

House Bill 149 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Powell of the 32<sup>nd</sup>, Lumsden of the 12<sup>th</sup>, Collins of the 68<sup>th</sup>, Jasperse of the 11<sup>th</sup>, Gravley of the 67<sup>th</sup>, and others

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 or is an employee or independent  
107 contractor of such person registered in accordance with this chapter.

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

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

119 35-11-6.

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

124 35-11-7.

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

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

130 35-11-8.

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

135 35-11-9.

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

142 35-11-10.

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

145 35-11-11.

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

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

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

153 **SECTION 2.**

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

155 **SECTION 3.**

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