



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB0793

Introduced 2/5/2015, by Sen. Linda Holmes

#### SYNOPSIS AS INTRODUCED:

415 ILCS 5/56.1  
415 ILCS 5/56.7

from Ch. 111 1/2, par. 1056.1

Amends the Environmental Protection Act. Provides that, beginning July 1, 2015, no person may knowingly mix sharps, including, but not limited to, hypodermic, intravenous, or other medical needles or syringes or other medical household waste containing used or unused sharps, including, but not limited to, hypodermic, intravenous, or other medical needles or syringes or other sharps, with any other material intended for collection as a recyclable material by a residential hauler. Provides that, beginning July 1, 2015, no person may knowingly place sharps into a container intended for collection by a commercial hauler for processing at a recycling center. Provides that, beginning on July 1, 2015, State agencies and local governments, as well as businesses and non-profit organizations may establish various specified sharps disposal programs. Provides that the Environmental Protection Agency may provide educational materials to the public about the safe management and proper disposal of household generated sharps through the use of literature, websites, DVDs, a toll-free number, or any other method which the Agency deems appropriate. Effective immediately.

LRB099 07278 MGM 27382 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by  
5 changing Sections 56.1 and 56.7 as follows:

6 (415 ILCS 5/56.1) (from Ch. 111 1/2, par. 1056.1)

7 Sec. 56.1. Acts prohibited.

8 (A) No person shall:

9 (a) Cause or allow the disposal of any potentially  
10 infectious medical waste. Sharps may be disposed in any  
11 landfill permitted by the Agency under Section 21 of this Act  
12 to accept municipal waste for disposal, if both:

13 (1) the infectious potential has been eliminated from  
14 the sharps by treatment; and

15 (2) the sharps are packaged in accordance with Board  
16 regulations.

17 (b) Cause or allow the delivery of any potentially  
18 infectious medical waste for transport, storage, treatment, or  
19 transfer except in accordance with Board regulations.

20 (c) Beginning July 1, 1992, cause or allow the delivery of  
21 any potentially infectious medical waste to a person or  
22 facility for storage, treatment, or transfer that does not have  
23 a permit issued by the agency to receive potentially infectious

1 medical waste, unless no permit is required under subsection  
2 (g) (1).

3 (d) Beginning July 1, 1992, cause or allow the delivery or  
4 transfer of any potentially infectious medical waste for  
5 transport unless:

6 (1) the transporter has a permit issued by the Agency  
7 to transport potentially infectious medical waste, or the  
8 transporter is exempt from the permit requirement set forth  
9 in subsection (f) (1).

10 (2) a potentially infectious medical waste manifest is  
11 completed for the waste if a manifest is required under  
12 subsection (h).

13 (e) Cause or allow the acceptance of any potentially  
14 infectious medical waste for purposes of transport, storage,  
15 treatment, or transfer except in accordance with Board  
16 regulations.

17 (f) Beginning July 1, 1992, conduct any potentially  
18 infectious medical waste transportation operation:

19 (1) Without a permit issued by the Agency to transport  
20 potentially infectious medical waste. No permit is  
21 required under this provision (f) (1) for:

22 (A) a person transporting potentially infectious  
23 medical waste generated solely by that person's  
24 activities;

25 (B) noncommercial transportation of less than 50  
26 pounds of potentially infectious medical waste at any

1           one time; or

2                   (C) the U.S. Postal Service.

3           (2) In violation of any condition of any permit issued  
4 by the Agency under this Act.

5           (3) In violation of any regulation adopted by the  
6 Board.

7           (4) In violation of any order adopted by the Board  
8 under this Act.

9           (g) Beginning July 1, 1992, conduct any potentially  
10 infectious medical waste treatment, storage, or transfer  
11 operation:

12                   (1) without a permit issued by the Agency that  
13 specifically authorizes the treatment, storage, or transfer of  
14 potentially infectious medical waste. No permit is required  
15 under this subsection (g) or subsection (d)(1) of Section 21  
16 for any:

17                           (A) Person conducting a potentially infectious  
18 medical waste treatment, storage, or transfer  
19 operation for potentially infectious medical waste  
20 generated by the person's own activities that are  
21 treated, stored, or transferred within the site where  
22 the potentially infectious medical waste is generated.

23                           (B) Hospital that treats, stores, or transfers  
24 only potentially infectious medical waste generated by  
25 its own activities or by members of its medical staff.

26                           (C) Sharps collection station that is operated in

1           accordance with Section 56.7.

2           (2) in violation of any condition of any permit issued  
3 by the Agency under this Act.

4           (3) in violation of any regulation adopted by the  
5 Board.

