

# Legislative Analysis



## DISPOSAL OF SHARPS (MEDICALLY USED NEEDLES)

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**Senate Bill 482 (H-1) as reported from House committee**

**Sponsor: Sen. Kristen McDonald Rivet**

**House Committee: Health Policy**

**Senate Committee: Health Policy**

**Complete to 6-23-24**

Analysis available at  
<http://www.legislature.mi.gov>

*(Enacted as Public Act 105 of 2024)*

### SUMMARY:

Senate Bill 482 would amend the Public Health Code to require medical facilities to store sharps (medical waste consisting of needles, syringes, scalpels, and intravenous tubing with needles attached) in a sharps container (a safe repository for such items) for up to 18 months or until the container is 75% filled, whichever limit occurs first.

The Medical Waste Regulatory Act (Part 138 of the code) prescribes procedures to contain medical waste for facilities that generate, store, decontaminate, or incinerate medical waste, including such facilities as hospitals, dental facilities, and physician practices.<sup>1</sup> Among other requirements, a facility is now prohibited from storing medical waste on its premises for more than 90 days. The bill would establish other requirements, described above, for storing sharps (a specific kind of medical waste) on site in a sharps container.

MCL 333.13809 and 333.13810

### BRIEF DISCUSSION:

Sharps disposal containers used by medical facilities are generally regulated by the U.S. Food and Drug Administration (FDA). Among other things, an FDA-cleared sharps container has a fill line indicating when the container is about 75% full, when it is recommended to seal and dispose of the container.<sup>2</sup> As described above, Michigan law requires disposal of on-site medical waste after 90 days.

According to committee testimony, for facilities with a lower patient volume, such as small facilities or those in rural areas, the state's 90-day limit on storing medical waste is at odds with the 75% federal standard for sharps containers. That is, the 90 days are often up, requiring disposal, before the containers are 75% filled—or, in some cases, barely used at all—resulting in unnecessary (from the standpoint of the federal standards) waste and unnecessary costs. But if those facilities kept their underused containers past the 90-day limit, to fill them according to FDA guidelines, they would be in violation of Michigan law.

In general, a person who violates the Medical Waste Regulatory Act or its rules is subject to an administrative fine of up to \$2,500 for each violation and an additional fine of up to \$1,000 for each day the violation continues. For a first offense, the fine can be postponed until the

<sup>1</sup> See <https://www.michigan.gov/egle/about/organization/materials-management/medical-waste-regulatory-program>

<sup>2</sup> <https://www.fda.gov/medical-devices/safely-using-sharps-needles-and-syringes-home-work-and-travel/sharps-disposal-containers-health-care-facilities>

violation is corrected, but no longer than 45 days. In addition, a person who violates the act can be enjoined by a court of competent jurisdiction from continuing the violation.

**FISCAL IMPACT:**

Senate Bill 482 would likely have no fiscal impact on the Department of Health and Human Services (DHHS), the Department of Environment, Great Lakes, and Energy (EGLE), or local units of government.

**POSITIONS:**

Representatives of the following entities testified in support of the bill (4-25-24):

- Department of Environment, Great Lakes, and Energy
- Aspire Health

The following entities indicated support for the bill:

- Michigan Funeral Directors Association (5-16-24)
- Michigan Health and Hospital Association (4-25-24)
- Michigan Health and Hospital Association (5-16-24)
- Michigan Podiatric Medical Association (4-25-24)
- Michigan Society of Eye Physicians and Surgeons (5-16-24)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.