

IC 16-41-16

Chapter 16. Communicable Disease: Treatment of Infectious Waste

IC 16-41-16-1

Application of chapter

Sec. 1. (a) This chapter applies to persons and facilities that handle infectious waste, including the following:

- (1) Hospitals.
- (2) Ambulatory surgical facilities.
- (3) Medical laboratories.
- (4) Diagnostic laboratories.
- (5) Blood centers.
- (6) Pharmaceutical companies.
- (7) Academic research laboratories.
- (8) Industrial research laboratories.
- (9) Health facilities.
- (10) Offices of health care providers.
- (11) Diet or health care clinics.
- (12) Offices of veterinarians.
- (13) Veterinary hospitals.
- (14) Emergency medical services providers.
- (15) Mortuaries.

(b) Except as provided in sections 2, 4, and 7.5 of this chapter, this chapter does not apply to:

- (1) home health agencies; or
- (2) hospice services delivered in the home of a hospice patient.

As added by P.L.2-1993, SEC.24. Amended by P.L.146-1996, SEC.5.

IC 16-41-16-2

Contaminated sharp

Sec. 2. (a) As used in this chapter, "contaminated sharp" means an object that meets the following conditions:

- (1) Is capable of cutting or penetrating the skin.
- (2) Has been in contact with blood or body fluids.

(b) The term includes a hypodermic or suture needle, syringe, scalpel blade, pipette, lancet, or broken glass.

As added by P.L.2-1993, SEC.24.

IC 16-41-16-3

Effective treatment

Sec. 3. (a) As used in this chapter, "effective treatment" means treatment that meets the following conditions:

- (1) Reduces the pathogenic qualities of infectious waste to a point where the waste is safe to handle.
- (2) Is designed for the specific waste involved.
- (3) Is carried out in a manner consistent with rules adopted by the state department under section 8 of this chapter.

(b) The term includes the following:

- (1) Incineration.

- (2) Steam sterilization.
- (3) Chemical disinfection.
- (4) Thermal inactivation.
- (5) Irradiation.

As added by P.L.2-1993, SEC.24.

IC 16-41-16-4

Infectious waste

Sec. 4. (a) Except as provided in subsection (c), as used in this chapter, "infectious waste" means waste that epidemiologic evidence indicates is capable of transmitting a dangerous communicable disease (as defined by rule adopted under IC 16-41-2-1).

(b) The term includes the following:

- (1) Pathological wastes.
- (2) Biological cultures and associated biologicals.
- (3) Contaminated sharps.
- (4) Infectious agent stock and associated biologicals.
- (5) Blood and blood products in liquid or semiliquid form.
- (6) Laboratory animal carcasses, body parts, and bedding.
- (7) Wastes (as described under section 8 of this chapter).

(c) "Infectious waste", as the term applies to a:

- (1) home health agency; or
- (2) hospice service delivered in the home of a hospice patient;

includes only contaminated sharps.

As added by P.L.2-1993, SEC.24. Amended by P.L.146-1996, SEC.6.

IC 16-41-16-5

Pathological waste

Sec. 5. As used in this chapter, "pathological waste" includes:

- (1) tissues;
- (2) organs;
- (3) body parts; and
- (4) blood or body fluids in liquid or semiliquid form;

that are removed during surgery, biopsy, or autopsy.

As added by P.L.2-1993, SEC.24.

IC 16-41-16-6

Secure area

Sec. 6. As used in this chapter, "secure area" means an area that is designed and maintained to prevent the entry of unauthorized persons.

As added by P.L.2-1993, SEC.24.

IC 16-41-16-7

Treatment of infectious waste

Sec. 7. (a) Before infectious waste is placed in an area that is not a secure area and before the waste is sent for final disposal, all infectious waste must be:

- (1) effectively treated on site; or
- (2) transported off site for effective treatment;

according to rules adopted under section 8 of this chapter.

(b) A facility shall treat liquid infectious waste or excreta that are infectious waste as required by subsection (a) or flush the liquid infectious waste or excreta that are infectious waste in compliance with rules adopted under IC 4-22-2.

As added by P.L.2-1993, SEC.24.

IC 16-41-16-7.5

Treatment of noninfectious waste

Sec. 7.5. Any waste that is not infectious waste (as defined in section 4(c) of this chapter) must be double bagged and tied to protect handlers.

As added by P.L.146-1996, SEC.7.

IC 16-41-16-8

Rules

Sec. 8. (a) After consulting with an advisory committee composed of representatives of persons or facilities that handle infectious wastes, the state department shall adopt rules under IC 4-22-2 necessary to carry out this chapter.

(b) The state department shall adopt rules under this section after considering the guidelines of the following:

- (1) United States Environmental Protection Agency.
- (2) United States Centers for Disease Control.
- (3) United States Occupational Safety and Health Administration.
- (4) State department of labor.
- (5) State department of environmental management.

(c) The state department shall adopt rules under this section that establish an alternative to 410 IAC 1-3-28 to allow a person or facility that transports infectious waste offsite to label each container of infectious waste in a manner that:

- (1) does not specifically identify the generating facility or treatment facility; and
- (2) ensures that the identity of the generating facility or treatment facility may be readily obtained based on the label information.

As added by P.L.2-1993, SEC.24. Amended by P.L.128-1997, SEC.9.

IC 16-41-16-9

Inspections on private property

Sec. 9. (a) The state department may designate an agent who may enter on private property to inspect for and investigate possible violations of this chapter or rules adopted under this chapter if the following conditions are met:

- (1) The agent has probable cause to believe that evidence of a health threat exists on private property.
 - (2) The agent presents proper credentials.
 - (3) Emergency circumstances exist or a warrant is issued.
- (b) This section does not impair the authority of the state

department to enter public or private property as authorized by law.
As added by P.L.2-1993, SEC.24.

IC 16-41-16-10

Orders of compliance; civil penalties

Sec. 10. (a) The state department may commence an action under IC 4-21.5-3-6 or IC 4-21.5-4 for issuance of an order of compliance and a civil penalty not to exceed one thousand dollars (\$1,000) per violation per day against a person who:

- (1) fails to comply with this chapter or a rule adopted under this chapter; or
- (2) interferes with or obstructs the state department or the state department's designated agent in the performance of official duties under this chapter or a rule adopted under this chapter.

(b) The state department may commence an action against a facility licensed by the state department under either subsection (a) or the licensure statute for that facility, but the state department may not bring an action arising out of one (1) incident under both statutes.

As added by P.L.2-1993, SEC.24.

IC 16-41-16-11

Violations

Sec. 11. (a) Except as otherwise provided, a person who recklessly violates or fails to comply with this chapter commits a Class B misdemeanor.

(b) Each day a violation continues constitutes a separate offense.

As added by P.L.2-1993, SEC.24.