

Georgia Occupational Regulation
Review Council

House Bill 417
*Trauma Scene Waste
Management Practitioner*
LC 41 1919S

A Review of the Proposed Legislation

OCTOBER 2019

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Executive Summary

As provided in O.C.G.A. §43-1A, the Georgia Occupational Regulation Review Council (Council) reviews all bills proposing licensure of a profession or business referred to by the chairperson of the legislative committee of reference. Accordingly, the Council, at the request of the chairperson of the House Committee on Public Safety and Homeland Security, has reviewed House Bill 417 (as passed), which proposes the regulation of trauma scene cleanup services through the registration of trauma waste cleanup practitioners under the Georgia Bureau of Investigation (GBI).

During the course of this review, Council staff obtained information from the applicant group, BioPTO, and the Council also set aside time for public comment at meetings.

O.C.G.A. §43-1A-6 requires the Council to consider certain criteria when determining the need for the regulation of a business or profession. For this review, the Council used these criteria to guide the development of findings related to the regulation of trauma scene cleanup services. The Council, with assistance from staff, developed the following findings during the course of this review:

- ❖ According to the information provided, cases of harm were presented that involved circumstances of mistreatment of bodies, inappropriate and incomplete cleanup of trauma scenes, overcharging of services, and theft of personal property. Such instances all resulted in criminal charges being brought against the offenders. A registry would provide Georgians a vetted list of trauma scene waste management companies from which to choose.
- ❖ There is a specific need for specialized training to remove and dispose of regulated bio-medical waste for a trauma scene. Practitioners must follow Federal regulations and Georgia EPD guidelines. There are many organizations who provide certifications in bio-medical waste cleanup. However, the bill as currently drafted does not require that potential registrants provide proof of any certifications, nor provide proof of holding EPD generation and transportation permits.
- ❖ The cost for the GBI to host the registration process would be much higher than the fees collected from registrants. The cost estimate in state funds for the GBI to host a registration processes is much greater than the funds that would be coming in from registrations. The cost analysis also does not take into consideration any marketing to promote the new registrant list, or the potential cost of following up on complaints.

Based on the findings, the Council recommends that HB 417 does not pass as currently written. The Council suggests that an agency other than the GBI be selected to host the registry. Additionally, the Council recommends that additional registration requirements be added, specifically a requirement that registrants hold a valid EPD generation and transportation permit or sign an affidavit saying that they contract with someone who does hold valid EPD permits. Also, a requirement that registrants should provide the current certifications that they hold should be added.

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Introduction

House Bill (HB) 417 proposes the comprehensive regulation of trauma scene cleanup services through the registration of trauma scene waste management practitioners with the Georgia Bureau of Investigation (GBI). This report focuses on providing information concerning the nature of the legislation and presents an assessment of the need for the registration of trauma scene waste management practitioners in the state of Georgia.

In conducting this review, the Georgia Occupational Regulation Review Council, referred to as Council for the remainder of this report, solicited input from any interested party that wished to submit information or participate in the process. The applicant group, BioPTO, submitted a questionnaire through its representative, Les A. Schneider, Esq. BioPTO is a nonprofit professional trade organization that lobbies for industry standards in the crime, trauma, and death scene cleaning industry. The questionnaire was helpful in providing background information of the profession of trauma scene waste management.

In addition, the Council reached out to other potentially interested groups, including the GBI, whose representatives presented at the first meeting to provide testimony on the agency's relevance to the bill.

Council staff also performed additional analysis comparing trauma scene waste management regulations in other states to the proposed regulation in Georgia.

The Council provided representatives from interested parties with the opportunity to present information during Council meetings, either by verbal presentation and/or through written material. The Council posted meeting dates, times, and locations to the Office of Planning and Budget website (<https://opb.georgia.gov/georgia-occupational-regulation-review-council>).

