

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 2401

Chapter 165, Laws of 1994

53rd Legislature
1994 Regular Session

RESIDENTIAL SHARPS WASTE

EFFECTIVE DATE: 6/9/94 - Except Section 3 which takes effect on
7/1/95

Passed by the House March 5, 1994
Yea 95 Nays 0

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Passed by the Senate March 3, 1994
Yea 46 Nays 1

JOEL PRITCHARD

President of the Senate

Approved March 30, 1994

CERTIFICATE

I, Marilyn Showalter, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2401** as passed by the House of Representatives and the Senate on the dates hereon set forth.

MARILYN SHOWALTER

Chief Clerk

FILED

March 30, 1994 - 1:15 p.m.

MIKE LOWRY
Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2401

AS AMENDED BY THE SENATE

Passed Legislature - 1994 Regular Session

State of Washington 53rd Legislature 1994 Regular Session

By House Committee on Environmental Affairs (originally sponsored by Representatives Linville, Horn, Rust, Quall, L. Johnson, Foreman, Wood and J. Kohl)

Read first time 02/04/94.

1 AN ACT Relating to the containerization and source separation of
2 residential sharps waste; amending RCW 70.95K.010; adding new sections
3 to chapter 70.95K RCW; adding a new section to chapter 70.95 RCW;
4 creating a new section; prescribing penalties; and providing an
5 effective date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** The legislature finds that the improper
8 disposal and labeling of sharps waste from residences poses a potential
9 health risk and perceived threat to the waste generators, public, and
10 workers in the waste and recycling industry. The legislature further
11 finds that a uniform method for handling sharps waste generated at
12 residences will reduce confusion and injuries, and enhance public and
13 waste worker confidence.

14 It is the purpose and intent of this act that residential generated
15 sharps waste be contained in easily identified containers and separated
16 from the regular solid waste stream to ensure worker safety and promote
17 proper disposal of these wastes in a manner that is environmentally
18 safe and economically sound.

1 **Sec. 2.** RCW 70.95K.010 and 1992 c 14 s 2 are each amended to read
2 as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

5 (1) "Biomedical waste" means, and is limited to, the following
6 types of waste:

7 (a) "Animal waste" is waste animal carcasses, body parts, and
8 bedding of animals that are known to be infected with, or that have
9 been inoculated with, human pathogenic microorganisms infectious to
10 humans.

11 (b) "Biosafety level 4 disease waste" is waste contaminated with
12 blood, excretions, exudates, or secretions from humans or animals who
13 are isolated to protect others from highly communicable infectious
14 diseases that are identified as pathogenic organisms assigned to
15 biosafety level 4 by the centers for disease control, national
16 institute of health, biosafety in microbiological and biomedical
17 laboratories, current edition.

18 (c) "Cultures and stocks" are wastes infectious to humans and
19 includes specimen cultures, cultures and stocks of etiologic agents,
20 wastes from production of biologicals and serums, discarded live and
21 attenuated vaccines, and laboratory waste that has come into contact
22 with cultures and stocks of etiologic agents or blood specimens. Such
23 waste includes but is not limited to culture dishes, blood specimen
24 tubes, and devices used to transfer, inoculate, and mix cultures.

25 (d) "Human blood and blood products" is discarded waste human blood
26 and blood components, and materials containing free-flowing blood and
27 blood products.

28 (e) "Pathological waste" is waste human source biopsy materials,
29 tissues, and anatomical parts that emanate from surgery, obstetrical
30 procedures, and autopsy. "Pathological waste" does not include teeth,
31 human corpses, remains, and anatomical parts that are intended for
32 interment or cremation.

33 (f) "Sharps waste" is all hypodermic needles, syringes with needles
34 attached, IV tubing with needles attached, scalpel blades, and lancets
35 that have been removed from the original sterile package.

36 (2) "Local government" means city, town, or county.

37 (3) "Local health department" means the city, county, city-county,
38 or district public health department.

1 (4) "Person" means an individual, firm, corporation, association,
2 partnership, consortium, joint venture, commercial entity, state
3 government agency, or local government.

4 (5) "Treatment" means incineration, sterilization, or other method,
5 technique, or process that changes the character or composition of a
6 biomedical waste so as to minimize the risk of transmitting an
7 infectious disease.