6           (4) In violation of any order adopted by the Board  
7 under this Act.

8           (h) Transport potentially infectious medical waste unless  
9 the transporter carries a completed potentially infectious  
10 medical waste manifest. No manifest is required for the  
11 transportation of:

12           (1) potentially infectious medical waste being  
13 transported by generators who generated the waste by their  
14 own activities, when the potentially infectious medical  
15 waste is transported within or between sites or facilities  
16 owned, controlled, or operated by that person;

17           (2) less than 50 pounds of potentially infectious  
18 medical waste at any one time for a noncommercial  
19 transportation activity; or

20           (3) potentially infectious medical waste by the U.S.  
21 Postal Service.

22           (i) Offer for transportation, transport, deliver, receive  
23 or accept potentially infectious medical waste for which a  
24 manifest is required, unless the manifest indicates that the  
25 fee required under Section 56.4 of this Act has been paid.

26           (j) Beginning January 1, 1994, conduct a potentially

1 infectious medical waste treatment operation at an incinerator  
2 in existence on the effective date of this Title in violation  
3 of emission standards established for these incinerators under  
4 Section 129 of the Clean Air Act (42 USC 7429), as amended.

5 (k) Beginning July 1, 2015, knowingly mix sharps,  
6 including, but not limited to, hypodermic, intravenous, or  
7 other medical needles or syringes or other medical household  
8 waste containing used or unused sharps, including, but not  
9 limited to, hypodermic, intravenous, or other medical needles  
10 or syringes or other sharps, with any other material intended  
11 for collection as a recyclable material by a residential  
12 hauler.

13 (l) Beginning on July 1, 2015, knowingly place sharps into  
14 a container intended for collection by a residential hauler for  
15 processing at a recycling center.

16 (B) In making its orders and determinations relative to  
17 penalties, if any, to be imposed for violating subdivision  
18 (A)(a) of this Section, the Board, in addition to the factors  
19 in Sections 33(c) and 42(h) of this Act, or the Court shall  
20 take into consideration whether the owner or operator of the  
21 landfill reasonably relied on written statements from the  
22 person generating or treating the waste that the waste is not  
23 potentially infectious medical waste.

24 (Source: P.A. 94-641, eff. 8-22-05.)

25 (415 ILCS 5/56.7)

1           Sec. 56.7.

2           (a) No permit shall be required under subsection (d)(1) of  
3 Section 21 or subsection (g) of Section 56.1 of this Act for a  
4 sharps collection station if the station is operated in  
5 accordance with all of the following:

6           (1) The only waste accepted at the sharps collection  
7 station is (i) hypodermic, intravenous, or other medical  
8 needles or syringes or other sharps, or (ii) medical  
9 household waste containing used or unused sharps,  
10 including but not limited to, hypodermic, intravenous, or  
11 other medical needles or syringes or other sharps.

12           (2) The waste is stored and transferred in the same  
13 manner as required for potentially infectious medical  
14 waste under this Act and under Board regulations.

15           (3) The waste is not treated at the sharps collection  
16 station unless it is treated in the same manner as required  
17 for potentially infectious medical waste under this Act and  
18 under Board regulations.

19           (4) The waste is not disposed of at the sharps  
20 collection station.

21           (5) The waste is transported in the same manner as  
22 required for potentially infectious medical waste under  
23 this Act and under Board regulations.

24           (b) Beginning on July 1, 2015, State agencies and local  
25 governments, as well as businesses and non-profit  
26 organizations may establish sharps disposal programs which may

1 include, but are not limited to, the following:

2 (1) a program for safe, secure residential sharps  
3 disposal;

4 (2) the establishment of sharps collection centers  
5 located at medical facilities and pharmacies;

6 (3) the establishment of sharps collection centers  
7 located in municipal facilities, including, but not  
8 limited to, fire stations, police stations, and public  
9 health offices, provided that sharps collection centers  
10 may be located at senior centers only for the purpose of  
11 disposing of medically necessary hypodermic needles; and

12 (4) medical waste mail-back programs approved by the  
13 United States Postal Service.

14 (c) All mail-back programs shall comply with the United  
15 States Postal Service, New Standards for Mailing Sharps Waste  
16 and Other Regulated Medical Waste, 39 CFR Part 111.

17 (d) Any such sharps and management programs shall be  
18 implemented in compliance with applicable provisions of this  
19 Act and applicable rules.

20 (e) The Agency may provide educational materials to the  
21 public about the safe management and proper disposal of  
22 household generated sharps through the use of literature,  
23 websites, DVDs, a toll-free number, or any other method which  
24 the Agency deems appropriate.

25 (Source: P.A. 94-641, eff. 8-22-05.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.