

The House Committee on Public Safety and Homeland Security offers the following substitute to HB 149:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 35 of the Official Code of Georgia Annotated, relating to law enforcement
2 officers and agencies, so as to provide for the comprehensive regulation of trauma scene
3 cleanup services; to provide for definitions; to provide for registration requirements; to
4 provide for qualifications; to provide for penalties for violations; to provide for emergencies;
5 to provide for rules and regulations; to provide for related matters; to provide an effective
6 date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and
10 agencies, is amended by adding a new chapter to read as follows:

11 "CHAPTER 11

12 35-11-1.

13 As used in this chapter, the term:

14 (1) 'Bureau' means the Georgia Bureau of Investigation.

15 (2) 'Director' means the director of the Georgia Bureau of Investigation.

16 (3) 'Pathogen' means a microorganism, including bacteria, viruses, rickettsiae, and
17 parasites, or other agent, such as a proteinaceous infectious particle or prion, that can
18 cause disease in humans.

19 (4) 'Potentially infectious material' means material known or reasonably expected to
20 contain a pathogen.

21 (5) 'Regulated biomedical waste' means and includes the following:

22 (A) Pathological waste, which includes all recognizable human tissues and body parts
23 except teeth;

24 (B) Biological waste, which includes blood and blood products, exudates secretions,
25 suctionings, and other body fluids which contain free liquids and cannot be or are not
26 directly discarded into a municipal sewer system; and

27 (C) Sharps, which includes any discarded article that may cause punctures or cuts
28 including, but not limited to, items such as needles, IV tubing and syringes with needles
29 attached, and scalpel blades.

30 (6) 'Trauma scene' means a location soiled by or contaminated with potentially infectious
31 material or regulated biomedical waste due to the occurrence of a homicide or suicide,
32 or the occurrence of a death of a human being in which there is advanced decomposition
33 of the body; provided, however, that such term shall not include the scene of a motor
34 vehicle accident or locations which are subject to the laws and regulations of the federal
35 Occupational Safety and Health Administration.

36 (7) 'Trauma scene waste' means regulated biomedical waste and potentially infectious
37 material that has been removed, is to be removed, or is in the process of being removed
38 from a trauma scene.

39 (8) 'Trauma scene waste management practitioner' means the owner of any interest in a
40 commercial enterprise for the cleanup or removal of trauma scene waste and who is
41 registered with the bureau pursuant to this chapter.

42 35-11-2.

43 (a) A trauma scene waste management practitioner shall be registered with the bureau on
44 forms provided by and in a manner as directed by the bureau. Such registration shall be in
45 addition to and not in place of any other registrations or licenses from other state agencies
46 required by law. No county or municipal governments shall be authorized to require
47 licenses, registrations, or permits for trauma scene waste management practitioners in this
48 state.

49 (b) The bureau, upon its approval of an application, shall issue a registration to a trauma
50 scene waste management practitioner who meets the qualifications for such registration and
51 who submits a completed application form and registration fee. Such registration shall be
52 valid for a period of three years from the date of issuance and may be renewed for
53 additional three-year periods.

54 (c) Trauma scene waste management practitioners shall pay an initial licensing fee of
55 \$275.00 to the bureau and, for each subsequent renewal of such registration, shall pay to
56 the bureau a registration renewal fee of \$275.00.

57 35-11-3.

58 The bureau shall maintain a current list of all registered trauma scene waste management
59 practitioners on the bureau's website.

60 35-11-4.

61 (a) Each trauma scene waste management practitioner shall, prior to being registered,
62 submit to a fingerprint based criminal background check conducted by the Georgia Crime
63 Information Center and Federal Bureau of Investigation. No person who has been
64 convicted of any felony under the laws of this state or any another state or the federal
65 government shall be issued a trauma scene waste management practitioner registration.
66 Each trauma scene waste management practitioner shall submit to a fingerprint based
67 criminal background check conducted by the Georgia Crime Information Center and
68 Federal Bureau of Investigation every three years following such initial background check.

69 (b) Each trauma scene waste management practitioner shall, upon approval of his or her
70 registration by the bureau, submit to the bureau a bond executed with a surety company
71 duly authorized to do business in this state and payable to the Governor for the use and
72 benefit of any person who is harmed by such trauma scene waste management practitioner
73 or his or her employee or an independent contractor of such trauma scene waste
74 management practitioner in the performance of trauma scene waste management services.
75 The bond shall be in the amount of \$100,000.00. The bond shall be approved by the
76 bureau as to form and the solvency of the surety. No trauma scene waste management
77 practitioner or surety shall cancel, or cause to be canceled, a bond issued pursuant to this
78 subsection unless the director is informed in writing by a certified letter at least 30 days
79 prior to the proposed cancellation. If the trauma scene waste management practitioner or
80 surety cancels the bond and the trauma scene waste management practitioner fails to
81 submit, within ten days of the effective date of the cancellation, a new bond, the director
82 shall revoke such trauma scene waste management practitioner's registration.