8 (6) "Residential sharps waste" has the same meaning as "sharps
9 waste" in subsection (1) of this section except that the sharps waste
10 is generated and prepared for disposal at a residence, apartment,
11 dwelling, or other noncommercial habitat.

12 (7) "Sharps waste container" means a leak-proof, rigid, puncture-
13 resistant red container that is taped closed or tightly lidded to
14 prevent the loss of the residential sharps waste.

15 (8) "Mail programs" means those programs that provide sharps users
16 with a multiple barrier protection kit for the placement of a sharps
17 container and subsequent mailing of the wastes to an approved disposal
18 facility.

19 (9) "Pharmacy return programs" means those programs where sharps
20 containers are returned by the user to designated return sites located
21 at a pharmacy to be transported by a biomedical or solid waste
22 collection company approved by the utilities and transportation
23 commission.

24 (10) "Drop-off programs" means those program sites designated by
25 the solid waste planning jurisdiction where sharps users may dispose of
26 their sharps containers.

27 (11) "Source separation" has the same meaning as in RCW 70.95.030.

28 (12) "Unprotected sharps" means residential sharps waste that are
29 not disposed of in a sharps waste container.

30 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.95K RCW
31 to read as follows:

32 (1) A person shall not intentionally place unprotected sharps or a
33 sharps waste container into: (a) Recycling containers provided by a
34 city, county, or solid waste collection company, or any other recycling
35 collection site unless that site is specifically designated by a local
36 health department as a drop-off site for sharps waste containers; or
37 (b) cans, carts, drop boxes, or other containers in which refuse,
38 trash, or solid waste has been placed for collection if a source

1 separated collection service is provided for residential sharps waste.
2 (2) Local health departments shall enforce this section, primarily
3 through an educational approach regarding proper disposal of
4 residential sharps. On the first and second violation, the health
5 department shall provide a warning to the person that includes
6 information on proper disposal of residential sharps. A subsequent
7 violation shall be a class 3 infraction under chapter 7.80 RCW.

8 (3) It is not a violation of this section to place a sharps waste
9 container into a household refuse receptacle if the utilities and
10 transportation commission determines that such placement is necessary
11 to reduce the potential for theft of the sharps waste container.

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.95K RCW
13 to read as follows:

14 (1) A public or private provider of solid waste collection service
15 may provide a program to collect source separated residential sharps
16 waste containers in conjunction with regular collection services.

17 (2) A company collecting source separated residential sharps waste
18 containers shall notify the public, in writing, on the availability of
19 this service. Notice shall occur at least forty-five days prior to the
20 provision of this service and shall include the following information:
21 (a) How to properly dispose of residential sharps waste; (b) how to
22 obtain sharps waste containers; (c) the cost of the program; (d)
23 options to home collection of sharps waste; and (e) the legal
24 requirements of residential sharps waste disposal.

25 (3) A company under the jurisdiction of the utilities and
26 transportation commission may provide the service authorized under
27 subsection (1) of this section only under tariff.

28 The commission may require companies collecting sharps waste
29 containers to implement practices that will protect the containers from
30 theft.

31 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.95 RCW
32 to read as follows:

33 (1) A solid waste planning jurisdiction may designate sharps waste
34 container drop-off sites.

35 (2) A pharmacy return program shall not be considered a solid waste
36 handling facility and shall not be required to obtain a solid waste
37 permit. A pharmacy return program is required to register, at no cost,

1 with the department. To facilitate designation of sharps waste drop-
2 off sites, the department shall share the name and location of
3 registered pharmacy return programs with jurisdictional health
4 departments and local solid waste management officials.

5 (3) A public or private provider of solid waste collection service
6 may provide a program to collect source separated residential sharps
7 waste containers as provided in chapter 70.95K RCW.

8 (4) For the purpose of this section, "sharps waste", "sharps waste
9 container", and "pharmacy return program" shall have the same meanings
10 as provided in RCW 70.95K.010.

11 NEW SECTION. **Sec. 6.** Section 3 of this act shall take effect July
12 1, 1995.

Passed the House March 5, 1994.

Passed the Senate March 3, 1994.

Approved by the Governor March 30, 1994.

Filed in Office of Secretary of State March 30, 1994.