENT

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39 This legislation would require that human blood and pathological
40 waste, including tissues, organs and body parts and fluids which are
41 removed during embalming be treated as regulated medical waste
42 under the "Comprehensive Regulated Medical Waste Management
43 Act," P.L.1989, c.34 (C.13:1E-48.1 et al.).

44 The requirements of this bill would not impose any additional
45 burdens upon morticians or embalmers and would not apply to the
46 medical waste generated by hospitals and similar health care facilities.

1 The provisions of this bill would make embalming a safer procedure
2 and would provide for the disposal of the waste in a more
3 environmentally sound manner.

4 In order to provide time for mortuaries and transporters to comply
5 with the provisions of this bill, the effective date for the legislation is
6 30 days after enactment.

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11 Includes mortuaries and human blood and pathological waste from
12 embalming within the requirements of the "Comprehensive Regulated
13 Medical Waste Management Act."