

13:1E-48.23 & 13:1E-48.23b et. al.

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2012 **CHAPTER:** 65

NJSA: 13:1E-48.23 & 13:1E-48.23b et. al. (Allows license suspension or revocation of certain health care professionals and medical waste facilities, generators, and transporters for willful illegal or improper medical waste disposal)

BILL NO: A1888 (Substituted for S2190)

SPONSOR(S) Milam and others

DATE INTRODUCED: January 10, 2012

COMMITTEE: **ASSEMBLY:** Regulated Professions

SENATE: Commerce

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 25, 2012

SENATE: October 4, 2012

DATE OF APPROVAL: November 19, 2012

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First reprint enacted)

A1888

SPONSOR'S STATEMENT: (Begins on page 8 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

S2190

SPONSOR'S STATEMENT: (Begins on page 8 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Doctors who dump medical waste may lose licenses," Courier-Post, 11-20-12

LAW/KR

§§4,5 -
C.13:1E-48.23a &
13:1E-48.23b
§6 –
C.58:10A-10.12

P.L.2012, CHAPTER 65, *approved November 19, 2012*
Assembly, No. 1888 (*First Reprint*)

1 AN ACT concerning medical waste disposal, amending and
2 supplementing P.L.1989, c.34, supplementing P.L.1977, c.74
3 (C.58:10A-1 et seq.), and amending P.L.1988, c.61.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. Section 2 of P.L.1989, c.34 (C.13:1E-48.2) is amended to
9 read as follows:

10 2. The Legislature finds and declares that **[various]**:

11 a. Various human and animal health care centers and clinics,
12 hospitals, laboratories, and other facilities generate substantial
13 volumes of medical waste that must be transported and disposed in
14 a sanitary and environmentally sound manner; that this waste poses
15 both a potential threat to the health of those persons who handle,
16 transport, dispose, or otherwise come into contact with it and to the
17 public health; that, in addition to the actual and perceived risks
18 associated with the management of medical waste, there are
19 important aesthetic concerns that must be addressed; that the
20 present regulatory scheme for medical waste is confusing and
21 inadequate, and the enforcement thereof has been lacking and the
22 penalties assessed for violations insufficient; and that the citizens of
23 the State generally lack confidence that medical waste in the State
24 is being managed in a proper and safe manner **[**.

25 The Legislature therefore declares that it **]**;

26 b. The beaches, coastline, and waters of New Jersey are a
27 natural treasure cherished by the people of the State, provide a
28 superior national recreational destination protected by State and
29 federal law, host a myriad of commercial industries intrinsically
30 linked to the economic prosperity of the State, are a reflection of the
31 State and its reputation, and are host to a tourist industry that
32 provides hundreds of thousands of jobs for New Jersey's workers
33 and generates more than \$36 billion for the State's economy;

34 c. Medical waste illegally dumped in State waters or washing
35 onto the shores is a health, safety, and environmental hazard,

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted June 21, 2012.

1 contaminating and polluting highly visited and beloved beaches that
2 are open to the public and supported by both the State and coastal
3 municipalities, and that any disturbance on the beach, in the waters
4 of the State, or otherwise threatening the visitors to such places
5 harms the State's reputation, deters future tourism, diminishes the
6 revenue realized from those places and severely impacts the local
7 economy; and

8 d. It is therefore appropriate, necessary, and in the best interest
9 of the State to establish a comprehensive management system that
10 provides for the proper and safe tracking, identification, packaging,
11 storage, control, monitoring, handling, collection, and disposal of
12 regulated medical waste; that monitoring of the regulated medical
13 waste stream is best accomplished through the creation of a
14 manifest tracking system for regulated medical waste; and [that it is
15 appropriate to provide for] strict enforcement of the law concerning
16 regulated medical waste and [to establish] the establishment of
17 substantial civil and criminal penalties for violations thereof will
18 deter unlawful behavior and further protect the State's beaches,
19 coastline, waters, and land from illegally dumped medical waste
20 that so greatly affects the health and welfare of citizens and visitors,
21 the quality and safety of State waters, the valuable tourism industry,
22 and the State and local economies .

23 (cf: P.L.1989, c.34, s.2)

24
25 2. Section 3 of P.L.1989, c.34 (C.13:1E-48.3) is amended to
26 read as follows:

27 3. As used in [sections 1 through 25 of this act] P.L.1989, c.34
28 (C.13:1E-48.1 et al.) :

29 "Board" means the Board of Public Utilities.

30 "Collection" means the activity related to pick-up and
31 transportation of regulated medical waste from a generator, or from
32 an intermediate location, to a facility, or to a site outside the State,
33 for disposal.

34 "Commissioners" means the Commissioner of Environmental
35 Protection and the Commissioner of Health and Senior Services.

36 "Departments" means the Department of Environmental
37 Protection and the Department of Health and Senior Services.

38 "Dispose" or "disposal" means the storage, treatment, utilization,
39 processing, resource recovery of, or the discharge, deposit,
40 injection, dumping, spilling, leaking, or placing of any regulated
41 medical waste into or on any land or water so that the regulated
42 medical waste or any constituent thereof may enter the environment
43 or be emitted into the air or discharged into any waters, including
44 groundwaters.

45 "Facility" means a solid waste facility as defined in section 3 of
46 P.L.1970, c.39 (C.13:1E-3); or any other incinerator or commercial

1 or noncommercial regulated medical waste disposal facility in this
2 State that accepts regulated medical waste for disposal.

3 "Federal Act" means the "Medical Waste Tracking Act of 1988"
4 (42 U.S.C. s.6903 et seq.), or any rule or regulation adopted
5 pursuant thereto.

6 "Generator" means an ambulatory surgical or care facility,
7 community health center, medical doctor's office, dentist's office,
8 podiatrist's office, home health care agency, health care facility,
9 hospital, medical clinic, morgue, nursing home, urgent care center,
10 sterile syringe access program operating pursuant to sections 3 and
11 4 of P.L.2006, c.99 (C.26:5C-27 and C.26:5C-28), veterinary office
12 or clinic, animal, biological, clinical, medical, microbiological, or
13 pathological diagnostic or research laboratory, any of which
14 generates regulated medical waste, or any other facility identified
15 by the departments that generates regulated medical waste.
16 "Generator" shall not include individual households utilizing home
17 self-care.

18 "Health care professional" means a person licensed or otherwise
19 authorized pursuant to Title 45 of the Revised Statutes to practice a
20 health care profession that is regulated by one of the following
21 boards: the State Board of Medical Examiners, the New Jersey
22 Board of Nursing, the New Jersey State Board of Dentistry, the
23 New Jersey State Board of Pharmacy, the Acupuncture Examining
24 Board, or the State Board of Veterinary Medical Examiners.