Description of Proposed Legislation

HB 417 amends Chapter 11 of Title 35 of the Official Code of Georgia Annotated in order to propose the comprehensive regulation of trauma scene cleanup services through the registration of trauma scene waste management practitioners with the GBI. The bill provides for the following:

- ❖ Defines trauma scene waste management practitioners for the purposes of the bill;
- ❖ Authorizes the GBI to register trauma scene cleanup practitioners, list approved trauma scene waste management entities on its website, and collect a fee for registration and renewal;
- ❖ Determines the requirements for registration, which includes completing an application to the GBI; obtaining a bond with a surety company for twenty-five thousand dollars (\$25,000);

- acquiring one-hundred thousand dollars (\$100,000) in liability insurance for the practitioner, his or her employees, and independent contractors; paying a registration fee of \$100 and a renewal fee of the same amount in subsequent years;
- ❖ Requires registration to be renewed every three years;
 - ❖ Specifies that the registration requirement does not apply to certain groups performing trauma scene cleanup, including any person performing cleanup on property he or she owns; any person performing noncommercial cleanup for the owner of a property regardless of the owner offering gratuitous compensation; and any medical facility, practice, or subsidiary that is regulated federally by the Occupational Safety and Health Administration (OSHA).

A summary of the bill can be found in Appendix A and a complete copy of the bill is located in Appendix B.

Current Practices

Definition of Trauma Scene Waste Management Practitioner

In House Bill 417, trauma scene waste management practitioner is defined as the owner of any portion of a commercial enterprise for the cleanup or removal of trauma scene waste and who is registered with the GBI pursuant to Chapter 11 of Title 35.

- ❖ Note: According to this legislation, the practitioner is responsible and liable for the acts of his or her employees or independent contractors in the service of trauma scene waste management.

Trauma scene waste management practitioners practice in a variety of locations, such as external locations on public and private property, private residences, commercial property, multi-family/multi-unit residences, and any other setting where regulated biomedical waste can occur that is not already regulated by OSHA or other governing entities. Anyone, including local and state law enforcement agents, may suggest companies unofficially to clients, or a client may seek them out. Once the scene has been assessed by the trauma scene waste management practitioner, his or her employee, or independent contractor, they may share with the client what will be done to remediate the scene. This information includes the method of removal of biomedical/trauma scene waste, the timeline of cleanup services, insurance coverage, out-of-pocket price, and any other procedural matters that may be specific to the scene. After the client has been informed and has agreed to the service, the practitioner should thoroughly clean the scene to remediate it to appropriate standards for human habitation or interaction. This also means that the practitioner will need to dispose of any contaminated and hazardous materials that are unable to be appropriately cleaned. This may require hazardous waste

transport and generation documents from the state Department of Transportation and any other applicable state or federal agencies. The practitioner may bill the property owner's insurance company, when applicable, to charge them in accordance to the property owner's policy coverage. This may require a detailed manifest, a detailed list of remediation action performed, and other documentation to fulfill the insurance payout requirements. It has been stated that trauma scene waste management practitioners may place a mechanic's lien on a property, as needed, when payment is not received in full.

The Issue and Potential for Harm

As understood from research and testimony given, most of the Georgians who participate in trauma scene waste management are doing so based on a need to remediate either real or personal property due to exposure to regulated biomedical waste or trauma scene waste. Because this waste typically results from the death of human beings, the cleanup process can carry emotional, physical, and health ramifications. If cleanup of human remains, removal of contaminated materials (i.e. carpets, sheetrock, furniture, etc.), and proper sanitation and sterilization methods are not followed, those who return to the space may face health hazards (i.e. bacteria, mold, viruses, other products of bodily decomposition) that could threaten their wellbeing or life. This all culminates into multiple stages where a breakdown in proper procedure could lead to mental, physical, or emotional harm to clients.

The applicant group presented examples of both local and national entities who are accused of causing harm to clients in multiple states, including Florida, Maryland, Texas, Massachusetts, and Georgia.

Physical impact

Les A. Schneider, Esq., provided anecdotes to showcase the potential harm of unregulated trauma scene waste management. Some of these are described below:

1. Incomplete service and unwarranted application of specific remediation activities that resulted in large fees being charged to property owners and insurance companies that did not accurately reflect the services rendered.
2. Individuals who portrayed themselves as well informed, experienced practitioners, but performed services in a manner that would allow for cross-contamination or recontamination or failed to remediate areas all together.
3. Practitioners who provide services to remediate scenes at a quoted price but serving a bill that was exponentially higher than the quote.

4. Inadequate service resulting in a scene needing to be remediated twice in order to address health hazards that had been left to develop in the residential home after the initial cleanup was deemed complete by the practitioner.

5. Practitioners, their employees, or their independent contractors stealing valuables and money from the scene and other places on the property not in the vicinity of the scene.

