

Senate Bill 153

By: Senators Harper of the 7th, Mullis of the 53rd, Henson of the 41st, Black of the 8th, Anderson of the 24th and others

AS PASSED SENATE

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; to provide for definitions; to provide for registration requirements; to
4 provide for qualifications; to provide for penalties for violations; to provide for emergencies;
5 to provide for rules and regulations; to provide for exemptions; to provide for related matters;
6 to provide for an effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

11 "CHAPTER 11

12 35-11-1.

13 As used in this chapter, the term:

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

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

16 (3) 'Pathogen' means a microorganism, including bacteria, viruses, rickettsiae, and
17 parasites, or other agent, such as a proteinaceous infectious particle or prion, that can
18 cause disease in humans.

19 (4) 'Potentially infectious material' means material known or reasonably expected to
20 contain a pathogen.

21 (5) 'Regulated biomedical waste' means and includes the following:

22 (A) Biological waste, which includes blood and blood products, exudates, secretions,
23 suctionings, and other body fluids which contain free liquids and cannot be or are not
24 directly discarded into a municipal sewer system;

25 (B) Pathological waste, which includes all recognizable human tissues and body parts
 26 except teeth; and

27 (C) Sharps, which include any discarded article that may cause punctures or cuts
 28 including, but not limited to, items such as needles, IV tubing and syringes with needles
 29 attached, and scalpel blades.

30 (6) 'Trauma scene' means a location soiled by or contaminated with potentially infectious
 31 material or regulated biomedical waste due to the occurrence of a homicide or suicide,
 32 or the occurrence of a death of a human being in which there is advanced decomposition
 33 of the body; provided, however, that such term shall not include the scene of a motor
 34 vehicle accident or locations which are subject to the laws and regulations of the federal
 35 Occupational Safety and Health Administration.

36 (7) 'Trauma scene waste' means potentially infectious material or regulated biomedical
 37 waste that has been removed, is to be removed, or is in the process of being removed
 38 from a trauma scene.

39 (8) 'Trauma scene waste management practitioner' means the owner of any interest in a
 40 commercial enterprise for the cleanup or removal of trauma scene waste and who is
 41 registered with the bureau pursuant to this chapter.

42 35-11-2.

43 (a) A trauma scene waste management practitioner shall be registered with the bureau on
 44 forms provided by and in a manner as directed by the bureau. Such registration shall be
 45 in addition to and not in place of any other registrations or licenses from other state
 46 agencies required by law. No county or municipal government shall be authorized to
 47 require licenses, registrations, or permits for trauma scene waste management practitioners
 48 in this state.

49 (b) The bureau, upon its approval of an application, shall issue a registration to a trauma
 50 scene waste management practitioner who meets the qualifications for such registration and
 51 who submits a completed application form and registration fee. Such registration shall be
 52 valid for a period of three years from the date of issuance and may be renewed for
 53 additional three-year periods.

54 (c) Trauma scene waste management practitioners shall pay an initial registration fee of
 55 \$100.00 to the bureau and, for each subsequent renewal of such registration, shall pay to
 56 the bureau a registration renewal fee of \$100.00.

57 35-11-3.

58 The bureau shall maintain a current list of all registered trauma scene waste management
 59 practitioners on the bureau's website.

60 35-11-4.

61 (a) Each trauma scene waste management practitioner shall, prior to being registered,
62 submit to a fingerprint based criminal background check conducted by the Georgia Crime
63 Information Center and Federal Bureau of Investigation. No person who is currently
64 servng a sentence of incarceration or probation for any felony under the laws of this state
65 or any other state or the federal government shall be issued a trauma scene waste
66 management practitioner registration. Each trauma scene waste management practitioner
67 shall submit to a fingerprint based criminal background check conducted by the Georgia
68 Crime Information Center and Federal Bureau of Investigation every three years following
69 such initial background check.

