

House Bill 149

By: Representatives Powell of the 32nd, Lumsden of the 12th, Collins of the 68th, Jasperse of the 11th, Gravley of the 67th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 35 of the Official Code of Georgia Annotated, relating to law enforcement
2 officers and agencies, so as to provide for the comprehensive regulation of trauma scene
3 cleanup services and regulated waste transport; to provide for definitions; to provide for
4 licensing; to provide for qualifications; to provide for penalties for violations; to amend
5 Article 3 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to
6 hazardous waste, so as to provide for requirements, procedures, and training for trauma scene
7 cleanup services and regulated waste transport; to provide for definitions; to provide for rules
8 and regulations; to provide for compliance; to provide for related matters; to provide an
9 effective dates; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and
13 agencies, is amended by adding a new chapter to read as follows:

14 "CHAPTER 11

15 35-11-1.

16 As used in this chapter, the term:

17 (1) 'Bureau' means the Georgia Bureau of Investigation.

18 (2) 'Director' means the director of the Georgia Bureau of Investigation.

19 (3) 'Potentially infectious material' means:

20 (A) The following human body fluids: semen, vaginal secretions, cerebrospinal fluid,
21 synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, any body
22 fluid that is visibly contaminated with blood such as saliva or vomitus, and any body
23 fluid in situations where it is difficult or impossible to differentiate between body
24 fluids; or

25 (B) Blood, cells, tissue, or organs of animals or humans, if known or reasonably likely
26 to contain or be infected with human immunodeficiency virus, hepatitis B virus, or
27 hepatitis C virus.

28 (4) 'Regulated waste' means waste that is any of the following:

29 (A) Liquid or semi-liquid blood or other potentially infectious material;

30 (B) Contaminated items that contain liquid or semi-liquid blood, or are caked with
31 dried blood or other potentially infectious material, and are capable of releasing such
32 material when handled or compressed;

33 (C) Waste containing discarded materials contaminated with excretion, exudate, or
34 secretions from human communicable diseases or diseases of animals that are highly
35 communicable to humans; or

36 (D) Medical waste byproducts, including, but not limited to, sharps, needles, syringes,
37 contaminated personal protective equipment, unwanted microbe biological cultures and
38 stocks, human or animal body parts, human or animal tissue, used bandages or
39 dressings, medical supplies that may have been in contact with blood or body fluids,
40 and laboratory waste that has been in contact with blood or other body fluids.

41 (5) 'Regulated waste producer' means a medical facility, laboratory, pharmacy, or other
42 facility at which regulated waste is produced and requires protective measures in handling
43 and removing such regulated waste to prevent human illness, injury, or death.

44 (6) 'Regulated waste transporter' means the owner or operator of a commercial enterprise
45 that transports regulated waste from a trauma scene or from the premises of a regulated
46 waste producer.

47 (7) 'Trauma scene' means a location soiled by or contaminated with regulated waste from
48 the occurrence of a serious human injury, illness, or death.

49 (8) 'Trauma scene waste' means regulated waste that has been removed, is to be removed,
50 or is in the process of being removed from a trauma scene.

51 (9) 'Trauma scene waste management practitioner' means the owner or operator of a
52 commercial enterprise for the cleanup or removal of trauma scene waste and who is
53 licensed by the bureau pursuant to this chapter.

54 35-11-2.

55 (a) A trauma scene waste management practitioner or regulated waste transporter shall be
56 licensed by the bureau on forms provided by and in a manner as directed by the bureau.
57 Such license shall be in addition to and not in place of any other licenses from other state
58 agencies required by law. No county or municipal governments shall be authorized to
59 require licenses or permits for trauma scene waste management practitioners or regulated
60 waste transporters in this state.

61 (b) The bureau, upon its approval of an application, shall issue a license to a trauma scene
62 waste management practitioner or regulated waste transporter who meets the qualifications
63 for such license and who submits a completed application form and license fee. Such
64 license shall be valid for a period of one year from the date of issuance and may be
65 renewed annually.

66 (c) Trauma scene waste management practitioners and regulated waste transporters shall
67 pay an initial licensing fee of \$200.00 to the bureau and, for each subsequent year, shall
68 pay to the bureau an annual license renewal fee of \$200.00.

69 35-11-3.

70 (a) The bureau shall maintain a current list of all licensed trauma scene waste management
71 practitioners and regulated waste transporters.

72 (b) The bureau shall submit a list of licensed trauma scene waste management practitioners
73 and regulated waste transporters to all local public health officials, county governments,
74 county coroners and medical examiners, sheriffs, and other local law enforcement agencies
75 and shall make the list available, upon request, to other public agencies and to the public.
76 Such list shall be updated at least quarterly and such list shall be posted to the bureau's
77 website.

78 35-11-4.

