

Offered by Councilor Annissa Essaibi-George

CITY OF BOSTON



IN THE YEAR TWO THOUSAND SEVENTEEN

**AN ORDINANCE TO PROVIDE FOR
SAFE DISPOSAL OF SHARPS**

WHEREAS: Under 105CMR 480.000: minimum requirements for the disposal of medical or biological waste (State Sanitary Code Chapter VIII) there is a state wide ban on the disposal of needles, syringes and lancets collectively referred to as sharps in the household trash; and,

WHEREAS: Improper disposal of sharps poses a risk to public health and safety; and,

WHEREAS: More than 20,000 improperly discarded sharps were collected by the City of Boston over the course of one year in 2016; and,

WHEREAS: Creation of additional safe collection sites and increased public awareness will aid in the City of Boston's efforts to curb this public health crisis.

NOW THEREFORE,

Be it ordained by the City Council of Boston, as follows:

Section 1.

The City of Boston Code, Ordinances, Chapter XII shall be amended by adding at the end thereof, the following new section and subsections:

12-16 Home-generated sharps waste management

12-16.1 Purpose

The purpose of this ordinance is to require all retailers or distributors of sharps for home use in the City of Boston to take back sharps at the end of life at no additional cost to the consumer at the time of return. The intent of this ordinance is to provide consumers with more convenient ways to return and ensure the safe and environmentally sound disposal of home-generated sharps.

12-16.2 Definitions

"Consumer" means an individual who has purchased sharps for personal use for humans or animals.

"Home-generated" means all sharps, including used sharps, as defined in this section, derived from a household, including a multifamily residence, or a single-family residence.

"Retailer" means any entity, including but not limited to, a person or business, of whatever form of organization, which sells or provides sharps to the general public, including a manufacturer of sharps who sells sharps directly to a consumer.

"Sharps" means hypodermic needles, pen needles, intravenous needles, lancets, and other devices that are used to penetrate the skin for the delivery of medications, to humans or animals.

"Receptacle" means a rigid puncture-resistant container with a sealable lid approved by the U.S. Food and Drug Administration for the purpose of transporting sharps for disposal.

"Proper disposal" means the lawful disposal of home-generated sharps waste in compliance with the applicable provisions of state law and the State Sanitary Code.

12-16.3 Applicability

Every retailer of sharps shall establish within the retail outlet a system for the acceptance and collection of home-generated sharps waste for proper disposal. Each system established by a retailer for the acceptance and collection of home-generated sharps waste during the retailer's normal hours of operation, for proper disposal shall, at a minimum, include all of the following elements:

- a. A convenient location within the retail establishment for the "take-back" from the consumer of home-generated sharps waste at no cost to that consumer.
- b. Appropriate signage, prominently displayed within five feet of any entrance to the retail establishment and easily visible to the consumer, indicating that the retail establishment accepts and collects home-generated sharps waste from consumers. Such signage shall be marked with the international biohazard symbol.
- c. An appropriate receptacle or receptacles for the collection of home-generated sharps waste within the retail establishment. The retailer shall assure that all home-generated sharps waste is placed in the receptacle(s).
- d. Provide appropriate transfer containers for sharps users who fail to bring their sharps in suitable containers for placement in the collection receptacle.
- e. Assurance that the collected home-generated sharps wastes are disposed within the time period established by applicable state law.
- f. Comply with all applicable provisions of state law and the State Sanitary Code, as may be amended from time to time.

- g. Provide written and verbal instructions to the customer at the point of sale that explain the procedures and requirements for safe sharps disposal including a provision that states that the retailer will take back home-generated sharps waste for proper disposal.
- h. Maintain an inventory on the number of sharps collected and report back to the Inspectional Services Department on a form prepared and approved by said Department.

The provisions of this Chapter shall be interpreted and applied at all times consistently with the provisions of Chapter 94C, section 27A of the General Laws; all provisions of any relevant general or special act; and, 105 CMR 480.00, Minimum Requirements for the Management of Medical or Biological Waste (State Sanitary Code Chapter VIII).

12-16.4 Container and Signage Requirements

All retailers subject to the provisions of these sections and subsections shall only use collection and transfer containers that meet the requirements of the federal Occupational Safety and Health Administration and the federal Department of Transportation and is marked with the international biohazard symbol.

12-16.5 Enforcement

The Commissioner of Inspectional Services, or designee, shall have the jurisdiction and authority to enforce the provisions of 12-16.

Any retailer found to be in violation of any provision of 12-16, or who fails to comply with any of its requirements, shall be punished by a fine of three hundred dollars (\$300.00). Each day such violation continues shall be considered a separate offense. All revenue received from such fines shall be delegated to the city's Office of Recovery Services.

The provisions of this section may be enforced in accordance with the non-criminal disposition process of M.G.L. c. 40, s. 21D, provided that this section shall not preclude the City of Boston from proceeding to restrain a violation by injunction.

Filed in Council: August 2, 2017