Financial Impact

A fiscal note was provided on HB 417 (LC 41 1919S). In the event of the passage of HB 417 as written, the estimated start-up and operational costs for the Georgia Bureau of Investigation would total to \$48,479 in its first year (FY 2020) of operation. The second and third years of operation (FY 2021 and FY 2022) would cost \$46,933 each. The yearly costs are associated with a personal services expense of \$43,873 for a new position and \$3,060 for annual operating expenses.

If 100 companies registered at \$100 per application fee, the state would collect \$10,000 the first year, in addition to \$27.75 of the \$41 background check fee per practitioner, or \$2,775.

These cost estimates do not include a marketing plan to educate the public of the proposed registry.

Present Requirements and Voluntary Efforts

Present Requirements

Currently, there are no requirements for trauma scene waste management practitioners or services in the state of Georgia beyond proper registration as a hazardous waste generator and transporter. The Georgia Environmental Protection Division (EPD) sets regulations on the transportation, generation, disposal, and recycling of waste. A manifest, biennial report, and an EPD identification number are required for generation of waste. Waste transporters also require an EPD identification number, manifest, and biennial report, and must follow all U.S. DOT rules and regulations (49 CFR Parts 171-180). The profession is grouped with other cleaning service providers (i.e. carpet cleaners, water damage cleaners, pest control). There are trade organizations for the profession that may promulgate industry standards, but these are not necessarily codified or certified. Examples of such organizations were provided by the Applicant Group and are listed below:

- ❖ National
 - American Bio recovery Association (ABRA)
 - Global Bio-risk Advisory Council (GBAC)
 - Institute of Inspection Cleaning and Restoration Certification (IICRC)
 - Restoration Industry Association (RIA)
 - Society of Cleaning and Restoration Technicians (SCRT)

- World Cleaning Industry Association (ISSA)
- National Federation of Independent Businesses (NFIB)
- ❖ State Organizations
 - Society of Cleaning and Restoration Certification (SCRT)- The local chapter

The Occupational Safety and Health Administration (OSHA) has Bloodborne Pathogen Standards (29 CFR 1910.1030) for any occupation that will be reasonably exposed to blood or items that have been exposed to blood. These standards include containment, labeling, and handling of waste.

Regulatory Body

The Georgia Bureau of Investigation is listed as the regulatory body in HB 417. The GBI will issue registration for a practitioner upon receipt of a completed application, an application fee, the passage of a fingerprint based criminal background check, the submission of a \$25,000 surety bond, and the submission of proof of at least \$100,000 of liability insurance coverage. The GBI will maintain a current list of all registered trauma scene waste management practitioners on their website. The bill proposes a fee of \$100 that would be required at application and every three-year renewal. Punitive action would be determined by the director of the GBI, when appropriate.

Trauma Scene Waste Management Practitioners in Other States

The Council staff found three states where registration of trauma scene waste management practitioners occurs. These states are California, Florida, and Massachusetts. No states were found to license or certify trauma scene waste management practitioners or a similar profession.

In California, the Department of Public Health maintains a registry of trauma scene waste management practitioners who have a contractual relationship with transporter or waste facilities. To complete the registration process, the practitioner must verify the transporter or facility contract, complete an application, and pay a fee relative to waste type and generator size. According to the Department of Public Health website, this will result in the entity being added to the list and issued a registration (California Health and Safety Code, Chapter 9.5, Section 118321).

Florida keeps a list of trauma scene clean-up providers on their Department of Health website. However, the department does not regulate the profession itself. According to its website, "The Florida Department of Health does not regulate the cleanup procedures used by these companies but does

permit them as biomedical waste generators and [as] registered biomedical waste transporters so that they may transport 25 pounds or more of biomedical waste from the trauma scene at a given time.”

Massachusetts regulates hazardous waste site cleanup professionals through the Board of Registration of Hazardous Waste Site Cleanup Professionals. The board’s website defines the scope of the licensed individual’s practice as working to clean up waste sites. The website confirms that an application process and examination are required in order to be registered.

All states regulate the generation and transportation of hazardous waste within their borders by the waste type and quantity, rather than by profession.

