

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, 56.3, 56.4, 56.5, and 56.6 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
12 Act to accept municipal waste for disposal, if both:

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

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

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

21 (c) Beginning July 1, 1992, cause or allow the
22 delivery of any potentially infectious medical waste to a
23 person or facility for storage, treatment, or transfer

1 that does not have a permit issued by the agency to receive
2 potentially infectious medical waste, unless no permit is
3 required under subsection (g) (1).

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

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

11 (2) the potentially infectious medical waste is
12 accompanied by completed shipping papers meeting the
13 requirements of the federal hazardous materials
14 transportation regulations (Title 49 CFR Subtitle B,
15 Chapter I, Subchapter C) if required under subsection
16 (h) a potentially infectious medical waste manifest is
17 completed for the waste if a manifest is required
18 under subsection (h).

19 (e) Cause or allow the acceptance of any potentially
20 infectious medical waste for purposes of transport,
21 storage, treatment, or transfer except in accordance with
22 Board regulations.

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

25 (1) Without a permit issued by the Agency to
26 transport potentially infectious medical waste. No

1 permit is required under this provision (f) (1) for:

2 (A) a person transporting potentially
3 infectious medical waste generated solely by that
4 person's activities;

5 (B) noncommercial transportation of less than
6 50 pounds of potentially infectious medical waste
7 at any one time; or

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

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

11 (3) In violation of any regulation adopted by the
12 Board.

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

15 (g) Beginning July 1, 1992, conduct any potentially
16 infectious medical waste treatment, storage, or transfer
17 operation:

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

23 (A) Person conducting a potentially infectious
24 medical waste treatment, storage, or transfer
25 operation for potentially infectious medical waste
26 generated by the person's own activities that are

1 treated, stored, or transferred within the site
2 where the potentially infectious medical waste is
3 generated.

4 (B) Hospital that treats, stores, or transfers
5 only potentially infectious medical waste
6 generated by its own activities or by members of
7 its medical staff.

8 (C) Sharps collection station that is operated
9 in accordance with Section 56.7.

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

12 (3) in violation of any regulation adopted by the
13 Board.

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

16 (h) Transport potentially infectious medical waste
17 unless the transporter carries completed shipping papers
18 for the potentially infectious medical waste that meet the
19 requirements of the federal hazardous materials
20 transportation regulations as set forth in 49 CFR Subtitle
21 B, Chapter I, Subchapter C ~~a completed potentially~~
22 ~~infectious medical waste manifest~~. No manifest or shipping
23 papers are ~~is~~ required under this Title for the
24 transportation of:

25 (1) potentially infectious medical waste being
26 transported by generators who generated the waste by

1 their own activities, when the potentially infectious
2 medical waste is transported within or between sites
3 or facilities owned, controlled, or operated by that
4 person;

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

8 (3) potentially infectious medical waste by the
9 U.S. Postal Service.

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

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

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

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

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

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

15 (C) Notwithstanding subsection (A) or any other provision
16 of law, including the Vital Records Act, tissue and products
17 from an abortion, as defined in Section 1-10 of the
18 Reproductive Health Act, or a miscarriage may be buried,
19 entombed, or cremated.

20 (Source: P.A. 101-13, eff. 6-12-19.)

21 (415 ILCS 5/56.3) (from Ch. 111 1/2, par. 1056.3)

22 Sec. 56.3. Commencing March 31, 1993, and annually
23 thereafter, each transporter of potentially infectious medical
24 waste required to have a permit under subsection (f) of
25 Section 56.1 of this Act, each facility for which a permit is

1 required under subsection (g) of Section 56.1 of this Act that
2 stores, treats, or transfers potentially infectious medical
3 waste and each facility not required to have a permit under
4 subsection (g) of Section 56.1 of this Act that treats more
5 than 50 pounds per month of potentially infectious medical
6 waste shall file a report with the Agency specifying the
7 quantities and disposition of potentially infectious medical
8 waste transported, stored, treated, disposed, or transferred
9 during the previous calendar year. Such reports shall be on
10 forms and in a format prescribed ~~and provided~~ by the Agency.
11 (Source: P.A. 87-752; 87-1097.)

12 (415 ILCS 5/56.4) (from Ch. 111 1/2, par. 1056.4)
13 Sec. 56.4. Potentially infectious medical ~~Medical~~ waste
14 manifests and shipping papers.

15 (a) Until January 1, 2027, manifests ~~Manifests~~ for
16 potentially infectious medical waste shall consist of an
17 original (the first page of the form) and 3 copies. Upon
18 delivery of potentially infectious medical waste by a
19 generator to a transporter, the transporter shall deliver one
20 copy of the completed manifest to the generator. Upon delivery
21 of potentially infectious medical waste by a transporter to a
22 treatment or disposal facility, the transporter shall keep one
23 copy of the completed manifest, and the transporter shall
24 deliver the original and one copy of the completed manifest to
25 the treatment or disposal facility. The treatment or disposal

1 facility shall keep one copy of the completed manifest and
2 return the original to the generator within 35 days. The
3 manifest, as provided for in this Section, shall not terminate
4 while being transferred between the generator, transporter,
5 transfer station, or storage facility, unless transfer
6 activities are conducted at the treatment or disposal
7 facility. The manifest shall terminate at the treatment or
8 disposal facility.