25 "Regulated medical waste" means blood vials; cultures and
26 stocks of infectious agents and associated biologicals, including
27 cultures from medical and pathological laboratories, cultures and
28 stocks of infectious agents from research and industrial laboratories,
29 wastes from the production of biologicals, discarded live and
30 attenuated vaccines, and culture dishes and devices used to transfer,
31 inoculate, and mix cultures; pathological wastes, including tissues,
32 organs, and body parts that are removed during surgery or autopsy;
33 waste human blood and products of blood, including serum, plasma,
34 and other blood components; sharps that have been used in patient
35 care or in medical, research, or industrial laboratories engaged in
36 medical research, testing, or analysis of diseases affecting the
37 human body, including hypodermic needles, syringes, Pasteur
38 pipettes, broken glass, and scalpel blades; contaminated animal
39 carcasses, body parts, and bedding of animals that were exposed to
40 infectious agents during research, production of biologicals, or
41 testing of pharmaceuticals; any other substance or material related
42 to the transmission of disease as may be deemed appropriate by the
43 departments; and any other substance or material as may be
44 required to be regulated by, or permitted to be exempted from, the
45 Federal Act. The departments may adopt, by rule or regulation and
46 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
47 (C.52:14B-1 et seq.), a more specific definition of regulated

1 medical waste upon the expiration of the demonstration program
2 established under the Federal Act.

3 "Noncommercial facility" means a facility or on-site generator,
4 as the case may be, which accepts regulated medical waste from
5 other generators for on-site disposal for a cost-based fee not in
6 excess of the costs actually incurred by the facility or on-site
7 generator for the treatment or disposal of the regulated medical
8 waste.

9 "Transporter" means a person engaged in the collection or
10 transportation of regulated medical waste.

11 (cf: P.L.2006, c.99, s.9)

12

13 3. Section 23 of P.L.1989, c.34 (C.13:1E-48.23) is amended to
14 read as follows:

15 23. a. The departments, after hearing, may revoke or suspend
16 the registration issued to any transporter or facility upon a finding
17 that the transporter or facility has:

18 [a.] (1) violated this act, or any rule, regulation, or
19 administrative order adopted or issued pursuant thereto;

20 [b.] (2) violated any law, or any rule, regulation, or
21 administrative order adopted or issued pursuant thereto, related to
22 pollution of the environment or endangerment of the public health;
23 or

24 [c.] (3) refused or failed to comply with any lawful order of
25 either of the departments.

26 b. '[If the violation relates to the willful illegal or improper
27 disposal of regulated medical waste, the departments, in addition to
28 any other applicable penalties, shall suspend or otherwise limit for
29 at least three years for each offense, and may revoke, the
30 registration and authorization of the transporter or facility to operate
31 in the State.]' If the transporter or facility continues to operate
32 while suspended the departments shall revoke the registration and
33 authorization of the transporter or facility to operate in the State.
34 After '[three years] completion of the term of suspension' , a
35 transporter or facility may, after a hearing, reapply to the
36 departments to have their registration, or other authorization to
37 operate, reissued or reinstated.

38 (1) If a violation involving the illegal or improper disposal of
39 regulated medical waste in New Jersey is committed by a
40 transporter or facility that is registered and authorized in another
41 state, the Attorney General of New Jersey shall notify the Attorney
42 General or other equivalent authority of that state within 30 days.

43 (2) If information concerning a transporter or facility registered
44 and authorized in this State and found in violation of another state's
45 medical waste disposal laws is received by the Attorney General or
46 another State governmental entity, the Attorney General or other
47 State governmental entity shall forward the information to the

1 departments. Within 60 days, the departments shall determine if the
2 information is sufficient to hold a hearing and consider the
3 suspension or revocation of any registration or other authorization
4 to operate, pursuant to this section.

5 (cf: P.L.1989, c.34, s.23)

6
7 4. (New section) If, after a hearing, the Commissioner of
8 Environmental Protection and Commissioner of Health and Senior
9 Services determine that a generator is in violation of P.L.1989, c.34
10 (C.13:1E-48.1 et al.), or any rule or regulation adopted pursuant
11 thereto, and the violation relates to the willful illegal or improper
12 disposal of regulated medical waste, the Department of
13 Environmental Protection and Department of Health and Senior
14 Services, in addition to any other applicable penalties, **'[shall]**
15 **may'** suspend or **'[otherwise limit for at least three years for each**
16 **offense, and may]'** revoke the generator's registration issued by the
17 departments for the generator to operate in the State. After **'[three**
18 **years] completion of the term of suspension'**, a generator may,
19 after a hearing, reapply to the department to have their registration
20 reissued.

21 a. If a violation involving the illegal or improper disposal of
22 regulated medical waste in New Jersey is committed by a generator
23 that is registered and authorized in another state, the Attorney
24 General of New Jersey shall notify the Attorney General or other
25 equivalent authority of that state within 30 days.

26 b. If information concerning a generator who is registered in
27 this State and found in violation of another state's medical waste
28 disposal laws is received by the Attorney General or another State
29 governmental entity, the Attorney General or other State
30 governmental entity shall forward the information to the
31 departments. Within 60 days, the departments shall determine if the
32 information is sufficient to hold a hearing and consider the
33 suspension or revocation of any registration or other authorization
34 to operate, pursuant to this section.

35
36 5. (New section) In addition to any other applicable penalties,
37 if, after a hearing, the Commissioner of Environmental Protection
38 or Commissioner of Health and Senior Services determines that a
39 violation of P.L.1989, c.34 (C.13:1E-48.1 et al.), or any rule or
40 regulation adopted pursuant thereto, has been committed by a health
41 care professional, then the appropriate professional licensing board
42 of the health care professional, or the Division of Consumer Affairs
43 in the Department of Law and Public Safety, as the case may be,
44 after a hearing, **'[shall] may'** suspend or **'[otherwise limit for at**
45 **least three years for each offense, and may]'** revoke **'[,]'** the health
46 care professional's license or other authorization to practice in the
47 State. After **'[three years] completion of the term of suspension'**, ,

1 a health care professional may, after a hearing, reapply to the
2 appropriate professional licensing board of the health care
3 professional, or the Division of Consumer Affairs, to have their
4 license reinstated.

5 a. If a violation is committed by a health care professional who
6 is licensed or residing in another state, the Attorney General of New
7 Jersey shall notify the Attorney General or other equivalent
8 authority of that state within 30 days.

9 b. If information concerning a health care professional licensed
10 in this State and found in violation of another state's medical waste
11 disposal laws is received by the Attorney General or another State
12 governmental entity, the Attorney General or the other State
13 governmental entity shall forward the information to the appropriate
14 professional licensing board, or the Division of Consumer Affairs
15 as the case may be. Within 60 days, the appropriate professional
16 licensing board or the division shall determine if the information is
17 sufficient to hold a hearing and consider the licensure suspension
18 under this section.

