



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3340

Introduced 2/22/2021, by Rep. Brad Halbrook

SYNOPSIS AS INTRODUCED:

New Act
5 ILCS 80/4.41 new

Creates the Trauma Scene Waste Management Registration Act. Provides for the registration of trauma scene waste management practitioners. Provides that 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 the Act or is an employee or independent contractor of a person registered in accordance with the Act. Sets forth provisions concerning registration; registration and renewal fees; list of registrations; requirements for registration; insurance requirements; unregistered activities; civil penalties; estimate of services; emergency exceptions; exceptions; and rules. Amends the Regulatory Sunset Act to set a repeal date for the new Act on January 1, 2032.

LRB102 11456 SPS 16790 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 1. Short title. This Act may be cited as the Trauma
5 Scene Waste Management Registration Act.

6 Section 5. Definitions. As used in this Act:

7 "Department" means the Department of Financial and
8 Professional Regulation.

9 "Pathogen" means a microorganism, including bacteria,
10 viruses, rickettsia, and parasites, or other agent, such as a
11 proteinaceous infectious particle or prion, that can cause
12 disease in humans.

13 "Potentially infectious material" means material known or
14 reasonably expected to contain a pathogen.

15 "Regulated biomedical waste" means the following:

16 (1) biological waste, which includes blood and blood
17 products, exudates, secretions, products of suctioning,
18 and other body fluids that contain free liquids and cannot
19 be or are not directly discarded into a municipal sewer
20 system;

21 (2) pathological waste, which includes all
22 recognizable human tissues and body parts except teeth;
23 and

1 (3) sharps, which include any discarded article that
2 may cause punctures or cuts, including, but not limited
3 to, needles, IV tubing and syringes with needles attached,
4 and scalpel blades.

5 "Secretary" means the Secretary of Financial and
6 Professional Regulation.

7 "Trauma scene" means a location soiled by or contaminated
8 with potentially infectious material or regulated biomedical
9 waste due to the occurrence of a homicide or suicide, or the
10 occurrence of a death of a human being in which there is
11 advanced decomposition of the body. "Trauma scene" does not
12 include the scene of a motor vehicle accident or locations
13 that are subject to the laws and regulations of the federal
14 Occupational Safety and Health Administration.

15 "Trauma scene waste" means potentially infectious material
16 or regulated biomedical waste that has been removed, is to be
17 removed, or is in the process of being removed from a trauma
18 scene.

19 "Trauma scene waste management practitioner" means the
20 owner of any interest in a commercial enterprise for the
21 cleanup or removal of trauma scene waste and who is registered
22 with the Department pursuant to this Act.

23 Section 10. Registration.

24 (a) A trauma scene waste management practitioner shall be
25 registered with the Department on forms provided by and in a

1 manner directed by the Department. Such registration shall be
2 in addition to, and not in place of, any other registrations or
3 licenses from other State agencies required by law. No county
4 or municipal government may require licenses, registrations,
5 or permits for trauma scene waste management practitioners in
6 this State.

7 (b) The Department, upon its approval of an application,
8 shall issue a registration to a trauma scene waste management
9 practitioner who meets the qualifications for such
10 registration and who submits a completed application form and
11 registration fee. Such registration shall be valid for a
12 period of 3 years from the date of issuance and may be renewed
13 for additional 3-year periods.

14 (c) Trauma scene waste management practitioners shall pay
15 an initial registration fee of \$100 to the Department and, for
16 each subsequent renewal of the registration, shall pay to the
17 Department a registration renewal fee of \$100.

18 Section 15. List of registrants. The Department shall
19 maintain a current list of all registered trauma scene waste
20 management practitioners on the Department's website.

21 Section 20. Requirements for registration.

22 (a) Each trauma scene waste management practitioner shall,
23 prior to being registered, submit to a fingerprint-based
24 criminal background check conducted by the Illinois State

1 Police and Federal Bureau of Investigation. No person who is
2 currently serving a sentence of incarceration or probation for
3 any felony under the laws of this State, any other state, or
4 the federal government shall be issued a trauma scene waste
5 management practitioner registration. Each trauma scene waste
6 management practitioner shall submit to a fingerprint-based
7 criminal background check conducted by the Illinois State
8 Police and Federal Bureau of Investigation every 3 years
9 following the initial background check.

10 (b) Each trauma scene waste management practitioner shall,
11 upon approval of his or her registration by the Department,
12 submit to the Department a bond executed with a surety company
13 duly authorized to do business in this State and payable to the
14 State of Illinois for the use and benefit of any person who is
15 harmed by the trauma scene waste management practitioner, his
16 or her employee, or an independent contractor of the trauma
17 scene waste management practitioner in the performance of
18 trauma scene waste management services. The bond shall be in
19 the amount of \$25,000. The bond shall be approved by the
20 Department as to the form and the solvency of the surety. No
21 trauma scene waste management practitioner or surety shall
22 cancel, or cause to be canceled, a bond issued pursuant to this
23 subsection unless the Department is informed in writing by a
24 certified letter at least 30 days prior to the proposed
25 cancellation. If the trauma scene waste management
26 practitioner or surety cancels the bond and the trauma scene

1 waste management practitioner fails to submit, within 10 days
2 of the effective date of the cancellation, a new bond, the
3 Department shall revoke the trauma scene waste management
4 practitioner's registration.

