The House Committee on Public Safety and Homeland Security offers the following substitute to HB 417:

A BILL TO BE ENTITLED

AN ACT

To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to provide for the comprehensive regulation of trauma scene cleanup services; to provide for definitions; to provide for registration requirements; to provide for qualifications; to provide for penalties for violations; to provide for emergencies; to provide for rules and regulations; to provide for exemptions; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended by adding a new chapter to read as follows:

CHAPTER 46A

As used in this chapter, the term:

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

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

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

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

(B) Pathological waste, which includes all recognizable human tissues and body parts except teeth; and
(C) Sharps, which include any discarded article that may cause punctures or cuts including, but not limited to, items such as needles, IV tubing and syringes with needles attached, and scalpel blades.

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

(5) ‘Trauma scene waste’ means potentially infectious material or regulated biomedical waste that has been removed, is to be removed, or is in the process of being removed from a trauma scene.

(6) ‘Trauma scene waste management practitioner’ means the owner of any interest in a commercial enterprise for the cleanup or removal of trauma scene waste and who is registered with the Secretary of State pursuant to this chapter.

43-46A-2.

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

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

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

43-46A-3.

The Secretary of State shall maintain a current list of all registered trauma scene waste management practitioners on the Secretary of State’s website.
43-46A-4.

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

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

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

(d) Each trauma scene waste management practitioner shall provide the Secretary of State
with proof that such practitioner has a valid generation and transportation permit from the
Environmental Protection Division of the Department of Natural Resources for the
provision of trauma scene waste management services or shall submit an affidavit that such
practitioner contracts with an entity which has such permit. Additionally, each trauma
scene waste management practitioner shall provide the Secretary of State with proof of all
current certifications in the removal and disposal of regulated biomedical waste held by
such practitioner or any contractor used by the practitioner for the provision of trauma
scene waste management services.

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

43-46A-5.

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

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

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

43-46A-6.

On and after January 1, 2021, it shall be against public policy for any person who is not
properly registered under this chapter to seek to recover from the owner of any property
or any other person the cost of the cleanup, removal, or remediation of trauma scene waste
at, in, or on such property.


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

43-46A-8.
In the event of a declared public health emergency or a state of emergency, the Secretary of State shall be authorized to issue temporary registrations to persons to be trauma scene waste management practitioners under such limiting conditions as the Secretary of State deems appropriate under such circumstances. Such temporary registrations shall terminate at such time as may be specified by the Secretary of State, but, in any event, not later than 90 days from their issuance.

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

43-46A-10.
(a) As used in this Code section, the term 'person' shall have the same meaning as provided in Code Section 35-11-5.
(b) Nothing in this chapter shall apply to a medical practice or medical facility or a subsidiary thereof that is subject to the laws and regulations of the federal Occupational Safety and Health Administration.
(c) Nothing in this chapter shall apply to the cleanup of property owned by a person by such person.
(d) Nothing in this chapter shall apply to the gratuitous cleanup, removal, or remediation of trauma scene waste performed for the owner of any property by individuals who are not doing so as part of a commercial enterprise for the cleanup or removal of trauma scene waste, including, but not limited to, individuals who are family, friends, or neighbors of such owner; provided, however, that nothing in this subsection shall prevent such owner from offering such individuals a gratuity at his or her election."

SECTION 2.
This Act shall become effective on January 1, 2021.

SECTION 3.
All laws and parts of laws in conflict with this Act are repealed.