19

20 6. (New section) If a violation of P.L.1977, c.74 (C.58:10A-1
21 et seq.) involves the willful illegal or improper disposal of regulated
22 medical waste, as defined pursuant to section 3 of P.L.1989, c.34
23 (C.13:1E-48.3), and the person found guilty or liable for the
24 violation is a health care professional, facility, generator, or
25 transporter, as also defined under P.L.1989, c.34, the violator shall
26 also be subject to any applicable penalties under P.L.1989, c.34
27 (C.13:1E-48.1 et al.), including but not limited to the suspension
28 and revocation provisions of section 23 of P.L.1989, c.34 (C.13:1E-
29 48.23) and sections 4 and 5 of P.L. , c. (C.) (pending before
30 the Legislature as this bill).

31

32 7. Section 3 of P.L.1988, c.61 (C.58:10A-49) is amended to
33 read as follows:

34 3. a. (1) A person who intentionally dumps any material into
35 the ocean waters within the jurisdiction of this State, or into the
36 waters outside the jurisdiction of this State, which material enters
37 the ocean waters within the jurisdiction of this State, is guilty of a
38 crime of the third degree.

39 (2) If the violation involves the willful illegal or improper
40 disposal of regulated medical waste, as defined pursuant to section
41 3 of P.L.1989, c.34 (C.13:1E-48.3), and the person found guilty or
42 liable for the violation is a health care professional, facility,
43 generator, or transporter, as also defined under P.L.1989, c.34, the
44 violator shall also be subject to any applicable penalties under
45 P.L.1977, c.74 (C.58:10A-1 et seq.) and P.L.1989, c.34 (C.13:1E-
46 48.1 et al.), including but not limited to the suspension and
47 revocation provisions of section 23 of P.L.1989, c.34 (C.13:1E-

1 48.23) and sections 4 and 5 of P.L. , c. (C.) (pending before
2 the Legislature as this bill).

3 b. Of the monetary penalty imposed pursuant to this section,
4 10% shall be paid to the Department of Environmental Protection
5 from the General Fund if the Attorney General determines that a
6 person or persons are entitled to a reward pursuant to subsection c.
7 of this section.

8 c. Any person who provides information to an enforcing
9 authority concerning a violation of this act that proximately results
10 in the imposition and collection of a criminal penalty as the result
11 of a criminal action brought pursuant to this act shall be entitled to a
12 reward of 10% of the penalty collected. The reward shall be paid
13 by the department from moneys received pursuant to subsection b.
14 of this section. If more than one person is entitled to a reward, the
15 Attorney General shall determine the percentage of the reward that
16 each person shall receive. The Attorney General shall adopt,
17 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
18 (C.52:14B-1 et seq.), rules and regulations necessary to implement
19 this section, including procedures to assure the anonymity of the
20 person or persons providing the information to the enforcing
21 authority when appropriate.

22 (cf: P.L.1988, c.61, s.3)

23

24 8. This act shall take effect immediately.

25

26

27

28

29 _____
30 Allows license suspension or revocation of certain health care
31 professionals and medical waste facilities, generators, and
transporters for willful illegal or improper medical waste disposal.

ASSEMBLY, No. 1888

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Assemblyman MATTHEW W. MILAM

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman NELSON T. ALBANO

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Co-Sponsored by:

**Assemblyman Diegnan, Assemblywoman Vainieri Huttle, Assemblymen
Chivukula, Coughlin and Rudder**

SYNOPSIS

Requires license suspension of certain health care professionals and medical waste facilities, generators, and transporters for willful illegal or improper medical waste disposal.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



A1888 MILAM, ALBANO

2

1 AN ACT concerning medical waste disposal, amending and
2 supplementing P.L.1989, c.34, supplementing P.L.1977, c.74
3 (C.58:10A-1 et seq.), and amending P.L.1988, c.61.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
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8 1. Section 2 of P.L.1989, c.34 (C.13:1E-48.2) is amended to
9 read as follows:

10 2. The Legislature finds and declares that **【various】**:

11 a. Various human and animal health care centers and clinics,
12 hospitals, laboratories, and other facilities generate substantial
13 volumes of medical waste that must be transported and disposed in
14 a sanitary and environmentally sound manner; that this waste poses
15 both a potential threat to the health of those persons who handle,
16 transport, dispose, or otherwise come into contact with it and to the
17 public health; that, in addition to the actual and perceived risks
18 associated with the management of medical waste, there are
19 important aesthetic concerns that must be addressed; that the
20 present regulatory scheme for medical waste is confusing and
21 inadequate, and the enforcement thereof has been lacking and the
22 penalties assessed for violations insufficient; and that the citizens of
23 the State generally lack confidence that medical waste in the State
24 is being managed in a proper and safe manner **【**.

25 The Legislature therefore declares that it **】** :

26 b. The beaches, coastline, and waters of New Jersey are a
27 natural treasure cherished by the people of the State, provide a
28 superior national recreational destination protected by State and
29 federal law, host a myriad of commercial industries intrinsically
30 linked to the economic prosperity of the State, are a reflection of the
31 State and its reputation, and are host to a tourist industry that
32 provides hundreds of thousands of jobs for New Jersey's workers
33 and generates more than \$36 billion for the State's economy;

34 c. Medical waste illegally dumped in State waters or washing
35 onto the shores is a health, safety, and environmental hazard,
36 contaminating and polluting highly visited and beloved beaches that
37 are open to the public and supported by both the State and coastal
38 municipalities, and that any disturbance on the beach, in the waters
39 of the State, or otherwise threatening the visitors to such places
40 harms the State's reputation, deters future tourism, diminishes the
41 revenue realized from those places and severely impacts the local
42 economy; and

43 d. It is therefore appropriate , necessary, and in the best interest
44 of the State to establish a comprehensive management system that

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 provides for the proper and safe tracking, identification, packaging,
2 storage, control, monitoring, handling, collection, and disposal of
3 regulated medical waste; that monitoring of the regulated medical
4 waste stream is best accomplished through the creation of a
5 manifest tracking system for regulated medical waste; and [that it is
6 appropriate to provide for] strict enforcement of the law concerning
7 regulated medical waste and [to establish] the establishment of
8 substantial civil and criminal penalties for violations thereof will
9 deter unlawful behavior and further protect the State's beaches,
10 coastline, waters, and land from illegally dumped medical waste
11 that so greatly affects the health and welfare of citizens and visitors,
12 the quality and safety of State waters, the valuable tourism industry,
13 and the State and local economies .

14 (cf: P.L.1989, c.34, s.2)

15

16 2. Section 3 of P.L.1989, c.34 (C.13:1E-48.3) is amended to
17 read as follows:

18 3. As used in [sections 1 through 25 of this act] P.L.1989, c.34
19 (C.13:1E-48.1 et al.) :

20 "Board" means the Board of Public Utilities.

21 "Collection" means the activity related to pick-up and
22 transportation of regulated medical waste from a generator, or from
23 an intermediate location, to a facility, or to a site outside the State,
24 for disposal.