9 (b) Until January 1, 2027, potentially ~~Potentially~~
10 infectious medical waste manifests shall be on forms and in a
11 format ~~in a form~~ prescribed ~~and provided~~ by the Agency.
12 Generators and transporters of potentially infectious medical
13 waste and facilities accepting potentially infectious medical
14 waste are not required to submit copies of such manifests to
15 the Agency. The manifest described in this Section shall be
16 used for the transportation of potentially infectious medical
17 waste instead of the manifest described in Section 22.01 of
18 this Act. Copies of each manifest shall be retained for 3 years
19 by generators, transporters, and facilities, and shall be
20 available for inspection and copying by the Agency.

21 (c) (Blank). ~~The Agency shall assess a fee of \$4.00 for~~
22 ~~each potentially infectious medical waste manifest provided by~~
23 ~~the Agency.~~

24 (d) All fees collected by the Agency under this Section
25 shall be deposited into the Environmental Protection Permit
26 and Inspection Fund. The Agency may establish procedures

1 relating to the collection of fees under this Section. The
2 Agency shall not refund any fee paid to it under this Section.

3 (e) Beginning January 1, 2027, shipping papers required
4 under this Title for potentially infectious medical waste
5 shall satisfy the requirements for shipping papers under the
6 federal hazardous materials transportation regulations as set
7 forth in 49 CFR Subtitle B, Chapter I, Subchapter C.

8 (Source: P.A. 93-32, eff. 7-1-03.)

9 (415 ILCS 5/56.5) (from Ch. 111 1/2, par. 1056.5)

10 Sec. 56.5. Potentially infectious medical ~~Medical~~ waste
11 hauling fees.

12 (a) Permit applicants ~~The Agency~~ shall annually pay to the
13 Agency ~~collect~~ a \$2,000 ~~\$2000~~ fee for each potentially
14 infectious medical waste hauling permit application and, in
15 addition, shall pay to the Agency ~~collect~~ a fee of \$250 for
16 each potentially infectious medical waste hauling vehicle
17 identified in the annual permit application and for each
18 vehicle that is added to the permit during the annual period.
19 Each applicant required to pay a fee under this Section shall
20 submit the fee along with the permit application. The Agency
21 shall deny any permit application for which a fee is required
22 under this Section that does not contain the appropriate fee.

23 (b) All fees collected by the Agency under this Section
24 shall be deposited into the Environmental Protection Permit
25 and Inspection Fund. The Agency may establish procedures

1 relating to the collection of fees under this Section. The
2 Agency shall not refund any fee paid to it under this Section.

3 (c) The Agency shall not collect a fee under this Section
4 from any hospital that transports only potentially infectious
5 medical waste generated by its own activities or by members of
6 its medical staff.

7 (Source: P.A. 93-32, eff. 7-1-03.)

8 (415 ILCS 5/56.6) (from Ch. 111 1/2, par. 1056.6)

9 Sec. 56.6. Potentially infectious medical ~~Medical~~ waste
10 transportation fees.

11 (a) Each ~~The Agency shall collect from each~~ transporter of
12 potentially infectious medical waste required to have a permit
13 under Section 56.1(f) of this Act shall pay to the Agency a fee
14 in the amount of 5 ~~3~~ cents per pound of potentially infectious
15 medical waste transported. Each ~~The Agency shall collect from~~
16 ~~each~~ transporter of potentially infectious medical waste not
17 required to have a permit under Section 56.1(f)(1)(A) of this
18 Act shall pay to the Agency a fee in the amount of 5 ~~3~~ cents
19 per pound of potentially infectious medical waste transported
20 to a site or facility not owned, controlled, or operated by the
21 transporter. The Agency shall deny any permit required under
22 Section 56.1(f) of this Act from any applicant who has not paid
23 to the Agency all fees due under this Section.

24 A ~~fee in the amount of 3 cents per pound of potentially~~
25 ~~infectious medical waste shall be collected by the Agency from~~

1 a potentially infectious medical waste storage site or
2 treatment facility receiving potentially infectious medical
3 waste shall pay to the Agency a fee in the amount of 5 cents
4 per pound of potentially infectious medical waste received,
5 unless the fee has been previously paid by a transporter.

6 (b) The Agency shall establish procedures, ~~not later than~~
7 ~~January 1, 1992,~~ relating to the payment of fees under
8 ~~collection of the fees authorized by~~ this Section. These
9 procedures shall include, but not be limited to: (i) necessary
10 records identifying the quantities of potentially infectious
11 medical waste transported or received; (ii) the form and
12 submission of reports to accompany the payment of fees to the
13 Agency; and (iii) the time and manner of payment of fees to the
14 Agency, which payments shall be not more often than quarterly.

15 (c) All fees collected by the Agency under this Section
16 shall be deposited into the Environmental Protection Permit
17 and Inspection Fund. The Agency may establish procedures
18 relating to the collection of fees under this Section. The
19 Agency shall not refund any fee paid to it under this Section.

20 (d) The Agency shall not collect a fee under this Section
21 from a person transporting potentially infectious medical
22 waste to a hospital when the person is a member of the
23 hospital's medical staff.

24 (Source: P.A. 93-32, eff. 7-1-03.)

25 Section 99. Effective date. This Act takes effect January
26 1, 2027.