

CHAPTER 241**OTHER BUSINESSES WITHIN HEALTH CARE FACILITIES***H.F. 285*

AN ACT relating to the approval of certain businesses or activities in a health care facility.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 135C.5, Code 1991, is amended to read as follows:

135C.5 HEALTH CARE FACILITIES, ETC.

~~No other~~ Another business or activity shall not be carried on in a health care facility, ~~nor~~ or in the same physical structure with a health care facility ~~except as hereinafter provided,~~ unless such business or activity is under the control of and is directly related to and incidental to the operation of the health care facility or unless the business or activity is approved by the department and the state fire marshal. ~~No~~ A business or activity which is operated within the limitations of this section shall not interfere in any manner with the use of the facility by the residents or the services provided to the residents, ~~nor~~ and shall not be disturbing to them. The department and the state fire marshal, in accordance with chapter 17A, shall adopt rules which establish criteria for approval of a business or activity to be carried on in a health care facility or in the same physical structure with a health care facility.

Approved June 5, 1991

CHAPTER 242**INFECTIOUS AND RADIOACTIVE WASTE***H.F. 302*

AN ACT relating to infectious and radioactive waste treatment and disposal facilities by extending the moratorium on construction and operation, requiring operating permits for treatment and disposal facilities and collection and transportation operations, providing for emission limitations and standards, providing a severability clause, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 455B.133, subsection 4, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Adopt, amend, or repeal emission limitations or standards relating to the maximum quantities of air contaminants that may be emitted from any air contaminant source. The standards or limitations adopted under this section shall not exceed the standards or limitations promulgated by the administrator of the United States environmental protection agency or the requirements of the federal Clean Air Act as amended to January 1, ~~1979~~ 1990. This does not prohibit the commission from adopting a standard for a source or class of sources for which the United States environmental protection agency has not promulgated a standard. This also does not prohibit the commission from adopting an emission standard or limitation for infectious medical waste treatment or disposal facilities which exceeds the standards or limitations promulgated by the administrator of the United States environmental protection agency or the requirements of the federal Clean Air Act as amended to January 1, 1991. The commission shall not adopt an emission standard or limitation for infectious medical waste treatment or disposal facilities prior to January 1, 1995, which exceeds the standards or limitations promulgated

by the administrator of the United States environmental protection agency or the requirements of the federal Clean Air Act, as amended to January 1, 1991, for a hospital, or a group of hospitals licensed under chapter 135B which has been operating an infectious medical waste treatment or disposal facility prior to January 1, 1991.

Sec. 2. NEW SECTION. 455B.335A PATHOLOGICAL WASTE INCINERATION FACILITIES – RADIOACTIVE MATERIALS – REQUIREMENTS.

1. The director shall require that a person who operates or proposes to operate a waste incinerator which provides for the incineration of pathological radioactive materials conduct dispersion modeling, under the direction of the Iowa department of public health, for radiological isotopes to measure the emission levels of alpha and gamma rays. The director shall allow a three-month period during which time the operator or person proposing operation of such an incinerator shall conduct the required dispersion modeling. In order to initiate or continue such incineration, the results of the modeling shall provide that the existing incinerator meets or the proposed incinerator will meet the emission standards established by the United States environmental protection agency for a selected isotope.

2. The department shall conduct a public hearing following submission to the director of the results of the dispersion modeling conducted by an operator or person proposing operation of a waste incinerator which provides for or will provide for the incineration of pathological radioactive materials.

3. If the dispersion modeling results do not meet the standards for emission limitations prescribed under subsection 1, the director shall require the operator or the person who proposes to operate a waste incinerator which provides for the incineration of pathological radioactive materials to employ or conduct an additional dispersion modeling test employing the best available control technology. Following employment of the best available control technology or the conducting of the additional dispersion modeling, if the incinerator or proposed incinerator does not or will not meet the standards prescribed under subsection 2, the operator's permit for incineration of pathological radioactive materials shall be revoked or the permit for such proposed incineration shall be denied.

Sec. 3. NEW SECTION. 455B.501A INFECTIOUS MEDICAL WASTE INCINERATORS – REGENTS' UNIVERSITIES – REQUIREMENTS.

1. The director shall require that a regents' university which operates an infectious medical waste incinerator shall conduct periodic monitoring, under the direction of the Iowa department of public health, and as required by the department of natural resources, to measure compliance with the emission limitations standards for toxic air pollutants adopted by rule of the department of natural resources. In order to continue incineration, the existing incinerator shall continue to meet the emission limitations standards for toxic air pollutants adopted by rule of the department of natural resources.

2. If monitoring results do not meet the emission limitations standards established, the director of the department of natural resources shall require that the university employ the best available control technology for toxics as defined by rule of the department of natural resources. Following employment of the best available control technology for toxics, if the incinerator does not meet the standards established, the permit for operation of the infectious medical waste incinerator shall be revoked.

Sec. 4. NEW SECTION. 455B.502 INFECTIOUS WASTE TREATMENT AND DISPOSAL FACILITIES – OPERATING PERMITS REQUIRED.

The commission shall adopt rules which require a person who owns or operates an infectious waste treatment or disposal facility to obtain an operating permit before initial operation of the facility. The rules shall specify the information required to be submitted with the application for a permit and the conditions under which a permit may be issued, suspended, modified, revoked, or renewed. The rules shall address but are not limited to the areas of operator safety, recordkeeping and tracking procedures, best available appropriate technologies,

emergency response and remedial action procedures, waste minimization procedures, and long-term liability. The department shall submit proposed rules to the commission by January 15, 1992.