25 "Commissioners" means the Commissioner of Environmental
26 Protection and the Commissioner of Health and Senior Services.

27 "Departments" means the Department of Environmental
28 Protection and the Department of Health and Senior Services.

29 "Dispose" or "disposal" means the storage, treatment, utilization,
30 processing, resource recovery of, or the discharge, deposit,
31 injection, dumping, spilling, leaking, or placing of any regulated
32 medical waste into or on any land or water so that the regulated
33 medical waste or any constituent thereof may enter the environment
34 or be emitted into the air or discharged into any waters, including
35 groundwaters.

36 "Facility" means a solid waste facility as defined in section 3 of
37 P.L.1970, c.39 (C.13:1E-3); or any other incinerator or commercial
38 or noncommercial regulated medical waste disposal facility in this
39 State that accepts regulated medical waste for disposal.

40 "Federal Act" means the "Medical Waste Tracking Act of 1988"
41 (42U.S.C. s.6903 et seq.), or any rule or regulation adopted
42 pursuant thereto.

43 "Generator" means an ambulatory surgical or care facility,
44 community health center, medical doctor's office, dentist's office,
45 podiatrist's office, home health care agency, health care facility,
46 hospital, medical clinic, morgue, nursing home, urgent care center,
47 sterile syringe access program operating pursuant to sections 3 and

1 4 of P.L.2006, c.99 (C.26:5C-27 and C.26:5C-28), veterinary office
2 or clinic, animal, biological, clinical, medical, microbiological, or
3 pathological diagnostic or research laboratory, any of which
4 generates regulated medical waste, or any other facility identified
5 by the departments that generates regulated medical waste.
6 "Generator" shall not include individual households utilizing home
7 self-care.

8 "Health care professional" means a person licensed or otherwise
9 authorized pursuant to Title 45 of the Revised Statutes to practice a
10 health care profession that is regulated by one of the following
11 boards: the State Board of Medical Examiners, the New Jersey
12 Board of Nursing, the New Jersey State Board of Dentistry, the
13 New Jersey State Board of Pharmacy, the Acupuncture Examining
14 Board, or the State Board of Veterinary Medical Examiners.

15 "Regulated medical waste" means blood vials; cultures and
16 stocks of infectious agents and associated biologicals, including
17 cultures from medical and pathological laboratories, cultures and
18 stocks of infectious agents from research and industrial laboratories,
19 wastes from the production of biologicals, discarded live and
20 attenuated vaccines, and culture dishes and devices used to transfer,
21 inoculate, and mix cultures; pathological wastes, including tissues,
22 organs, and body parts that are removed during surgery or autopsy;
23 waste human blood and products of blood, including serum, plasma,
24 and other blood components; sharps that have been used in patient
25 care or in medical, research, or industrial laboratories engaged in
26 medical research, testing, or analysis of diseases affecting the
27 human body, including hypodermic needles, syringes, Pasteur
28 pipettes, broken glass, and scalpel blades; contaminated animal
29 carcasses, body parts, and bedding of animals that were exposed to
30 infectious agents during research, production of biologicals, or
31 testing of pharmaceuticals; any other substance or material related
32 to the transmission of disease as may be deemed appropriate by the
33 departments; and any other substance or material as may be
34 required to be regulated by, or permitted to be exempted from, the
35 Federal Act. The departments may adopt, by rule or regulation and
36 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
37 (C.52:14B-1 et seq.), a more specific definition of regulated
38 medical waste upon the expiration of the demonstration program
39 established under the Federal Act.

40 "Noncommercial facility" means a facility or on-site generator,
41 as the case may be, which accepts regulated medical waste from
42 other generators for on-site disposal for a cost-based fee not in
43 excess of the costs actually incurred by the facility or on-site
44 generator for the treatment or disposal of the regulated medical
45 waste.

1 "Transporter" means a person engaged in the collection or
2 transportation of regulated medical waste.

3 (cf: P.L.2006, c.99, s.9)

4
5 3. Section 23 of P.L.1989, c.34 (C.13:1E-48.23) is amended to
6 read as follows:

7 23. a. The departments, after hearing, may revoke or suspend
8 the registration issued to any transporter or facility upon a finding
9 that the transporter or facility has:

10 **【a.】** (1) violated this act, or any rule, regulation, or
11 administrative order adopted or issued pursuant thereto;

12 **【b.】** (2) violated any law, or any rule, regulation, or
13 administrative order adopted or issued pursuant thereto, related to
14 pollution of the environment or endangerment of the public health;
15 or

16 **【c.】** (3) refused or failed to comply with any lawful order of
17 either of the departments.

18 b. If the violation relates to the willful illegal or improper
19 disposal of regulated medical waste, the departments, in addition to
20 any other applicable penalties, shall suspend or otherwise limit for
21 at least three years for each offense, and may revoke, the
22 registration and authorization of the transporter or facility to operate
23 in the State. If the transporter or facility continues to operate while
24 suspended the departments shall revoke the registration and
25 authorization of the transporter or facility to operate in the State.
26 After three years, a transporter or facility may, after a hearing,
27 reapply to the departments to have their registration, or other
28 authorization to operate, reissued or reinstated.

29 (1) If a violation involving the illegal or improper disposal of
30 regulated medical waste in New Jersey is committed by a
31 transporter or facility that is registered and authorized in another
32 state, the Attorney General of New Jersey shall notify the Attorney
33 General or other equivalent authority of that state within 30 days.

34 (2) If information concerning a transporter or facility registered
35 and authorized in this State and found in violation of another state's
36 medical waste disposal laws is received by the Attorney General or
37 another State governmental entity, the Attorney General or other
38 State governmental entity shall forward the information to the
39 departments. Within 60 days, the departments shall determine if the
40 information is sufficient to hold a hearing and consider the
41 suspension or revocation of any registration or other authorization
42 to operate, pursuant to this section.

43 (cf: P.L.1989, c.34, s.23)

44
45 4. (New section) If, after a hearing, the Commissioner of
46 Environmental Protection and Commissioner of Health and Senior
47 Services determine that a generator is in violation of P.L.1989, c.34

1 (C.13:1E-48.1 et al.), or any rule or regulation adopted pursuant
2 thereto, and the violation relates to the willful illegal or improper
3 disposal of regulated medical waste, the Department of
4 Environmental Protection and Department of Health and Senior
5 Services, in addition to any other applicable penalties, shall suspend
6 or otherwise limit for at least three years for each offense, and may
7 revoke the generator's registration issued by the departments for the
8 generator to operate in the State. After three years, a generator
9 may, after a hearing, reapply to the department to have their
10 registration reissued.

11 a. If a violation involving the illegal or improper disposal of
12 regulated medical waste in New Jersey is committed by a generator
13 that is registered and authorized in another state, the Attorney
14 General of New Jersey shall notify the Attorney General or other
15 equivalent authority of that state within 30 days.