70 (b) Each trauma scene waste management practitioner shall, upon approval of his or her
71 registration by the bureau, submit to the bureau a bond executed with a surety company
72 duly authorized to do business in this state and payable to the Governor for the use and
73 benefit of any person who is harmed by such trauma scene waste management practitioner,
74 his or her employee, or an independent contractor of such trauma scene waste management
75 practitioner in the performance of trauma scene waste management services. The bond
76 shall be in the amount of \$25,000.00. The bond shall be approved by the bureau as to the
77 form and the solvency of the surety. No trauma scene waste management practitioner or
78 surety shall cancel, or cause to be canceled, a bond issued pursuant to this subsection unless
79 the director is informed in writing by a certified letter at least 30 days prior to the proposed
80 cancellation. If the trauma scene waste management practitioner or surety cancels the bond
81 and the trauma scene waste management practitioner fails to submit, within ten days of the
82 effective date of the cancellation, a new bond, the director shall revoke such trauma scene
83 waste management practitioner's registration.

84 (c) Each trauma scene waste management practitioner shall provide the bureau with proof
85 of liability insurance coverage for the trauma scene waste management practitioner, his or
86 her employees, and each independent contractor of such trauma scene waste management
87 practitioner who performs trauma scene waste management services in the amount of at
88 least \$100,000.00 for each occurrence. No trauma scene waste management practitioner
89 or insurance carrier shall cancel, or cause to be canceled, a liability insurance policy issued
90 pursuant to this subsection unless the director is informed in writing by a certified letter at
91 least 30 days prior to the proposed cancellation. If the trauma scene waste management
92 practitioner or insurance carrier cancels the liability insurance policy and the trauma scene
93 waste management practitioner fails to submit, within ten days of the effective date of the
94 cancellation, a new liability insurance policy that meets the requirements of this subsection,
95 the director shall revoke such trauma scene waste management practitioner's registration.

96 (d) Each trauma scene waste management practitioner shall be responsible and liable for
97 the acts of his or her employees and any independent contractor of such trauma scene waste
98 management practitioner in the performance of trauma scene waste management services.

99 35-11-5.

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

104 (b) No person shall perform, offer to perform, or engage in the cleanup of a trauma scene
105 or the removal or remediation of regulated biomedical waste from any trauma scene unless
106 such person is registered in accordance with this chapter or is an employee or independent
107 contractor of such person registered in accordance with this chapter.

108 (c) Any person that violates this Code section shall be subject to a civil fine not to exceed
109 \$5,000.00 and punitive action by the director, up to and including revocation of
110 registration.

111 35-11-6.

112 On and after January 1, 2020, it shall be against public policy for any person who is not
113 properly registered under this chapter to seek to recover from the owner of any property
114 or any other person the cost of the cleanup, removal, or remediation of trauma scene waste
115 at, in, or on such property.

116 35-11-7.

117 Each trauma scene waste management practitioner registered under this chapter, prior to
118 beginning the cleanup, removal, or remediation of trauma scene waste, shall provide the
119 individual who requested such services with a good faith estimate of the expected costs of
120 such services.

121 35-11-8.

122 In the event of a declared public health emergency or a state of emergency, the director
123 shall be authorized to issue temporary registrations to persons to be trauma scene waste
124 management practitioners under such limiting conditions as the director deems appropriate
125 under such circumstances. Such temporary registrations shall terminate at such time as
126 may be specified by the director, but, in any event, not later than 90 days from their
127 issuance.

128 35-11-9.

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

131 35-11-10.

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

134 (b) Nothing in this chapter shall apply to a medical practice or medical facility or a
135 subsidiary thereof that is subject to the laws and regulations of the federal Occupational
136 Safety and Health Administration.

137 (c) Nothing in this chapter shall apply to the cleanup of property owned by a person by
138 such person.

139 (d) Nothing in this chapter shall apply to the gratuitous cleanup, removal, or remediation
140 of trauma scene waste performed for the owner of any property by individuals who are not
141 doing so as part of a commercial enterprise for the cleanup or removal of trauma scene
142 waste, including, but not limited to, individuals who are family, friends, or neighbors of
143 such owner; provided, however, that nothing in this subsection shall prevent such owner
144 from offering such individuals a gratuity at his or her election."

145 **SECTION 2.**

146 This Act shall become effective on January 1, 2020.

147 **SECTION 3.**

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