

# State of South Dakota

EIGHTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2013

931U0715

SENATE ENGROSSED NO. **HB 1208** - 02/27/2013

Introduced by: Representatives Mickelson, Carson, Conzet, Craig, Cronin, Duvall, Erickson, Haggar (Don), Hajek, Hansen, Miller, Otten (Herman), Westra, Wick, and Wink and Senators White, Heineman (Phyllis), Krebs, Rhoden, Tidemann, and Vehle

1 FOR AN ACT ENTITLED, An Act to prohibit the release of medical waste and to provide a  
2 penalty therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 34A-6 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 For purposes of this chapter, medical waste means disposable equipment, instruments,  
7 utensils, human tissue, laboratory waste, blood specimens, or other substances that could carry  
8 pathogenic organisms but shall exclude household waste including medical waste generated at  
9 a private residence.

10 Section 2. That chapter 34A-6 be amended by adding thereto a NEW SECTION to read as  
11 follows:

12 A person, as defined in subdivision 22-1-2(31), but excluding any natural person is guilty  
13 of unlawful release of medical waste if the person with negligence engages in conduct which  
14 causes the release of medical waste to a recycling disposal destination. Unlawful release of



1 medical waste is a Class 2 misdemeanor.

2 Section 3. No hauler or transporter of waste may be prosecuted for unlawful release of  
3 medical waste under section 2 of this Act unless the hauler or transporter of waste had actual  
4 knowledge that medical waste had been placed in the hauler or transporter's dumpster by another  
5 person before the waste was released to the recycling center.