16 b. If information concerning a generator who is registered in
17 this State and found in violation of another state's medical waste
18 disposal laws is received by the Attorney General or another State
19 governmental entity, the Attorney General or other State
20 governmental entity shall forward the information to the
21 departments. Within 60 days, the departments shall determine if the
22 information is sufficient to hold a hearing and consider the
23 suspension or revocation of any registration or other authorization
24 to operate, pursuant to this section.

25
26 5. (New section) In addition to any other applicable penalties,
27 if, after a hearing, the Commissioner of Environmental Protection
28 or Commissioner of Health and Senior Services determines that a
29 violation of P.L.1989, c.34 (C.13:1E-48.1 et al.), or any rule or
30 regulation adopted pursuant thereto, has been committed by a health
31 care professional, then the appropriate professional licensing board
32 of the health care professional, or the Division of Consumer Affairs
33 in the Department of Law and Public Safety, as the case may be,
34 after a hearing, shall suspend or otherwise limit for at least three
35 years for each offense, and may revoke, the health care
36 professional's license or other authorization to practice in the State.
37 After three years, a health care professional may, after a hearing,
38 reapply to the appropriate professional licensing board of the health
39 care professional, or the Division of Consumer Affairs, to have their
40 license reinstated.

41 a. If a violation is committed by a health care professional who
42 is licensed or residing in another state, the Attorney General of New
43 Jersey shall notify the Attorney General or other equivalent
44 authority of that state within 30 days.

45 b. If information concerning a health care professional licensed
46 in this State and found in violation of another state's medical waste
47 disposal laws is received by the Attorney General or another State

1 governmental entity, the Attorney General or the other State
2 governmental entity shall forward the information to the appropriate
3 professional licensing board, or the Division of Consumer Affairs
4 as the case may be. Within 60 days, the appropriate professional
5 licensing board or the division shall determine if the information is
6 sufficient to hold a hearing and consider the licensure suspension
7 under this section.

8
9 6. (New section) If a violation of P.L.1977, c.74 (C.58:10A-1
10 et seq.) involves the willful illegal or improper disposal of regulated
11 medical waste, as defined pursuant to section 3 of P.L.1989, c.34
12 (C.13:1E-48.3), and the person found guilty or liable for the
13 violation is a health care professional, facility, generator, or
14 transporter, as also defined under P.L.1989, c.34, the violator shall
15 also be subject to any applicable penalties under P.L.1989, c.34
16 (C.13:1E-48.1 et al.), including but not limited to the suspension
17 and revocation provisions of section 23 of P.L.1989, c.34 (C.13:1E-
18 48.23) and sections 4 and 5 of P.L. , c. (C.) (pending before
19 the Legislature as this bill).

20
21 7. Section 3 of P.L.1988, c.61 (C.58:10A-49) is amended to
22 read as follows:

23 3. a. (1) A person who intentionally dumps any material into
24 the ocean waters within the jurisdiction of this State, or into the
25 waters outside the jurisdiction of this State, which material enters
26 the ocean waters within the jurisdiction of this State, is guilty of a
27 crime of the third degree.

28 (2) If the violation involves the willful illegal or improper
29 disposal of regulated medical waste, as defined pursuant to section
30 3 of P.L.1989, c.34 (C.13:1E-48.3), and the person found guilty or
31 liable for the violation is a health care professional, facility,
32 generator, or transporter, as also defined under P.L.1989, c.34, the
33 violator shall also be subject to any applicable penalties under
34 P.L.1977, c.74 (C.58:10A-1 et seq.) and P.L.1989, c.34 (C.13:1E-
35 48.1 et al.), including but not limited to the suspension and
36 revocation provisions of section 23 of P.L.1989, c.34 (C.13:1E-
37 48.23) and sections 4 and 5 of P.L. , c. (C.) (pending before
38 the Legislature as this bill).

39 b. Of the monetary penalty imposed pursuant to this section,
40 10% shall be paid to the Department of Environmental Protection
41 from the General Fund if the Attorney General determines that a
42 person or persons are entitled to a reward pursuant to subsection c.
43 of this section.

44 c. Any person who provides information to an enforcing
45 authority concerning a violation of this act that proximately results
46 in the imposition and collection of a criminal penalty as the result
47 of a criminal action brought pursuant to this act shall be entitled to a

1 reward of 10% of the penalty collected. The reward shall be paid
2 by the department from moneys received pursuant to subsection b.
3 of this section. If more than one person is entitled to a reward, the
4 Attorney General shall determine the percentage of the reward that
5 each person shall receive. The Attorney General shall adopt,
6 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
7 (C.52:14B-1 et seq.), rules and regulations necessary to implement
8 this section, including procedures to assure the anonymity of the
9 person or persons providing the information to the enforcing
10 authority when appropriate.

11 (cf: P.L.1988, c.61, s.3)

12

13 8. This act shall take effect immediately.

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STATEMENT

17

18 This bill would suspend the license of certain health care
19 professionals and medical waste facilities, generators, and
20 transporters for willful illegal or improper medical waste disposal
21 found in violation of the State's medical waste anti-dumping laws.

22 Under the bill, a health care professional, facility, generator, or
23 transporter, found in willful violation of the State's medical waste
24 anti-dumping laws, rules, or regulations, would have their
25 applicable license, registration or other authorization to practice
26 suspended for at least three years. If the violator continues to
27 operate or practice while suspended, the registration or license
28 would be revoked. After three years, the suspended violator may,
29 after a hearing, reapply to the appropriate professional licensing
30 board, the Department of Environmental Protection (DEP), the
31 Department of Health and Senior Services, or the Division of
32 Consumer Affairs in the Department of Law and Public Safety, as
33 the case may be, to have their license or registration reissued.

34 The bill also requires the New Jersey Attorney General to notify
35 within 30 days another state's Attorney General, or equivalent,
36 upon finding a health care professional, facility, generator, or
37 transporter of that state was in violation of New Jersey's medical
38 waste disposal law. In addition, the bill would require that upon
39 receipt of information from another state that a violator was from
40 New Jersey and violated that state's medical waste disposal laws,
41 the information would be forwarded to the appropriate State
42 authority. Within 60 days, the appropriate State authority would
43 determine if the information is sufficient to hold a hearing and
44 consider the suspension or revocation of any license, registration, or
45 other authorization to operate.

ASSEMBLY REGULATED PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1888

STATE OF NEW JERSEY

DATED: JUNE 7, 2012

The Assembly Regulated Professions Committee reports favorably on Assembly Bill No. 1888.

This bill suspends the license of certain health care professionals and medical waste facilities, generators, and transporters for willful illegal or improper medical waste disposal found in violation of the State's medical waste anti-dumping laws.

