

**B-Engrossed**  
**Senate Bill 139**

Ordered by the House May 19  
Including Senate Amendments dated April 7 and House Amendments  
dated May 19

Sponsored by Senator PATTERSON (Presession filed.)

**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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act lets sharps and waste pharmaceuticals be mixed in the same container, if some conditions are met. (Flesch Readability Score: 66.3).

Permits sharps and waste pharmaceuticals to be consolidated in a single container, subject to certain requirements.

**A BILL FOR AN ACT**

1  
2 Relating to infectious waste; amending ORS 459.386, 459.390 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, pathological waste and  
17 sharps.

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

19 (A) Biopsy materials and all human tissues;

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

**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 sterile containers.

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

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

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

9 **(10) "Waste pharmaceuticals" means discarded pharmaceuticals that are not:**

10 **(a) Hazardous waste, as defined in ORS 466.005;**

11 **(b) Radioactive waste, as defined in ORS 469.300; or**

12 **(c) A radioactive substance, as defined in ORS 453.005.**

13 **SECTION 2.** ORS 459.390 is amended to read:

14 459.390. (1)(a) **Except as provided in paragraph (b) of this subsection,** infectious waste shall  
15 be segregated from other wastes by separate containment at the point of generation.

16 **(b) A person may consolidate sharps and waste pharmaceuticals into a single container,**  
17 **which may be reusable, provided that:**

18 **(A) The container satisfies the requirements of subsection (3) of this section; and**

19 **(B) The entire contents of the container are managed as infectious waste in accordance**  
20 **with ORS 459.386 to 459.405.**

21 **(c)** Enclosures used for storage of infectious waste shall be secured to prevent access by unau-  
22 thorized persons and shall be marked with prominent warning signs.

23 (2) Infectious waste, except for sharps, shall be contained in disposable red plastic bags or con-  
24 tainers made of other materials impervious to moisture and strong enough to prevent ripping, tear-  
25 ing or bursting under normal conditions of use. The bags or containers shall be closed to prevent  
26 leakage or expulsion of solid or liquid wastes during storage, collection or transportation.

27 (3)(a) Sharps shall be contained for storage, collection, transportation and disposal in leakproof,  
28 rigid, puncture-resistant red containers that are taped closed or tightly lidded to prevent loss of the  
29 contents. Sharps may be stored in such containers for more than seven days.

30 **(b) Sharps consolidated with waste pharmaceuticals shall be contained for storage, col-**  
31 **lection, transportation and treatment in leakproof, rigid, puncture-resistant and tightly**  
32 **lidded containers that are a distinctive color other than red and conspicuously labeled with**  
33 **the international biohazard symbol. Sharps consolidated with waste pharmaceuticals may be**  
34 **stored in such containers for more than seven days.**

35 (4) All bags, boxes or other containers for infectious waste and rigid containers of discarded  
36 sharps shall be clearly identified as containing infectious waste.

37 (5) Infectious waste shall be stored at temperatures and only for times established by rules of  
38 the Oregon Health Authority.

39 (6) Infectious waste shall not be compacted before treatment and shall not be placed for col-  
40 lection, storage or transportation in a portable or mobile trash compactor.

41 (7) Infectious waste contained in disposable bags as specified in this section shall be placed for  
42 collection, storage, handling or transportation in a disposable or reusable pail, carton, box, drum,  
43 dumpster, portable bin or similar container. The container shall have a tight-fitting cover and be  
44 kept clean and in good repair. The container may be of any color and shall be conspicuously labeled  
45 with the international biohazard symbol and the words "Biomedical Waste" on the sides so as to

1 be readily visible from any lateral direction when the container is upright.

2 (8) Each time a reusable container for infectious waste is emptied, the container shall be thor-  
3 oughly washed and decontaminated unless the surfaces of the container have been protected from  
4 contamination by a disposable red liner, bag or other device removed with the waste.

5 (9) Trash chutes shall not be used to transfer infectious waste between locations where it is  
6 contained or stored.

7 (10) Generators that produce 50 pounds or less of infectious waste in any calendar month shall  
8 be exempt from the specific requirements of subsections (5), (7) and (8) of this section.

9 **SECTION 3.** ORS 459.395 is amended to read:

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

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

19 (3) Liquid or soluble semisolid biological wastes may be discharged into a sewage treatment  
20 system that provides secondary treatment of waste.

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

25 **(b) Notwithstanding paragraph (a) of this subsection, sharps consolidated with waste**  
26 **pharmaceuticals shall be treated by incineration in an incinerator that is authorized to ac-**  
27 **cept sharps and waste pharmaceuticals under a permit issued by a state or federal agency.**

28 (5) Other methods of treatment and disposal may be approved by rule of the commission.  
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