79 (a) Each trauma scene waste management practitioner shall, prior to being licensed, submit
80 to a fingerprint based criminal background check, and each employee of such trauma scene
81 waste management practitioner shall, prior to employment, submit to a fingerprint based
82 criminal background check. Unless such person has been pardoned, no person who has
83 been convicted of a felony involving moral turpitude shall be issued a trauma scene waste
84 management practitioner license or be eligible for employment by a trauma scene waste
85 management practitioner.

86 (b) Each trauma scene waste management practitioner shall, upon approval of his or her
87 license by the bureau, submit to the bureau a bond executed with a surety company duly
88 authorized to do business in this state and payable to the Governor for the use and benefit
89 of any person who is harmed by such trauma scene waste management practitioner or his
90 or her employee in the performance of trauma scene waste management services. The
91 bond shall be in the amount of \$100,000.00. The bond shall be approved by the bureau as
92 to form and the solvency of the surety. No trauma scene waste management practitioner
93 or surety shall cancel, or cause to be canceled, a bond issued pursuant to this subsection
94 unless the director is informed in writing by a certified letter at least 30 days prior to the
95 proposed cancellation. If the trauma scene waste management practitioner or surety cancels

96 the bond and the trauma scene waste management practitioner fails to submit, within ten
97 days of the effective date of the cancellation, a new bond, the director shall revoke such
98 trauma scene waste management practitioner's license.

99 (c) The board shall promulgate rules and regulations establishing a program under which
100 each trauma scene waste management practitioner and each employee of such trauma scene
101 waste management practitioner who performs trauma scene waste management services
102 shall submit to an annual test for illegal drugs. If a trauma scene waste management
103 practitioner's drug test is positive for illegal drugs, the director shall suspend or revoke such
104 trauma scene waste management practitioner's license as the director deems appropriate
105 under the circumstances. If the drug test of an employee of a trauma scene waste
106 management practitioner is positive for illegal drugs, the director shall require the
107 suspension or termination of such employee as the director deems appropriate under the
108 circumstances.

109 (d) Each trauma scene waste management practitioner shall provide the bureau with proof
110 of liability insurance coverage for the trauma scene waste management practitioner and his
111 or her employees who perform trauma scene waste management services in the amount of
112 at least \$1 million for each occurrence. No trauma scene waste management practitioner
113 shall cancel, or cause to be canceled, a liability insurance policy issued pursuant to this
114 subsection unless the director is informed in writing by a certified letter at least 30 days
115 prior to the proposed cancellation. If the trauma scene waste management practitioner
116 cancels the liability insurance policy and the trauma scene waste management practitioner
117 fails to submit, within ten days of the effective date of the cancellation, a new liability
118 insurance policy that meets the requirements of this subsection, the director shall revoke
119 such trauma scene waste management practitioner's license.

120 35-11-5.

121 (a) As used in this Code section, the term 'person' means: an individual; any corporate
122 entity or form authorized by law, including any of its subsidiaries or affiliates; or any
123 officer, director, board member, or employee of any corporate entity or form authorized by
124 law.

125 (b) No person shall perform, offer to perform, or engage in the cleanup of a trauma scene
126 or the removal or remediation of regulated waste from any location unless such person is
127 licensed in accordance with this chapter.

128 (c) Any individual who violates this Code section shall, upon the first conviction thereof,
129 be guilty of a misdemeanor of a high and aggravated nature. Upon the second or
130 subsequent convictions, such individual shall be guilty of a felony and shall be sentenced

131 to imprisonment for not less than one nor more than three years, a fine not to
132 exceed \$10,000.00, or both.

133 (d) Any corporate entity or form authorized by law, including any of its subsidiaries or
134 affiliates, that violates this Code section shall, upon the first conviction thereof, be guilty
135 of a misdemeanor of a high and aggravated nature. Upon the second or subsequent
136 convictions, such corporate entity or form authorized by law, including any of its
137 subsidiaries or affiliates, shall be guilty of a felony and shall be sentenced to pay a fine not
138 to exceed \$10,000.00.

139 35-11-6.

140 On and after July 1, 2017, it shall be against public policy for any person who is not
141 properly licensed under this chapter to seek to recover from the owner of any property or
142 any other person the cost of the cleanup, removal, or remediation of trauma scene waste
143 at, in, or on such property.

144 35-11-7.

145 (a) As used in this Code section, the term 'person' shall have the same meaning as provided
146 in Code section 35-11-5.

147 (b) Any person who is found to have violated any provision of this chapter shall be subject
148 to a civil fine in an amount not to exceed \$25,000.00 for each such violation following an
149 administrative hearing by the director.

150 35-11-8.

151 It shall be illegal for any person or business to refer trauma scene waste cleanup, removal,
152 or remediation or regulated waste transport to any person or business which is not properly
153 licensed under this chapter.

154 35-11-9.