Under the bill, a health care professional, facility, generator, or transporter, found in willful violation of the State's medical waste anti-dumping laws, rules, or regulations, would have their applicable license, registration or other authorization to practice suspended for at least three years. If the violator continues to operate or practice while suspended, the registration or license would be revoked. After three years, the suspended violator may, after a hearing, reapply to the appropriate professional licensing board, the Department of Environmental Protection (DEP), the Department of Health and Senior Services, or the Division of Consumer Affairs in the Department of Law and Public Safety, as the case may be, to have their license or registration reissued.

The bill also requires the New Jersey Attorney General to notify within 30 days another state's Attorney General, or equivalent, upon finding a health care professional, facility, generator, or transporter of that state was in violation of New Jersey's medical waste disposal law. In addition, the bill requires that upon receipt of information from another state that a violator was from New Jersey and violated that state's medical waste disposal laws, the information would be forwarded to the appropriate State authority. Within 60 days, the appropriate State authority would determine if the information is sufficient to hold a hearing and consider the suspension or revocation of any license, registration, or other authorization to operate.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

STATEMENT TO
ASSEMBLY, No. 1888

with Assembly Floor Amendments
(Proposed by Assemblyman ALBANO)

ADOPTED: JUNE 21, 2012

This floor amendment provides that the license of a health care professional or medical waste facility, generator, or transporter may be suspended or revoked for willful illegal or improper medical waste disposal, rather than a required minimum three year license suspension, and possible revocation, for violation of medical waste anti-dumping laws.

SENATE COMMERCE COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1888

STATE OF NEW JERSEY

DATED: SEPTEMBER 20, 2012

The Senate Commerce Committee reports favorably Assembly Bill No. 1888 (1R).

This bill suspends the license of certain health care professionals and medical waste facilities, generators, and transporters for willful illegal or improper medical waste disposal found in violation of the State's medical waste anti-dumping laws.

Under the bill, a health care professional, facility, generator, or transporter, found in willful violation of the State's medical waste anti-dumping laws, rules, or regulations, would have their applicable license, registration or other authorization to practice suspended for at least three years. If the violator continues to operate or practice while suspended, the registration or license would be revoked. After three years, the suspended violator may, after a hearing, reapply to the appropriate professional licensing board, the Department of Environmental Protection, the Department of Health and Senior Services, or the Division of Consumer Affairs in the Department of Law and Public Safety, as the case may be, to have their license or registration reissued.

The bill also requires the New Jersey Attorney General to notify within 30 days another state's Attorney General, or equivalent, upon finding a health care professional, facility, generator, or transporter of that state was in violation of New Jersey's medical waste disposal law. In addition, the bill requires that upon receipt of information from another state that a violator was from New Jersey and violated that state's medical waste disposal laws, the information would be forwarded to the appropriate State authority. Within 60 days, the appropriate State authority is required to determine if the information is sufficient to hold a hearing and consider the suspension or revocation of any license, registration, or other authorization to operate.

SENATE, No. 2190

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED SEPTEMBER 20, 2012

Sponsored by:

Senator NIA H. GILL

District 34 (Essex and Passaic)

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Co-Sponsored by:

Senator Greenstein

SYNOPSIS

Allows license suspension or revocation of certain health care professionals and medical waste facilities, generators, and transporters for willful illegal or improper medical waste disposal.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/5/2012)

1 AN ACT concerning medical waste disposal, amending and
2 supplementing P.L.1989, c.34, supplementing P.L.1977, c.74
3 (C.58:10A-1 et seq.), and amending P.L.1988, c.61.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. Section 2 of P.L.1989, c.34 (C.13:1E-48.2) is amended to
9 read as follows:

10 2. The Legislature finds and declares that **[various]**:

11 a. Various human and animal health care centers and clinics,
12 hospitals, laboratories, and other facilities generate substantial
13 volumes of medical waste that must be transported and disposed in
14 a sanitary and environmentally sound manner; that this waste poses
15 both a potential threat to the health of those persons who handle,
16 transport, dispose, or otherwise come into contact with it and to the
17 public health; that, in addition to the actual and perceived risks
18 associated with the management of medical waste, there are
19 important aesthetic concerns that must be addressed; that the
20 present regulatory scheme for medical waste is confusing and
21 inadequate, and the enforcement thereof has been lacking and the
22 penalties assessed for violations insufficient; and that the citizens of
23 the State generally lack confidence that medical waste in the State
24 is being managed in a proper and safe manner **[**.

25 The Legislature therefore declares that it **]**:

26 b. The beaches, coastline, and waters of New Jersey are a
27 natural treasure cherished by the people of the State, provide a
28 superior national recreational destination protected by State and
29 federal law, host a myriad of commercial industries intrinsically
30 linked to the economic prosperity of the State, are a reflection of the
31 State and its reputation, and are host to a tourist industry that
32 provides hundreds of thousands of jobs for New Jersey's workers
33 and generates more than \$36 billion for the State's economy;

34 c. Medical waste illegally dumped in State waters or washing
35 onto the shores is a health, safety, and environmental hazard,
36 contaminating and polluting highly visited and beloved beaches that
37 are open to the public and supported by both the State and coastal
38 municipalities, and that any disturbance on the beach, in the waters
39 of the State, or otherwise threatening the visitors to such places
40 harms the State's reputation, deters future tourism, diminishes the
41 revenue realized from those places and severely impacts the local
42 economy; and

43 d. It is therefore appropriate, necessary, and in the best interest
44 of the State to establish a comprehensive management system that
45 provides for the proper and safe tracking, identification, packaging,
46 storage, control, monitoring, handling, collection, and disposal of

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 regulated medical waste; that monitoring of the regulated medical
2 waste stream is best accomplished through the creation of a
3 manifest tracking system for regulated medical waste; and [that it is
4 appropriate to provide for] strict enforcement of the law concerning
5 regulated medical waste and [to establish] the establishment of
6 substantial civil and criminal penalties for violations thereof will
7 deter unlawful behavior and further protect the State's beaches,
8 coastline, waters, and land from illegally dumped medical waste
9 that so greatly affects the health and welfare of citizens and visitors,
10 the quality and safety of State waters, the valuable tourism industry,
11 and the State and local economies.

12 (cf: P.L.1989, c.34, s.2)

13

14 2. Section 3 of P.L.1989, c.34 (C.13:1E-48.3) is amended to
15 read as follows:

16 3. As used in [sections 1 through 25 of this act] P.L.1989, c.34
17 (C.13:1E-48.1 et al.) :

18 "Board" means the Board of Public Utilities.

19 "Collection" means the activity related to pick-up and
20 transportation of regulated medical waste from a generator, or from
21 an intermediate location, to a facility, or to a site outside the State,
22 for disposal.

23 "Commissioners" means the Commissioner of Environmental
24 Protection and the Commissioner of Health and Senior Services.

25 "Departments" means the Department of Environmental
26 Protection and the Department of Health and Senior Services.