83 (c) Each trauma scene waste management practitioner shall provide the bureau with proof
84 of liability insurance coverage for the trauma scene waste management practitioner and his
85 or her employees and independent contractors of such trauma scene waste management
86 practitioner who perform trauma scene waste management services in the amount of at
87 least \$1 million for each occurrence. No trauma scene waste management practitioner shall
88 cancel, or cause to be canceled, a liability insurance policy issued pursuant to this
89 subsection unless the director is informed in writing by a certified letter at least 30 days
90 prior to the proposed cancellation. If the trauma scene waste management practitioner
91 cancels the liability insurance policy and the trauma scene waste management practitioner
92 fails to submit, within ten days of the effective date of the cancellation, a new liability

93 insurance policy that meets the requirements of this subsection, the director shall revoke
94 such trauma scene waste management practitioner's registration.

95 (d) Each trauma scene waste management practitioner shall be responsible and liable for
96 the acts of his or her employees and independent contractors of such trauma scene waste
97 management practitioner who perform trauma scene waste management services while
98 performing such services.

99 35-11-5.

100 (a) As used in this Code section, the term 'person' means: an individual; any corporate
101 entity or form authorized by law, including any of its subsidiaries or affiliates; or any
102 officer, director, board member, or employee of any corporate entity or form authorized by
103 law.

104 (b) No person shall perform, offer to perform, or engage in the cleanup of a trauma scene
105 or the removal or remediation of regulated biomedical waste from any location unless such
106 person is registered in accordance with this chapter.

107 (c) Any individual who violates this Code section shall, upon the first conviction thereof,
108 be guilty of a misdemeanor of a high and aggravated nature. Upon the second or
109 subsequent convictions, such individual shall be guilty of a felony and shall be sentenced
110 to imprisonment for not less than one nor more than three years, a fine not to
111 exceed \$10,000.00, or both.

112 (d) Any corporate entity or form authorized by law, including any of its subsidiaries or
113 affiliates, that violates this Code section shall, upon the first conviction thereof, be guilty
114 of a misdemeanor of a high and aggravated nature. Upon the second or subsequent
115 convictions, such corporate entity or form authorized by law, including any of its
116 subsidiaries or affiliates, shall be guilty of a felony and shall be sentenced to pay a fine not
117 to exceed \$10,000.00.

118 35-11-6.

119 On and after January 1, 2018, it shall be against public policy for any person who is not
120 properly registered under this chapter to seek to recover from the owner of any property
121 or any other person the cost of the cleanup, removal, or remediation of trauma scene waste
122 at, in, or on such property.

123 35-11-7.

124 (a) As used in this Code section, the term 'person' shall have the same meaning as provided
125 in Code section 35-11-5.

126 (b) Any person who is found to have violated any provision of this chapter shall be subject
 127 to a civil fine in an amount not to exceed \$25,000.00 for each such violation following an
 128 administrative hearing by the director.

129 35-11-8.

130 Each trauma scene waste management practitioner registered under this chapter, prior to
 131 beginning the cleanup, removal, or remediation of trauma scene waste, shall provide the
 132 individual who requested such services with a good faith estimate of the expected costs of
 133 such services.

134 35-11-9.

135 In the event of a declared public health emergency or a state of emergency, the director
 136 shall be authorized to issue temporary registrations to persons to be trauma scene waste
 137 management practitioners under such limiting conditions as the director deems appropriate
 138 under such circumstances. Such temporary registrations shall terminate at such time as
 139 may be specified by the director, but, in any event, not later than 90 days from their
 140 issuance.

141 35-11-10.

142 The board shall be authorized to promulgate such rules and regulations as it deems
 143 necessary in order to effectuate and implement the provisions of this chapter.

144 35-11-11.

145 (a) As used in this Code section, the term 'person' shall have the same meaning as provided
 146 in Code section 35-11-5.

147 (b) Nothing in this chapter shall apply to a medical practice or medical facility or a
 148 subsidiary thereof that is subject to the laws and regulations of the federal Occupational
 149 Safety and Health Administration.

150 (c) Nothing in this chapter shall apply to the clean up of property owned by a person by
 151 such person."

152 **SECTION 2.**

153 This Act shall become effective on January 1, 2018.

154 **SECTION 3.**

155 All laws and parts of laws in conflict with this Act are repealed.