

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 3. The Department of Public Health Powers and  
5 Duties Law of the Civil Administrative Code of Illinois is  
6 amended by changing Section 2310-252 as follows:

7 (20 ILCS 2310/2310-252)

8 Sec. 2310-252. Guidelines for needle disposal; education.

9 (a) The Illinois Department of Public Health, in  
10 cooperation with the Illinois Environmental Protection Agency,  
11 must create guidelines for the proper disposal of hypodermic  
12 syringes, needles, and other sharps used for  
13 self-administration purposes that are consistent with the  
14 available guidelines regarding disposal for home health care  
15 products provided by the United States Environmental  
16 Protection Agency. In establishing these guidelines, the  
17 Department shall promote flexible and convenient disposal  
18 methods appropriate to the area and level of services available  
19 to the person disposing of the hypodermic syringe, needle, or  
20 other sharps. The Department guidelines shall encourage the use  
21 of safe disposal programs that include, but are not limited to,  
22 the following:

23 (1) drop box or supervised collection sites;

- 1           (2) sharps mail-back programs;  
2           (3) syringe exchange programs; and  
3           (4) at-home needle destruction devices.

4           (b) The Illinois Department of Public Health must develop  
5 educational materials regarding the safe disposal of  
6 hypodermic syringes, needles, and other sharps and distribute  
7 copies of these educational materials to pharmacies and the  
8 public. The educational materials must include information  
9 regarding safer injection, HIV prevention, proper methods for  
10 the disposal of hypodermic syringes, needles, and other sharps,  
11 and contact information for obtaining treatment for drug abuse  
12 and addiction.

13           (c) As soon as practicable after the effective date of this  
14 amendatory Act of the 99th General Assembly, the Department of  
15 Public Health shall review and, if necessary, revise the  
16 guidelines and educational materials developed pursuant to  
17 this Section so that those guidelines and materials inform  
18 members of the public about the prohibitions under Section 56.1  
19 of the Environmental Protection Act.

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

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

23           (415 ILCS 5/56.1) (from Ch. 111 1/2, par. 1056.1)  
24           Sec. 56.1. Acts prohibited.

1 (A) No person shall:

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

6 (1) the infectious potential has been eliminated from  
7 the sharps by treatment; and

8 (2) the sharps are packaged in accordance with Board  
9 regulations.

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

13 (c) Beginning July 1, 1992, cause or allow the delivery of  
14 any potentially infectious medical waste to a person or  
15 facility for storage, treatment, or transfer that does not have  
16 a permit issued by the agency to receive potentially infectious  
17 medical waste, unless no permit is required under subsection  
18 (g) (1).

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

22 (1) the transporter has a permit issued by the Agency  
23 to transport potentially infectious medical waste, or the  
24 transporter is exempt from the permit requirement set forth  
25 in subsection (f) (1).

26 (2) a potentially infectious medical waste manifest is

1 completed for the waste if a manifest is required under  
2 subsection (h).

3 (e) Cause or allow the acceptance of any potentially  
4 infectious medical waste for purposes of transport, storage,  
5 treatment, or transfer except in accordance with Board  
6 regulations.

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

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

12 (A) a person transporting potentially infectious  
13 medical waste generated solely by that person's  
14 activities;

15 (B) noncommercial transportation of less than 50  
16 pounds of potentially infectious medical waste at any  
17 one time; or

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

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

21 (3) In violation of any regulation adopted by the  
22 Board.

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

25 (g) Beginning July 1, 1992, conduct any potentially  
26 infectious medical waste treatment, storage, or transfer

1 operation:

2 (1) without a permit issued by the Agency that  
3 specifically authorizes the treatment, storage, or transfer of  
4 potentially infectious medical waste. No permit is required  
5 under this subsection (g) or subsection (d)(1) of Section 21  
6 for any:

7 (A) Person conducting a potentially infectious  
8 medical waste treatment, storage, or transfer  
9 operation for potentially infectious medical waste  
10 generated by the person's own activities that are  
11 treated, stored, or transferred within the site where  
12 the potentially infectious medical waste is generated.

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

16 (C) Sharps collection station that is operated in  
17 accordance with Section 56.7.

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

20 (3) in violation of any regulation adopted by the  
21 Board.

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

24 (h) Transport potentially infectious medical waste unless  
25 the transporter carries a completed potentially infectious  
26 medical waste manifest. No manifest is required for the

1 transportation of:

2 (1) potentially infectious medical waste being  
3 transported by generators who generated the waste by their  
4 own activities, when the potentially infectious medical  
5 waste is transported within or between sites or facilities  
6 owned, controlled, or operated by that person;

7 (2) less than 50 pounds of potentially infectious  
8 medical waste at any one time for a noncommercial  
9 transportation activity; or

10 (3) potentially infectious medical waste by the U.S.  
11 Postal Service.

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

16 (j) Beginning January 1, 1994, conduct a potentially  
17 infectious medical waste treatment operation at an incinerator  
18 in existence on the effective date of this Title in violation  
19 of emission standards established for these incinerators under  
20 Section 129 of the Clean Air Act (42 USC 7429), as amended.

21 (k) Beginning July 1, 2015, knowingly mix household sharps,  
22 including, but not limited to, hypodermic, intravenous, or  
23 other medical needles or syringes or other medical household  
24 waste containing used or unused sharps, including, but not  
25 limited to, hypodermic, intravenous, or other medical needles  
26 or syringes or other sharps, with any other material intended

1 for collection as a recyclable material by a residential  
2 hauler.

3 (1) Beginning on July 1, 2015, knowingly place household  
4 sharps into a container intended for collection by a  
5 residential hauler for processing at a recycling center.

6 (B) In making its orders and determinations relative to  
7 penalties, if any, to be imposed for violating subdivision  
8 (A) (a) of this Section, the Board, in addition to the factors  
9 in Sections 33(c) and 42(h) of this Act, or the Court shall  
10 take into consideration whether the owner or operator of the  
11 landfill reasonably relied on written statements from the  
12 person generating or treating the waste that the waste is not  
13 potentially infectious medical waste.

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

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.