27 "Dispose" or "disposal" means the storage, treatment, utilization,
28 processing, resource recovery of, or the discharge, deposit,
29 injection, dumping, spilling, leaking, or placing of any regulated
30 medical waste into or on any land or water so that the regulated
31 medical waste or any constituent thereof may enter the environment
32 or be emitted into the air or discharged into any waters, including
33 groundwaters.

34 "Facility" means a solid waste facility as defined in section 3 of
35 P.L.1970, c.39 (C.13:1E-3); or any other incinerator or commercial
36 or noncommercial regulated medical waste disposal facility in this
37 State that accepts regulated medical waste for disposal.

38 "Federal Act" means the "Medical Waste Tracking Act of 1988"
39 (42 U.S.C. s.6903 et seq.), or any rule or regulation adopted
40 pursuant thereto.

41 "Generator" means an ambulatory surgical or care facility,
42 community health center, medical doctor's office, dentist's office,
43 podiatrist's office, home health care agency, health care facility,
44 hospital, medical clinic, morgue, nursing home, urgent care center,
45 sterile syringe access program operating pursuant to sections 3 and
46 4 of P.L.2006, c.99 (C.26:5C-27 and C.26:5C-28), veterinary office
47 or clinic, animal, biological, clinical, medical, microbiological, or
48 pathological diagnostic or research laboratory, any of which

1 generates regulated medical waste, or any other facility identified
2 by the departments that generates regulated medical waste.
3 "Generator" shall not include individual households utilizing home
4 self-care.

5 "Health care professional" means a person licensed or otherwise
6 authorized pursuant to Title 45 of the Revised Statutes to practice a
7 health care profession that is regulated by one of the following
8 boards: the State Board of Medical Examiners, the New Jersey
9 Board of Nursing, the New Jersey State Board of Dentistry, the
10 New Jersey State Board of Pharmacy, the Acupuncture Examining
11 Board, or the State Board of Veterinary Medical Examiners.

12 "Regulated medical waste" means blood vials; cultures and
13 stocks of infectious agents and associated biologicals, including
14 cultures from medical and pathological laboratories, cultures and
15 stocks of infectious agents from research and industrial laboratories,
16 wastes from the production of biologicals, discarded live and
17 attenuated vaccines, and culture dishes and devices used to transfer,
18 inoculate, and mix cultures; pathological wastes, including tissues,
19 organs, and body parts that are removed during surgery or autopsy;
20 waste human blood and products of blood, including serum, plasma,
21 and other blood components; sharps that have been used in patient
22 care or in medical, research, or industrial laboratories engaged in
23 medical research, testing, or analysis of diseases affecting the
24 human body, including hypodermic needles, syringes, Pasteur
25 pipettes, broken glass, and scalpel blades; contaminated animal
26 carcasses, body parts, and bedding of animals that were exposed to
27 infectious agents during research, production of biologicals, or
28 testing of pharmaceuticals; any other substance or material related
29 to the transmission of disease as may be deemed appropriate by the
30 departments; and any other substance or material as may be
31 required to be regulated by, or permitted to be exempted from, the
32 Federal Act. The departments may adopt, by rule or regulation and
33 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
34 (C.52:14B-1 et seq.), a more specific definition of regulated
35 medical waste upon the expiration of the demonstration program
36 established under the Federal Act.

37 "Noncommercial facility" means a facility or on-site generator,
38 as the case may be, which accepts regulated medical waste from
39 other generators for on-site disposal for a cost-based fee not in
40 excess of the costs actually incurred by the facility or on-site
41 generator for the treatment or disposal of the regulated medical
42 waste.

43 "Transporter" means a person engaged in the collection or
44 transportation of regulated medical waste.
45 (cf: P.L.2006, c.99, s.9)

46
47 3. Section 23 of P.L.1989, c.34 (C.13:1E-48.23) is amended to
48 read as follows:

1 23. a. The departments, after hearing, may revoke or suspend
2 the registration issued to any transporter or facility upon a finding
3 that the transporter or facility has:

4 [a.] (1) violated this act, or any rule, regulation, or
5 administrative order adopted or issued pursuant thereto;

6 [b.] (2) violated any law, or any rule, regulation, or
7 administrative order adopted or issued pursuant thereto, related to
8 pollution of the environment or endangerment of the public health;
9 or

10 [c.] (3) refused or failed to comply with any lawful order of
11 either of the departments.

12 b. If the transporter or facility continues to operate while
13 suspended the departments shall revoke the registration and
14 authorization of the transporter or facility to operate in the State.
15 After completion of the term of suspension, a transporter or facility
16 may, after a hearing, reapply to the departments to have their
17 registration, or other authorization to operate, reissued or reinstated.

18 (1) If a violation involving the illegal or improper disposal of
19 regulated medical waste in New Jersey is committed by a
20 transporter or facility that is registered and authorized in another
21 state, the Attorney General of New Jersey shall notify the Attorney
22 General or other equivalent authority of that state within 30 days.

23 (2) If information concerning a transporter or facility registered
24 and authorized in this State and found in violation of another state's
25 medical waste disposal laws is received by the Attorney General or
26 another State governmental entity, the Attorney General or other
27 State governmental entity shall forward the information to the
28 departments. Within 60 days, the departments shall determine if the
29 information is sufficient to hold a hearing and consider the
30 suspension or revocation of any registration or other authorization
31 to operate, pursuant to this section.

32 (cf: P.L.1989, c.34, s.23)

33

34 4. (New section) If, after a hearing, the Commissioner of
35 Environmental Protection and Commissioner of Health and Senior
36 Services determine that a generator is in violation of P.L.1989, c.34
37 (C.13:1E-48.1 et al.), or any rule or regulation adopted pursuant
38 thereto, and the violation relates to the willful illegal or improper
39 disposal of regulated medical waste, the Department of
40 Environmental Protection and Department of Health and Senior
41 Services, in addition to any other applicable penalties, may suspend
42 or revoke the generator's registration issued by the departments for
43 the generator to operate in the State. After completion of the term
44 of suspension, a generator may, after a hearing, reapply to the
45 department to have their registration reissued.

46 a. If a violation involving the illegal or improper disposal of
47 regulated medical waste in New Jersey is committed by a generator
48 that is registered and authorized in another state, the Attorney

1 General of New Jersey shall notify the Attorney General or other
2 equivalent authority of that state within 30 days.

3 b. If information concerning a generator who is registered in
4 this State and found in violation of another state's medical waste
5 disposal laws is received by the Attorney General or another State
6 governmental entity, the Attorney General or other State
7 governmental entity shall forward the information to the
8 departments. Within 60 days, the departments shall determine if the
9 information is sufficient to hold a hearing and consider the
10 suspension or revocation of any registration or other authorization
11 to operate, pursuant to this section.

