
HOUSE BILL 2391

State of Washington 52nd Legislature 1992 Regular Session

By Representatives Horn, Rust, Pruitt, Bray, J. Kohl, Brekke, Edmondson, D. Sommers, Valle and May

Read first time 01/16/92. Referred to Committee on Environmental Affairs.

1 AN ACT Relating to biomedical waste; adding a new chapter to Title
2 70 RCW; providing an effective date; and declaring an emergency.

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

4 NEW SECTION. **Sec. 1.** LEGISLATIVE FINDINGS. The legislature finds
5 and declares that:

6 (1) It is a matter of state-wide concern that biomedical waste be
7 handled in a manner that protects the health, safety, and welfare of
8 the public, the environment, and the workers who handle the waste.

9 (2) Infectious disease transmission has not been identified from
10 improperly disposed biomedical waste, but the potential for such
11 transmission is present, based on known exposures.

12 (3) Biomedical waste is generated and disposed in the state in a
13 manner that may pose a threat to human health above and beyond
14 infection hazards associated with most other types of solid waste.

1 (4) Biomedical waste that has undergone treatment minimizes the
2 risks of transmitting disease such that it is comparable to the risks
3 posed by municipal solid waste and therefore should not be assessed
4 fees, rates, or charges in excess of fees, rates, or charges assessed
5 to municipal solid waste.

6 NEW SECTION. **Sec. 2.** DEFINITIONS. Unless the context clearly
7 requires otherwise, the definitions in this section apply throughout
8 this chapter.

9 (1) "Animal waste" is waste animal carcasses, body parts, and
10 bedding of animals that were known to have been infected or were
11 inoculated with human pathogenic microorganisms during research.

12 (2) "Biomedical waste" means, and is limited to, untreated animal
13 waste, Biosafety level 4 disease waste, cultures and stocks, human
14 blood and blood products, pathological waste, and sharps waste.

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

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

1 (5) "Dispose" means to place treated or untreated biomedical waste
2 in a disposal site operating under a permit issued by a local health
3 department, or state or federal agency.

4 (6) "Generator" means a person whose act or process produces
5 biomedical waste.

6 (7) "Human blood and blood products" is discarded waste human blood
7 and blood components, and materials containing blood and blood
8 products.

9 (8) "Local government" means city, town, or county.

10 (9) "Local health department" means the city, county, city-county,
11 or district public health department.

12 (10) "Pathological waste" is waste human source biopsy materials,
13 tissues, and anatomical parts that emanate from surgery, obstetrical
14 procedures, and autopsy. "Pathological waste" does not include teeth,
15 human corpses, remains, and anatomical parts that are intended for
16 interment or cremation.

17 (11) "Person" means an individual, firm, corporation, association,
18 partnership, consortium, joint venture, commercial entity, state
19 government agency, or local government.

20 (12) "Sharps waste" is all hypodermic needles, syringes with
21 needles attached, IV tubing with needles attached, scalpel blades, and
22 lancets.

23 (13) "Treated biomedical waste" means biomedical waste that has
24 undergone treatment and is no longer considered capable of transmitting
25 a disease.

26 (14) "Treatment" means incineration, sterilization, or other
27 method, technique, or process, accepted by any local health department
28 on the effective date of this act, and that changes the character or
29 composition of any biomedical waste so that it is no longer considered
30 capable of transmitting a disease.

1 NEW SECTION. **Sec. 3.** NEW TECHNOLOGIES FOR TREATMENT. The
2 department of health, with the department of ecology, may develop a
3 process to allow applicants with new treatment technologies for
4 biomedical waste to demonstrate that the technology is considered
5 effective in rendering waste incapable of transmitting disease. The
6 departments may use an independent testing center to verify the
7 effectiveness of any new treatment technology. An applicant seeking
8 verification of a new treatment technology shall be responsible for all
9 costs associated with demonstrating the effectiveness of the new
10 technology.

11 NEW SECTION. **Sec. 4.** STATE-WIDE DEFINITION OF BIOMEDICAL WASTE.
12 (1) The definition of biomedical waste set forth in section 2 of this
13 act shall be the sole state definition for biomedical waste within the
14 state, and shall preempt biomedical waste definitions established by a
15 local health department or local government.

16 (2) With the exception of sharps waste, treated biomedical waste
17 shall be handled as solid waste as in RCW 70.95.170. The disposal of
18 treated biomedical waste except sharps waste shall be allowed at a
19 public or private solid waste disposal site if consistent with local
20 comprehensive plans under RCW 70.95.080.

21 Except for sharps waste, local governments and health departments
22 are prohibited from assessing fees, rates, or charges for the storage,
23 transportation, or disposal of treated biomedical waste that are in
24 excess of fees, rates, or charges assessed for the storage,
25 transportation, or disposal of municipal solid waste.

26 NEW SECTION. **Sec. 5.** CAPTIONS. Section headings as used in this
27 act do not constitute any part of the law.

1 NEW SECTION. **Sec. 6.** SEVERABILITY. If any provision of this act
2 or its application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 7.** EFFECTIVE DATE. Sections 2 and 4 of this
6 act are necessary for the immediate preservation of the public peace,
7 health, or safety, or support of the state government and its existing
8 public institutions, and shall take effect immediately. Section 3 of
9 this act shall take effect October 1, 1992.

10 NEW SECTION. **Sec. 8.** Sections 1 through 6 of this act shall
11 constitute a new chapter in Title 70 RCW.