5 (c) Each trauma scene waste management practitioner shall
6 provide the Department with proof of liability insurance
7 coverage for the trauma scene waste management practitioner,
8 his or her employees, and each independent contractor of the
9 trauma scene waste management practitioner who performs trauma
10 scene waste management services in the amount of at least
11 \$1,000,000 for each occurrence. No trauma scene waste
12 management practitioner or insurance carrier shall cancel, or
13 cause to be canceled, a liability insurance policy issued
14 pursuant to this subsection unless the Department is informed
15 in writing by a certified letter at least 30 days prior to the
16 proposed cancellation. If the trauma scene waste management
17 practitioner or insurance carrier cancels the liability
18 insurance policy and the trauma scene waste management
19 practitioner fails to submit, within 10 days of the effective
20 date of the cancellation, a new liability insurance policy
21 that meets the requirements of this subsection, the Department
22 shall revoke the trauma scene waste management practitioner's
23 registration.

24 (d) Each trauma scene waste management practitioner shall
25 provide the Department with proof that the trauma scene waste
26 management practitioner has a valid potentially infectious

1 medical waste hauling permit from the Illinois Environmental
2 Protection Agency for the provision of trauma scene waste
3 management services or shall submit an affidavit that the
4 trauma scene waste management practitioner contracts with an
5 entity that has a valid potentially infectious medical waste
6 hauling permit. Additionally, each trauma scene waste
7 management practitioner shall provide the Department with
8 proof of all current certifications in the removal and
9 disposal of regulated biomedical waste held by the trauma
10 scene waste management practitioner or any contractor used by
11 the trauma scene waste management practitioner for the
12 provision of trauma scene waste management services.

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

18 Section 25. Unregistered activities.

19 (a) As used in this Section, "person" means: an
20 individual; any corporate entity or form authorized by law,
21 including any of its subsidiaries or affiliates; or any
22 officer, director, board member, or employee of any corporate
23 entity or form authorized by law.

24 (b) No person shall perform, offer to perform, or engage
25 in the cleanup of a trauma scene or the removal or remediation

1 of regulated biomedical waste from any trauma scene unless
2 such person is registered in accordance with this Act or is an
3 employee or independent contractor of a person registered in
4 accordance with this Act.

5 (c) A person who is not properly registered as a trauma
6 scene waste management practitioner may not seek to recover
7 from the owner of any property or from any other person,
8 including, but not limited to, an insurance company, the cost
9 of the cleanup, removal, or remediation of trauma scene waste
10 at, in, or on such property.

11 (d) Any person who violates this Section shall be subject
12 to a civil penalty not to exceed \$5,000 and punitive action by
13 the Department, up to and including revocation of
14 registration.

15 Section 30. Estimate of services. Each trauma scene waste
16 management practitioner registered under this Act, prior to
17 beginning the cleanup, removal, or remediation of trauma scene
18 waste, shall provide the individual who requested such
19 services with a good faith estimate of the expected costs of
20 such services.

21 Section 35. Emergency exception. In the event of a
22 declared public health emergency or a state of emergency, the
23 Department may issue temporary registrations to persons to be
24 trauma scene waste management practitioners under such

1 limiting conditions as the Department deems appropriate under
2 the circumstances. The temporary registrations shall terminate
3 at such time as may be specified by the Department, but not
4 later than 90 days from their issuance.

5 Section 40. Exceptions.

6 (a) As used in this Section, "person" means an individual;
7 any corporate entity or form authorized by law, including any
8 of its subsidiaries or affiliates; or any officer, director,
9 board member, or employee of any corporate entity or form
10 authorized by law.

11 (b) Nothing in this Act shall apply to a medical practice
12 or medical facility or a subsidiary thereof that is subject to
13 the laws and regulations of the federal Occupational Safety
14 and Health Administration.

15 (c) Nothing in this Act shall apply to the cleanup of
16 property by the owner of the property.

17 (d) Nothing in this Act shall apply to the gratuitous
18 cleanup, removal, or remediation of trauma scene waste
19 performed for the owner of any property by individuals who are
20 not doing so as part of a commercial enterprise for the cleanup
21 or removal of trauma scene waste, including, but not limited
22 to, individuals who are family, friends, or neighbors of such
23 owner. Nothing in this subsection shall prevent such owner
24 from offering such individuals a gratuity at his or her
25 election.

1 Section 45. Rules. The Department may adopt rules required
2 to implement and administer this Act.

3 Section 90. The Regulatory Sunset Act is amended by adding
4 Section 4.41 as follows:

5 (5 ILCS 80/4.41 new)

6 Sec. 4.41. Act repealed on January 1, 2032. The following
7 Act is repealed on January 1, 2032:

8 The Trauma Scene Waste Management Registration Act.