155 Each trauma scene waste management practitioner licensed under this chapter shall make
156 available to the public a list of all fees charged for the cleanup, removal, or remediation of
157 trauma scene waste. Prior to beginning the cleanup, removal, or remediation of trauma
158 scene waste, a trauma scene waste management practitioner licensed under this chapter
159 shall provide the individual who requested such services with a detailed, good faith
160 estimate of the expected costs of such services.

161 35-11-10.

162 In the event of a declared public health emergency or a state of emergency, the director
 163 shall be authorized to issue temporary licenses to persons to be trauma scene waste
 164 management practitioners or regulated waste transporters under such limiting conditions
 165 as the director deems appropriate under the circumstances. Such temporary licenses shall
 166 terminate at such time as may be specified by the director, but, in any event, not later than
 167 90 days from their issuance.

168 35-11-11.

169 The board shall be authorized to promulgate such rules and regulations as it deems
 170 necessary in order to effectuate and implement the provisions of this chapter."

171 **SECTION 2.**

172 Article 3 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to
 173 hazardous waste, is amended by adding a new part to read as follows:

174 "Part 4

175 12-8-109.

176 (a) As used in this part, the term:

177 (1) 'Board' means the Board of Natural Resources.

178 (2) 'Director' means the director of the Environmental Protection Division of the
 179 Department of Natural Resources.

180 (3) 'Potentially infectious material' means:

181 (A) The following human body fluids: semen, vaginal secretions, cerebrospinal fluid,
 182 synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, any body
 183 fluid that is visibly contaminated with blood such as saliva or vomitus, and any body
 184 fluid in situations where it is difficult or impossible to differentiate between body
 185 fluids; or

186 (B) Blood, cells, tissue, or organs of animals or humans, if known or reasonably likely
 187 to contain or be infected with human immunodeficiency virus, hepatitis B virus, or
 188 hepatitis C virus.

189 (4) 'Regulated waste' means waste that is any of the following:

190 (A) Liquid or semi-liquid blood or other potentially infectious material;

191 (B) Contaminated items that contain liquid or semi-liquid blood, or are caked with
 192 dried blood or other potentially infectious material, and are capable of releasing such
 193 material when handled or compressed;

194 (C) Waste containing discarded materials contaminated with excretion, exudate, or
195 secretions from human communicable diseases or diseases of animals that are highly
196 communicable to humans; or

197 (D) Medical waste byproducts, including, but not limited to, sharps, needles, syringes,
198 contaminated personal protective equipment, unwanted microbe biological cultures and
199 stocks, human or animal body parts, human or animal tissue, used bandages or
200 dressings, medical supplies that may have been in contact with blood or body fluids,
201 and laboratory waste that has been in contact with blood or other body fluids.

202 (5) 'Regulated waste producer' means a medical facility, laboratory, pharmacy, or other
203 facility at which regulated waste is produced and requires protective measures in handling
204 and removing such regulated waste to prevent human illness, injury, or death.

205 (6) 'Regulated waste transporter' means the owner or operator of a commercial enterprise
206 that transports regulated waste from a trauma scene or from the premises of a regulated
207 waste producer.

208 (7) 'Trauma scene' means a location soiled by or contaminated with regulated waste from
209 the occurrence of a serious human injury, illness, or death.

210 (8) 'Trauma scene waste' means regulated waste that has been removed, is to be removed,
211 or is in the process of being removed from a trauma scene.

212 (9) 'Trauma scene waste management practitioner' means the owner or operator of a
213 commercial enterprise for the cleanup or removal of trauma scene waste and who is
214 licensed pursuant to Chapter 11 of Title 35.

215 (b) The director, working with the trauma scene waste management industry, the regulated
216 waste transporter industry, and the health care industry, shall recommend and the board
217 shall promulgate rules and regulations establishing the following standards:

218 (1) Personal protection required to be provided for, and used by, workers in accordance
219 with the industry's best safety practices while removing and disposing of trauma scene
220 waste and regulated waste; and

221 (2) Technologies and chemicals appropriate to the task of cleaning and disinfecting
222 trauma scenes.

223 (c) The board shall promulgate rules and regulations pursuant to which trauma scene waste
224 management practitioners and regulated waste transporters shall document the
225 identification of trauma scene waste and regulated waste within the scope of this part and
226 compliance with disposal requirements, including, but not limited to, tracking the
227 transportation of trauma scene waste and regulated waste.

228 (d) The board shall promulgate rules and regulations establishing procedures for trauma
229 scene waste management practitioners and regulated waste transporters to remove and

230 dispose of regulated waste from trauma scenes and from the premises of regulated waste
231 producers.

232 (e) The board shall promulgate rules and regulations establishing minimum initial and
233 recurring annual training requirements for trauma scene waste management practitioners,
234 regulated waste transporters, and their employees."

235 **SECTION 3.**

236 Section 2 of this Act shall become effective on January 1, 2019. The remaining sections
237 shall become effective on January 1, 2018.

238 **SECTION 4.**

239 All laws and parts of laws in conflict with this Act are repealed.