

House Bill 2834

Sponsored by Representative WILSON; Representatives NEARMAN, POST, STARK, Senator KNOPP

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires human fetuses in infectious waste stream to be incinerated, cremated or buried. Prohibits incineration of human fetuses at energy recovery facilities.

A BILL FOR AN ACT

1
2 Relating to treatment of human fetuses; amending ORS 459.386 and 459.395.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 459.386 is amended to read:

5 459.386. As used in ORS 459.386 to 459.405:

6 (1) "Biological waste" includes blood and blood products, excretions, exudates, secretions,
7 suctionings and other body fluids that cannot be directly discarded into a municipal sewer system,
8 and waste materials saturated with blood or body fluids, but does not include diapers soiled with
9 urine or feces.

10 (2) "Cultures and stocks" includes etiologic agents and associated biologicals, including speci-
11 men cultures and dishes and devices used to transfer, inoculate and mix cultures, wastes from pro-
12 duction of biologicals, and serums and discarded live and attenuated vaccines. "Cultures and
13 stocks" does not include throat and urine cultures.

14 (3) "Disposal" means the final placement of treated infectious waste in a disposal site operating
15 under a permit issued by a state or federal agency.

16 (4) "Infectious waste" includes biological waste, cultures and stocks, **human fetuses**, patholog-
17 ical waste and sharps.

18 (5)(a) "Pathological waste" includes:

19 (A) Biopsy materials and all human tissues **except human fetuses**;

20 (B) Anatomical parts that emanate from surgeries, autopsies and obstetrical and laboratory
21 procedures; and

22 (C) Animal carcasses exposed to pathogens in research and the bedding and other waste from
23 such animals.

24 (b) "Pathological waste" does not include teeth or formaldehyde or other preservative agents.

25 (6) "Sharps" includes needles, IV tubing with needles attached, scalpel blades, lancets, glass
26 tubes that could be broken during handling and syringes that have been removed from their original
27 sterile containers.

28 (7) "Storage" means the temporary containment of infectious waste in a manner that does not
29 constitute treatment or disposal of such waste.

30 (8) "Transportation" means the movement of infectious waste from the point of generation over
31 a public highway to any intermediate point or to the point of final treatment.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 (9) "Treatment" means incineration, sterilization or other method, technique or process ap-
2 proved by the Oregon Health Authority that changes the character or composition of any infectious
3 waste so as to render the waste noninfectious.

4 **SECTION 2.** ORS 459.395 is amended to read:

5 459.395. (1) Pathological wastes shall be treated by incineration in an incinerator that provides
6 complete combustion of waste to carbonized or mineralized ash. The ash shall be disposed of as
7 provided in rules adopted by the Environmental Quality Commission. However, if the Department
8 of Environmental Quality determines that incineration is not reasonably available within a
9 watershed, pathological wastes may be disposed of in the same manner provided for cultures and
10 stocks.

11 **(2) Human fetuses shall be incinerated as described in subsection (1) of this section,**
12 **cremated or buried. Notwithstanding ORS 459.225, fetuses that are treated by incineration**
13 **may not be incinerated at an energy recovery facility.**

14 [(2)] (3) Cultures and stocks shall be incinerated as described in subsection (1) of this section
15 or sterilized by other means prescribed by Oregon Health Authority rule. Sterilized waste may be
16 disposed of in a permitted land disposal site if it is not otherwise classified as hazardous waste.

17 [(3)] (4) Liquid or soluble semisolid biological wastes may be discharged into a sewage treatment
18 system that provides secondary treatment of waste.

19 [(4)] (5) Sharps and biological wastes may be incinerated as described in subsection (1) of this
20 section or sterilized by other means prescribed by authority rule. Sharps may be disposed of in a
21 permitted land disposal site only if the sharps are in containers as required in ORS 459.390 (3) and
22 are placed in a segregated area of the landfill.

23 [(5)] (6) Other methods of treatment and disposal may be approved by rule of the commission.
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