

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2012

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Legislative Document

No. 1646

S.P. 545

In Senate, December 21, 2011

### **An Act To Facilitate the Use of Alternative Methods for Biomedical Waste Treatment and Disposal**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 19, 2011. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 218.

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.  
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.  
Cosponsored by Senator DILL of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 38 MRSA §1319-O, sub-§3**, as amended by PL 2005, c. 549, §6, is  
3 further amended to read:

4 **3. Handling and disposal of biomedical waste.** The ~~board~~ department shall adopt  
5 rules relating to the packaging, labeling, handling, storage, collection, transportation,  
6 treatment and disposal of biomedical waste, including infectious and pathogenic waste, to  
7 protect public health, safety and welfare and the environment.

8 A. The rules must include, without limitation:

- 9 (1) Registration of biomedical waste generators;
- 10 (2) Handling of biomedical waste by generators;
- 11 (3) Licensing of biomedical waste transporters and the conveyances used for the  
12 transportation of biomedical waste;
- 13 (4) Implementation of a biomedical waste tracking or manifest system;
- 14 (5) Establishment of treatment and disposal standards; ~~and~~
- 15 (6) Categories of biomedical waste subject to regulation under this subsection,  
16 consistent with the provisions of section 1303-C, subsection 1-A-; ~~and~~
- 17 (7) Establishment of approved alternative treatment processes other than  
18 treatment by incineration for use by medical facilities. The rules:
- 19 (a) Must include disposal standards for biomedical waste treated by an  
20 approved alternative treatment process, including standards for disposal of  
21 treated biomedical waste as solid waste; and
- 22 (b) May not require a medical facility to obtain a biomedical waste treatment  
23 facility license for the treatment of biomedical waste generated at that facility  
24 if the waste is treated using an approved alternative treatment process.

25 Rules adopted pursuant to this subparagraph are routine technical rules as defined  
26 in Title 5, chapter 375, subchapter 2-A.

27 B. The ~~board~~ department shall adopt rules governing the siting, licensing, operational  
28 and record-keeping requirements for biomedical waste treatment, storage and  
29 disposal facilities.

30 C. The ~~board~~ department shall require evidence of financial capacity.

31 D. The ~~board~~ department may assess licensing and registration fees sufficient to pay  
32 for the department's administrative costs in regulating biomedical waste.

33 E. The rules must provide transportation and disposal options for persons who  
34 generate fewer than 50 pounds of sharps per month that allow:

- 35 (1) The generator or an employee of the generator to transport properly packaged  
36 sharps to a licensed biomedical waste disposal facility or another medical facility  
37 that has volunteered to serve as a collection point for sharps if no more than 50  
38 pounds of sharps are transported in one trip; and

1 (2) The generator to mail properly packaged sharps to a licensed biomedical  
2 waste disposal facility in this State or a facility in another state if the carrier  
3 accepts those items and no more than 50 pounds are transported in any single  
4 package.

5 For purposes of this paragraph, "sharps" means items that may cause puncture  
6 wounds or cuts, including hypodermic needles, syringes, scalpel blades, capillary  
7 tubes and lancets, and "properly packaged" means packaged in accordance with  
8 department rules and rules or requirements imposed by the mail carrier.

9 **SUMMARY**

10 This bill directs the Department of Environmental Protection to establish by rule  
11 approved alternative treatment processes for the treatment and disposal of biomedical  
12 waste for use by medical facilities. The rules must include disposal standards and may  
13 not require a medical facility to obtain a biomedical waste treatment facility license for  
14 treating its own biomedical waste. The bill also provides that the Department of  
15 Environmental Protection adopts the rules regarding handling and disposal of biomedical  
16 waste, consistent with the Maine Revised Statutes, Title 38, section 341-H.