

Representative Powell of the 32<sup>nd</sup> offers the following amendment:

1 *Amend HB 149 by striking lines 5 through 58 and inserting in lieu thereof the following:*  
2 to provide for rules and regulations; to provide for exemptions; to provide for related matters;  
3 to provide for legislative intent; to

4 *By striking lines 61 through 6644 and inserting in lieu thereof the following:*

5 **SECTION 1.**

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

8 "CHAPTER 11

9 35-11-1.

10 As used in this chapter, the term:

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

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

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

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

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

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

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

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

27 (6) 'Trauma scene' means a location soiled by or contaminated with potentially infectious  
28 material or regulated biomedical waste due to the occurrence of a homicide or suicide,  
29 or the occurrence of a death of a human being in which there is advanced decomposition  
30 of the body; provided, however, that such term shall not include the scene of a motor

31 vehicle accident or locations which are subject to the laws and regulations of the federal  
32 Occupational Safety and Health Administration.

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

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

39 35-11-2.

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

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

51 (c) Trauma scene waste management practitioners shall pay an initial registration fee of  
52 \$100.00 to the bureau and, for each subsequent renewal of such registration, shall pay to  
53 the bureau a registration renewal fee of \$100.00.

54 35-11-3.

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

57 35-11-4.

58 (a) Each trauma scene waste management practitioner shall, prior to being registered,  
59 submit to a fingerprint based criminal background check conducted by the Georgia Crime  
60 Information Center and Federal Bureau of Investigation. No person who is currently  
61 serving a sentence of incarceration or probation for any felony under the laws of this state  
62 or any other state or the federal government shall be issued a trauma scene waste  
63 management practitioner registration. Each trauma scene waste management practitioner  
64 shall submit to a fingerprint based criminal background check conducted by the Georgia

65 Crime Information Center and Federal Bureau of Investigation every three years following  
66 such initial background check.

67 (b) Each trauma scene waste management practitioner shall, upon approval of his or her  
68 registration by the bureau, submit to the bureau a bond executed with a surety company  
69 duly authorized to do business in this state and payable to the Governor for the use and  
70 benefit of any person who is harmed by such trauma scene waste management practitioner,  
71 his or her employee, or an independent contractor of such trauma scene waste management  
72 practitioner in the performance of trauma scene waste management services. The bond  
73 shall be in the amount of \$25,000.00. The bond shall be approved by the bureau as to form  
74 and the solvency of the surety. No trauma scene waste management practitioner or surety  
75 shall cancel, or cause to be canceled, a bond issued pursuant to this subsection unless the  
76 director is informed in writing by a certified letter at least 30 days prior to the proposed  
77 cancellation. If the trauma scene waste management practitioner or surety cancels the bond  
78 and the trauma scene waste management practitioner fails to submit, within ten days of the  
79 effective date of the cancellation, a new bond, the director shall revoke such trauma scene  
80 waste management practitioner's registration.

81 (c) Each trauma scene waste management practitioner shall provide the bureau with proof  
82 of liability insurance coverage for the trauma scene waste management practitioner, his or  
83 her employees, and independent contractors of such trauma scene waste management  
84 practitioner who perform trauma scene waste management services in the amount of at  
85 least \$100,000.00 for each occurrence. No trauma scene waste management practitioner  
86 or insurance carrier shall cancel, or cause to be canceled, a liability insurance policy issued  
87 pursuant to this subsection unless the director is informed in writing by a certified letter at  
88 least 30 days prior to the proposed cancellation. If the trauma scene waste management  
89 practitioner or insurance carrier cancels the liability insurance policy and the trauma scene  
90 waste management practitioner fails to submit, within ten days of the effective date of the  
91 cancellation, a new liability insurance policy that meets the requirements of this subsection,  
92 the director shall revoke such trauma scene waste management practitioner's registration.

93 (d) Each trauma scene waste management practitioner shall be responsible and liable for  
94 the acts of his or her employees and independent contractors of such trauma scene waste  
95 management practitioner in the performance of trauma scene waste management services.

96 35-11-5.

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

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

105 (c) Any individual who violates this Code section shall be subject to a civil fine not to  
106 exceed \$5,000.00 and punitive action by the director, up to and including revocation of  
107 registration.

108 35-11-6.

109 On and after January 1, 2019, it shall be against public policy for any person who is not  
110 properly registered under this chapter to seek to recover from the owner of any property  
111 or any other person the cost of the cleanup, removal, or remediation of trauma scene waste  
112 at, in, or on such property.

113 35-11-7.

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

118 35-11-8.

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

125 35-11-9.

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

128 35-11-10.

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

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

134 (c) Nothing in this chapter shall apply to the cleanup of property owned by a person by  
135 such person.

136 (d) Nothing in this chapter shall apply to the gratuitous cleanup, removal, or remediation  
137 of trauma scene waste performed for the owner of any property by individuals who are not  
138 doing so as part of a commercial enterprise for the cleanup or removal of trauma scene  
139 waste, including, but not limited to, individuals who are family, friends, or neighbors of  
140 such owner; provided, however, that nothing in this subsection shall prevent such owner  
141 from offering such individuals a gratuity at his or her election."

142 **SECTION 2.**

143 This Act shall become effective on January 1, 2019.

144 **SECTION 3.**

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