12
13 5. (New section) In addition to any other applicable penalties,
14 if, after a hearing, the Commissioner of Environmental Protection
15 or Commissioner of Health and Senior Services determines that a
16 violation of P.L.1989, c.34 (C.13:1E-48.1 et al.), or any rule or
17 regulation adopted pursuant thereto, has been committed by a health
18 care professional, then the appropriate professional licensing board
19 of the health care professional, or the Division of Consumer Affairs
20 in the Department of Law and Public Safety, as the case may be,
21 after a hearing, may suspend or revoke the health care
22 professional's license or other authorization to practice in the State.
23 After completion of the term of suspension, a health care
24 professional may, after a hearing, reapply to the appropriate
25 professional licensing board of the health care professional, or the
26 Division of Consumer Affairs, to have their license reinstated.

27 a. If a violation is committed by a health care professional who
28 is licensed or residing in another state, the Attorney General of New
29 Jersey shall notify the Attorney General or other equivalent
30 authority of that state within 30 days.

31 b. If information concerning a health care professional licensed
32 in this State and found in violation of another state's medical waste
33 disposal laws is received by the Attorney General or another State
34 governmental entity, the Attorney General or the other State
35 governmental entity shall forward the information to the appropriate
36 professional licensing board, or the Division of Consumer Affairs
37 as the case may be. Within 60 days, the appropriate professional
38 licensing board or the division shall determine if the information is
39 sufficient to hold a hearing and consider the licensure suspension
40 under this section.

41
42 6. (New section) If a violation of P.L.1977, c.74 (C.58:10A-1
43 et seq.) involves the willful illegal or improper disposal of regulated
44 medical waste, as defined pursuant to section 3 of P.L.1989, c.34
45 (C.13:1E-48.3), and the person found guilty or liable for the
46 violation is a health care professional, facility, generator, or
47 transporter, as also defined under P.L.1989, c.34, the violator shall
48 also be subject to any applicable penalties under P.L.1989, c.34
49 (C.13:1E-48.1 et al.), including but not limited to the suspension

1 and revocation provisions of section 23 of P.L.1989, c.34 (C.13:1E-
2 48.23) and sections 4 and 5 of P.L. , c. (C.) (pending before
3 the Legislature as this bill).

4

5 7. Section 3 of P.L.1988, c.61 (C.58:10A-49) is amended to
6 read as follows:

7 3. a. (1) A person who intentionally dumps any material into
8 the ocean waters within the jurisdiction of this State, or into the
9 waters outside the jurisdiction of this State, which material enters
10 the ocean waters within the jurisdiction of this State, is guilty of a
11 crime of the third degree.

12 (2) If the violation involves the willful illegal or improper
13 disposal of regulated medical waste, as defined pursuant to section
14 3 of P.L.1989, c.34 (C.13:1E-48.3), and the person found guilty or
15 liable for the violation is a health care professional, facility,
16 generator, or transporter, as also defined under P.L.1989, c.34, the
17 violation shall also be subject to any applicable penalties under
18 P.L.1977, c.74 (C.58:10A-1 et seq.) and P.L.1989, c.34 (C.13:1E-
19 48.1 et al.), including but not limited to the suspension and
20 revocation provisions of section 23 of P.L.1989, c.34 (C.13:1E-
21 48.23) and sections 4 and 5 of P.L. , c. (C.) (pending before
22 the Legislature as this bill).

23 b. Of the monetary penalty imposed pursuant to this section,
24 10% shall be paid to the Department of Environmental Protection
25 from the General Fund if the Attorney General determines that a
26 person or persons are entitled to a reward pursuant to subsection c.
27 of this section.

28 c. Any person who provides information to an enforcing
29 authority concerning a violation of this act that proximately results
30 in the imposition and collection of a criminal penalty as the result
31 of a criminal action brought pursuant to this act shall be entitled to a
32 reward of 10% of the penalty collected. The reward shall be paid
33 by the department from moneys received pursuant to subsection b.
34 of this section. If more than one person is entitled to a reward, the
35 Attorney General shall determine the percentage of the reward that
36 each person shall receive. The Attorney General shall adopt,
37 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
38 (C.52:14B-1 et seq.), rules and regulations necessary to implement
39 this section, including procedures to assure the anonymity of the
40 person or persons providing the information to the enforcing
41 authority when appropriate.

42 (cf: P.L.1988, c.61, s.3)

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44 8. This act shall take effect immediately.

STATEMENT

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This bill allows for the suspension or revocation of the license of certain health care professionals and medical waste facilities, generators, and transporters for willful illegal or improper medical waste disposal found in violation of the State's medical waste anti-dumping laws.

Under the bill, a health care professional, facility, generator, or transporter, found in willful violation of the State's medical waste anti-dumping laws, rules, or regulations, may have their applicable license, registration or other authorization to practice suspended or revoked. If the violator continues to operate or practice while suspended, the registration or license would be revoked. After the completion of the term of suspension, the suspended violator may, after a hearing, reapply to the appropriate professional licensing board, the Department of Environmental Protection (DEP), the Department of Health and Senior Services, or the Division of Consumer Affairs in the Department of Law and Public Safety, as the case may be, to have their license or registration reissued.

The bill also requires the New Jersey Attorney General to notify within 30 days another state's Attorney General, or equivalent, upon finding a health care professional, facility, generator, or transporter of that state was in violation of New Jersey's medical waste disposal law. In addition, the bill requires that upon receipt of information from another state that a violator was from New Jersey and violated that state's medical waste disposal laws, the information would be forwarded to the appropriate State authority. Within 60 days, the appropriate State authority would determine if the information is sufficient to hold a hearing and consider the suspension or revocation of any license, registration, or other authorization to operate.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 2190

STATE OF NEW JERSEY

DATED: SEPTEMBER 20, 2012

The Senate Commerce Committee reports favorably Senate Bill No. 2190.

This bill suspends the license of certain health care professionals and medical waste facilities, generators, and transporters for willful illegal or improper medical waste disposal found in violation of the State's medical waste anti-dumping laws.

Under the bill, a health care professional, facility, generator, or transporter, found in willful violation of the State's medical waste anti-dumping laws, rules, or regulations, would have their applicable license, registration or other authorization to practice suspended for at least three years. If the violator continues to operate or practice while suspended, the registration or license would be revoked. After three years, the suspended violator may, after a hearing, reapply to the appropriate professional licensing board, the Department of Environmental Protection, the Department of Health and Senior Services, or the Division of Consumer Affairs in the Department of Law and Public Safety, as the case may be, to have their license or registration reissued.

The bill also requires the New Jersey Attorney General to notify within 30 days another state's Attorney General, or equivalent, upon finding a health care professional, facility, generator, or transporter of that state was in violation of New Jersey's medical waste disposal law. In addition, the bill requires that upon receipt of information from another state that a violator was from New Jersey and violated that state's medical waste disposal laws, the information would be forwarded to the appropriate State authority. Within 60 days, the appropriate State authority is required to determine if the information is sufficient to hold a hearing and consider the suspension or revocation of any license, registration, or other authorization to operate.