

DISPOSAL OF SHARPS (MEDICALLY USED NEEDLES)

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Senate Bill 482 as passed by the Senate
Sponsor: Sen. Kristen McDonald Rivet
House Committee: Health Policy
Senate Committee: Health Policy
Complete to 4-24-24

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 482 would amend the Public Health Code to allow medical waste to be stored at certain facilities for longer than 90 days, as long as it is stored in a sharps container (a safe repository for such items as used needles) that is not more than 75% filled.

The Medical Waste Regulatory Act (Part 138 of the code) prescribes procedures for a facility that generates, stores, decontaminates, or incinerates medical waste to contain that waste.¹ Among other requirements, a facility is prohibited from storing medical waste on its premises for more than 90 days. The bill would add an exception to allow medical waste to be kept on site for more than 90 days if it is stored in a *sharps* container that is not filled to more than 75% of its capacity.

Sharps means a form of medical waste consisting of needles, syringes, scalpels, and intravenous tubing with needles attached.

MCL 333.13809 and 333.13810

BACKGROUND:

Sharps disposal containers used by medical facilities are generally regulated by the U.S. Food and Drug Administration (FDA). Among other things, an FDA-cleared sharps container has a fill line indicating when the container is about 75% full, when it is recommended to seal and dispose of the container.² As described above, Michigan law requires disposal of on-site medical waste after 90 days. According to Senate committee testimony on SB 482, for facilities with a lower patient volume, such as small facilities or those in rural areas, the state's 90-day limit on storing medical waste is at odds with the 75% federal standard for sharps containers. That is, the 90 days are often up, requiring disposal, before the containers are 75% filled—or, in some cases, barely used at all—resulting in unnecessary (from the standpoint of the federal standards) waste. But if those facilities kept their underused containers past the 90-day limit, to fill them according to FDA guidelines, they would be in violation of Michigan law.

In general, a person who violates the Medical Waste Regulatory Act or its rules is subject to an administrative fine of up to \$2,500 for each violation and an additional fine of up to \$1,000 for each day the violation continues. For a first offense, the fine can be postponed until the

¹ See <https://www.michigan.gov/egle/about/organization/materials-management/medical-waste-regulatory-program>

² <https://www.fda.gov/medical-devices/safely-using-sharps-needles-and-syringes-home-work-and-travel/sharps-disposal-containers-health-care-facilities>

violation is corrected, but no longer than 45 days. In addition, a person who violates the act can be enjoined by a court of competent jurisdiction from continuing the violation.

FISCAL IMPACT:

Senate Bill 482 would likely have no fiscal impact on the Department of Health and Human Services (DHHS), the Department of Environment, Great Lakes, and Energy (EGLE), or local units of government.

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