

Requested by Senator PATTERSON

**PROPOSED AMENDMENTS TO
SENATE BILL 139**

1 On page 1 of the printed bill, line 2, delete “459.390” and insert “459.386,
2 459.390 and 459.395”.

3 Delete lines 4 through 30 and delete page 2 and insert:

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,
7 exudates, secretions, suctionings and other body fluids that cannot be di-
8 rectly discarded into a municipal sewer system, and waste materials satu-
9 rated with blood or body fluids, but does not include diapers soiled with
10 urine or feces.**

11 **“(2) ‘Cultures and stocks’ includes etiologic agents and associated bi-
12 ologicals, including specimen cultures and dishes and devices used to trans-
13 fer, inoculate and mix cultures, wastes from production of biologicals, and
14 serums and discarded live and attenuated vaccines. ‘Cultures and stocks’
15 does not include throat and urine cultures.**

16 **“(3) ‘Disposal’ means the final placement of treated infectious waste in a
17 disposal site operating under a permit issued by a state or federal agency.**

18 **“(4) ‘Infectious waste’ includes biological waste, cultures and stocks,
19 pathological waste and sharps.**

20 **“(5)(a) ‘Pathological waste’ includes:**

21 **“(A) Biopsy materials and all human tissues;**

1 “(B) Anatomical parts that emanate from surgeries, autopsies and
2 obstetrical and laboratory procedures; and

3 “(C) Animal carcasses exposed to pathogens in research and the bedding
4 and other waste from such animals.

5 “(b) ‘Pathological waste’ does not include teeth or formaldehyde or other
6 preservative agents.

7 “(6) ‘Sharps’ includes needles, IV tubing with needles attached, scalpel
8 blades, lancets, glass tubes that could be broken during handling and
9 syringes that have been removed from their original sterile containers.

10 “(7) ‘Storage’ means the temporary containment of infectious waste in a
11 manner that does not constitute treatment or disposal of such waste.

12 “(8) ‘Transportation’ means the movement of infectious waste from the
13 point of generation over a public highway to any intermediate point or to
14 the point of final treatment.

15 “(9) ‘Treatment’ means incineration, sterilization or other method, tech-
16 nique or process approved by the Oregon Health Authority that changes the
17 character or composition of any infectious waste so as to render the waste
18 noninfectious.

19 “(10) ‘Waste pharmaceuticals’ means discarded pharmaceuticals
20 that are not:

21 “(a) Hazardous waste, as defined in ORS 466.005;

22 “(b) Radioactive waste, as defined in ORS 469.300; or

23 “(c) A radioactive substance, as defined in ORS 453.005.

24 “SECTION 2. ORS 459.390 is amended to read:

25 “459.390. (1)(a) **Except as provided in paragraph (b) of this sub-**
26 **section,** infectious waste shall be segregated from other wastes by separate
27 containment at the point of generation.

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

30 “(A) **The container satisfies the requirements of subsection (3) of**

1 **this section; and**

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

4 **“(c)** Enclosures used for storage of infectious waste shall be secured to
5 prevent access by unauthorized persons and shall be marked with prominent
6 warning signs.

7 **“(2)** Infectious waste, except for sharps, shall be contained in disposable
8 red plastic bags or containers made of other materials impervious to
9 moisture and strong enough to prevent ripping, tearing or bursting under
10 normal conditions of use. The bags or containers shall be closed to prevent
11 leakage or expulsion of solid or liquid wastes during storage, collection or
12 transportation.

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

17 **“(b) Sharps consolidated with waste pharmaceuticals shall be con-**
18 **tained for storage, collection, transportation and disposal in leakproof,**
19 **rigid, puncture-resistant and tightly lidded containers that are a dis-**
20 **tinctive color other than red and conspicuously labeled with the**
21 **international biohazard symbol. Sharps consolidated with waste phar-**
22 **maceuticals may be stored in such containers for more than seven**
23 **days.**

24 **“(4)** All bags, boxes or other containers for infectious waste and rigid
25 containers of discarded sharps shall be clearly identified as containing in-
26 fectious waste.

27 **“(5)** Infectious waste shall be stored at temperatures and only for times
28 established by rules of the Oregon Health Authority.

29 **“(6)** Infectious waste shall not be compacted before treatment and shall
30 not be placed for collection, storage or transportation in a portable or mobile

1 trash compactor.

2 “(7) Infectious waste contained in disposable bags as specified in this
3 section shall be placed for collection, storage, handling or transportation in
4 a disposable or reusable pail, carton, box, drum, dumpster, portable bin or
5 similar container. The container shall have a tight-fitting cover and be kept
6 clean and in good repair. The container may be of any color and shall be
7 conspicuously labeled with the international biohazard symbol and the words
8 ‘Biomedical Waste’ on the sides so as to be readily visible from any lateral
9 direction when the container is upright.

10 “(8) Each time a reusable container for infectious waste is emptied, the
11 container shall be thoroughly washed and decontaminated unless the sur-
12 faces of the container have been protected from contamination by a dispos-
13 able red liner, bag or other device removed with the waste.

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

16 “(10) Generators that produce 50 pounds or less of infectious waste in any
17 calendar month shall be exempt from the specific requirements of subsections
18 (5), (7) and (8) of this section.

19 **“SECTION 3.** ORS 459.395 is amended to read:

20 “459.395. (1) Pathological wastes shall be treated by incineration in an
21 incinerator that provides complete combustion of waste to carbonized or
22 mineralized ash. The ash shall be disposed of as provided in rules adopted
23 by the Environmental Quality Commission. However, if the Department of
24 Environmental Quality determines that incineration is not reasonably avail-
25 able within a wasteshed, pathological wastes may be disposed of in the same
26 manner provided for cultures and stocks.

27 “(2) Cultures and stocks shall be incinerated as described in subsection
28 (1) of this section or sterilized by other means prescribed by Oregon Health
29 Authority rule. Sterilized waste may be disposed of in a permitted land dis-
30 posal site if it is not otherwise classified as hazardous waste.

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

3 “(4)(a) Sharps and biological wastes may be incinerated as described in
4 subsection (1) of this section or sterilized by other means prescribed by au-
5 thority rule. Sharps may be disposed of in a permitted land disposal site only
6 if the sharps are in containers as required in ORS 459.390 (3) and are placed
7 in a segregated area of the landfill.

8 **“(b) Sharps consolidated with waste pharmaceuticals shall be
9 treated by incineration in an incinerator that provides complete com-
10 bustion of waste to carbonized or mineralized ash.**

11 “(5) Other methods of treatment and disposal may be approved by rule of
12 the commission.”.

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