

2 **ESHB 2401** - S COMM AMD  
3 By Committee on Ecology & Parks

4 ADOPTED AS AMENDED 3/3/94

5 Strike everything after the enacting clause and insert the  
6 following:

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.

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

21 Unless the context clearly requires otherwise, the definitions in  
22 this section apply throughout this chapter.

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

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

29 (b) "Biosafety level 4 disease waste" is waste contaminated with  
30 blood, excretions, exudates, or secretions from humans or animals who  
31 are isolated to protect others from highly communicable infectious  
32 diseases that are identified as pathogenic organisms assigned to  
33 biosafety level 4 by the centers for disease control, national  
34 institute of health, biosafety in microbiological and biomedical  
35 laboratories, current edition.

1 (c) "Cultures and stocks" are wastes infectious to humans and  
2 includes specimen cultures, cultures and stocks of etiologic agents,  
3 wastes from production of biologicals and serums, discarded live and  
4 attenuated vaccines, and laboratory waste that has come into contact  
5 with cultures and stocks of etiologic agents or blood specimens. Such  
6 waste includes but is not limited to culture dishes, blood specimen  
7 tubes, and devices used to transfer, inoculate, and mix cultures.

8 (d) "Human blood and blood products" is discarded waste human blood  
9 and blood components, and materials containing free-flowing blood and  
10 blood products.

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

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

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

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

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

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

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

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

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

1       (9) "Pharmacy return programs" means those programs where sharps  
2 containers are returned by the user to designated return sites located  
3 at a pharmacy to be transported by a biomedical or solid waste  
4 collection company approved by the utilities and transportation  
5 commission.

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

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

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

12       NEW SECTION. Sec. 3. A new section is added to chapter 70.95K RCW  
13 to read as follows:

14       (1) A person shall not intentionally place unprotected sharps or a  
15 sharps waste container into: (a) Recycling containers provided by a  
16 city, county, or solid waste collection company, or any other recycling  
17 collection site unless that site is specifically designated by a local  
18 health department as a drop-off site for sharps waste containers; or  
19 (b) cans, carts, drop boxes, or other containers in which refuse,  
20 trash, or solid waste has been placed for collection if a source  
21 separated collection service is provided for residential sharps waste.

22       (2) Local health departments shall enforce this section, primarily  
23 through an educational approach regarding proper disposal of  
24 residential sharps. On the first and second violation, the health  
25 department shall provide a warning to the person that includes  
26 information on proper disposal of residential sharps. A subsequent  
27 violation shall be a class 3 infraction under chapter 7.80 RCW.

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

32       NEW SECTION. Sec. 4. A new section is added to chapter 70.95K RCW  
33 to read as follows:

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

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

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

12 The commission may require companies collecting sharps waste  
13 containers to implement practices that will protect the containers from  
14 theft.

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

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

19 (2) A pharmacy return program shall not be considered a solid waste  
20 handling facility and shall not be required to obtain a solid waste  
21 permit. A pharmacy return program is required to register, at no cost,  
22 with the department. To facilitate designation of sharps waste drop-  
23 off sites, the department shall share the name and location of  
24 registered pharmacy return programs with jurisdictional health  
25 departments and local solid waste management officials.

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

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

32 NEW SECTION. **Sec. 6.** Section 3 of this act shall take effect July  
33 1, 1995."

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4 On page 1, line 2 of the title, after "waste;" strike the remainder  
5 of the title and insert "amending RCW 70.95K.010; adding new sections  
6 to chapter 70.95K RCW; adding a new section to chapter 70.95 RCW;  
7 creating a new section; prescribing penalties; and providing an  
8 effective date."

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