

SENATE, No. 1538

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 19, 1996

By Senator KOSCO

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

3

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

6

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  
26 P.L.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"  
30 (42 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,"  
32 P.L.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)

43

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 et  
3 seq.), a regulated medical waste management system that shall provide  
4 for the proper and safe manifesting, tracking, identification, packaging,  
5 storage, control, monitoring, handling, collection, and disposal of  
6 regulated medical waste. The regulated medical waste management  
7 system shall include a manifest system that includes, but need not be  
8 limited to, a requirement that every shipment of regulated medical  
9 waste released by any generator to a transporter for delivery to a  
10 facility for disposal, be accompanied by a manifest as prescribed by the  
11 Department of Environmental Protection and as may be required by  
12 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)

26

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.

10  
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.

33  
34 5. This act shall take effect 30 days after enactment.

35  
36  
37 STATEMENT

38  
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.

7

8

9

10

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