Sec. 5. NEW SECTION. 455B.503 COLLECTION AND TRANSPORTATION OF INFECTIOUS MEDICAL WASTE — RULES.

The commission shall adopt rules which require a person who owns or operates an infectious medical waste collection or transportation operation to obtain an operating permit prior to initial operation. The rules shall address but are not limited to the areas of operator safety, recordkeeping and tracking procedures, best available appropriate technologies, emergency response and remedial action procedures, waste minimization procedures, and long-term liability.

Sec. 6. NEW SECTION. 455B.504 INFECTIOUS WASTE TREATMENT AND DISPOSAL FACILITIES — NATIONAL REGISTER OF HISTORIC PLACES.

The department of natural resources shall not grant a permit for the construction or operation of a commercial infectious waste treatment or disposal facility within one mile of a site or building which has been placed on the national register of historic places. This section does not apply to hospitals, health care facilities licensed pursuant to chapter 135C, physicians' offices or clinics, and other health service-related entities.

Sec. 7. 1990 Iowa Acts, chapter 1191, section 5, is amended to read as follows:

SEC. 5. MORATORIUM — COMMERCIAL INFECTIOUS WASTE INCINERATORS TREATMENT AND DISPOSAL FACILITIES.

1. The department of natural resources shall not grant a permit for the construction or operation of a commercial infectious waste incinerator prior to July 1, 1991 treatment or disposal facility until such time as the department adopts rules for operating permits for these facilities and in any event not earlier than July 1, 1992. The moratorium does not apply to an infectious waste treatment or disposal facility constructed or operated by a hospital licensed pursuant to chapter 135B, or by two or more hospitals licensed pursuant to chapter 135B that jointly construct or operate an infectious waste treatment or disposal facility, which in addition to its own waste only accepts infectious waste from other infectious waste generators if the total amount of infectious waste accepted from other generators is less than sixty-six percent of the infectious waste incinerated, including but not limited to hospitals, health care facilities licensed pursuant to chapter 135C, physicians' offices or clinics, and other health service-related entities in this state or within the service area of the hospital or hospitals operating the facility. Owners and operators of small quantity generators of infectious medical waste who do not treat or dispose of the waste generated by the small quantity generator shall take precautions to ensure the safety and well-being of the public and especially persons directly exposed to the waste in the course of disposal. The precautions shall include but are not limited to securing all sharps; separating and securing infectious waste apart from general waste; clearly marking the waste to indicate that the waste is infectious; and ensuring that the waste is stored, transported, treated, and disposed of in a safe and secure manner. The department, in cooperation with the Iowa department of public health, shall adopt rules defining small quantity generators of infectious waste subject to the provisions of this subsection and which establish criteria for fulfilling the precautionary requirements established.

2. An infectious waste treatment or disposal facility shall not be constructed or operated unless the facility meets all of the following conditions, if applicable:

a. The facility is designed to accept only medical waste generated in the state and communities within seventy-five miles of the state borders.

b. The facility is subject to monitoring and stack testing at least every three years.

c. The facility incorporates the best available control technology to ensure that the emissions from the facility approach the goal of zero emissions.

d. The facility complies with standards and limitations which are not less stringent, and may be more stringent, than those promulgated by the administrator of the United States environmental protection agency.

- e. The facility pays an operating fee as established by the commission.
- f. The facility requires large generators for which the facility provides treatment or disposal to certify that the generator submitted a comprehensive plan to the department to provide for reduction or recycling of infectious waste at the source. If the generator is a small quantity generator, however, the facility shall only require that the small quantity generator, or a representative of the small quantity generators, for which the facility provides treatment or disposal, has participated in the development of the comprehensive plan submitted by the city, county, or public agency, pursuant to section 455B.302.
Comprehensive plans developed under this subsection shall preferably be developed in conjunction with the city, county, or public agency developing the plan pursuant to section 455B.302.
- g. The facility has applied for and has qualified for all requisite federal, state, and local permits for construction and operation of the facility.
- h. The facility is in compliance with rules, following adoption, pursuant to sections 455B.502 and 455B.503.
- i. The facility has established a means of treating or disposing of any residue or ash which remains following treatment of the waste.
The commission shall give priority in the issuance of permits to facilities which present the least multimedia environmental threat.
- 3. The conditions imposed under subsection 2 shall apply as follows:
 - a. An existing infectious waste treatment or disposal facility shall comply with the standards and limitations adopted by July 1, 1993, or as federal standards and limitations become final, whichever is earlier.
 - b. An infectious waste treatment or disposal facility which is established or becomes operational on or after May 1, 1991, shall comply with standards and limitations as they are adopted.
- 4. The department, in cooperation with the Iowa department of public health, shall adopt rules defining small quantity generators of infectious waste subject to the provisions of this section.

Sec. 8. SEVERABILITY CLAUSE. If any provision of this Act or any application thereof to any person is invalid, the invalidity shall not affect the provisions or application of this Act which can be given effect without the invalid provisions or application, and to this end, the provisions of this Act are severable.

Sec. 9. EFFECTIVE DATE. Section 5 of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved June 5, 1991

CHAPTER 243

BIRTH CERTIFICATES AND ADOPTION RECORDS

H.F. 380

AN ACT relating to vital records by requiring the state registrar to provide a certified copy of a birth certificate when the certificate is registered and by providing for access to certain adoption records.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 144.13A, Code 1991, is amended to read as follows:
144.13A REGISTRATION FEE.

The county registrar ~~and~~ or state registrar shall charge the parent a ten dollar fee for the registration of a certificate of birth and a separate fee established under section 144.46 for