Findings

Pursuant to O.C.G.A. § 43-1A-6, the Georgia Occupational Regulation Review Council must review bills under their consideration according to the following criteria:

- ❖ Whether the unregulated practice of the occupation may harm or endanger the health, safety, and welfare of citizens of this state and whether the potential for harm is recognizable and not remote;
- ❖ Whether the practice of the occupation requires specialized skill or training and whether the public needs and will benefit by assurances of initial and continuing occupational ability;
- ❖ Whether the citizens of this state are or may be effectively protected by other means;
- ❖ Whether the overall cost effectiveness and economic impact would be positive for citizens of this state; and
- ❖ Whether there are means other than state regulation to protect the interests of the state.

Based on this set of criteria, the Council has reviewed HB 417, which recommends the licensure of trauma scene waste management practitioners. In doing so, the Council developed the following findings:

There are recognizable cases where an uninformed public doing business with unregistered companies providing removal and disposal of regulated bio-medical waste services experienced emotional and financial harm. For example:

- 1) Mistreatment of bodies
- 2) Not properly cleaning the site
- 3) Overcharging for services
- 4) Theft of personal property

These instances all resulted in criminal charges being brought against the offenders. A registry would provide Georgians a vetted list of companies from which to choose.

There is a specific need for specialized training to remove and dispose of regulated bio-medical waste from a trauma scene.

Practitioners must follow Federal regulations and Georgia EPD guidelines. Additionally, there are many organizations who provide certifications in bio-medical waste cleanup. However, the bill as currently drafted does not require that potential registrants provide proof of any certifications, nor provide proof of holding EPD generation and transportation permits.

The cost for the GBI to host the registration process would be much higher than the fees collected from registrants.

The cost estimate in state funds for the GBI to host a registration processes is much greater than the funds that would be coming in from registrations. The cost analysis also does not take into consideration any marketing to promote the new registrant list, or the potential cost of following up on complaints.

Recommendation

Due to the findings listed above, the Council recommends that HB 417 does not pass as currently written. The Council suggests that an agency other than the Georgia Bureau of Investigation be selected to host the registry. Additionally, the Council recommends that additional registration requirements be added:

- 1) The registrant should hold a valid EPD generation and transportation permits or sign an affidavit saying that they contract with someone who does hold valid EDP permits.
- 2) The registrant should provide the current certifications that they hold.

The council voted and approved this recommendation with eight votes for and one absence on October 17, 2019.

Appendix A: Summary of Proposed Legislation

Summary of HB 417 (LC 41 1919S):

- The purpose of this bill is to provide for the comprehensive regulation of trauma scene cleanup services by the Georgia Bureau of Investigation (GBI)
- This act shall take effect on January 1, 2020
- All trauma scene waste management practitioners shall be registered with the GBI, though this shall not replace any registration or license required by any other state agency
- No county or municipal governments shall be authorized to require any registration for trauma scene waste management practitioners in this state
- Registrations issued by the GBI shall be valid for three years
- Practitioners shall pay an initial registration fee of \$100 and a subsequent fee of the same amount every three years for renewal
- All registered trauma scene waste management practitioners shall be listed on the GBI's website
- All practitioners are required to submit to a fingerprint-based criminal background check prior to being registered and shall continue to do so every three years
- Practitioners shall submit a bond in the amount of \$25,000 to the GBI, which shall be executed by an authorized surety company and be payable to the Governor for the use and benefit of any person who is harmed by such practitioner, his or her employee(s), or an independent contractor
- Practitioners shall provide proof of liability insurance coverage in the amount of at least \$100,000
- Any person in violation of this act shall be subject to a civil fine of no more than \$5,000
- Once this act has taken effect, it shall be against public policy for any person not registered under this act to seek to recover costs of providing trauma scene waste management services
- Practitioners shall provide a cost estimate of trauma scene waste management services to the individual who has requested such services
- The director of the GBI is authorized to issue temporary registrations in the event of declared public health emergencies or state of emergencies, provided that such registrations terminate no later than 90 days
- This act shall not apply to medical practices, facilities, or subsidiaries of such that are subject to the laws and regulations of the federal Occupational Safety and Health Administration (OSHA)
- This act shall not apply to the cleanup of property by the owner of such property or to any other individuals who engage in such activities that are not doing so as part of a commercial enterprise

Appendix B: Complete Text of House Bill 417 (LC 41 1919S)

The House Committee on Public Safety and Homeland Security offers the following
substitute to HB 417:

A BILL TO BE ENTITLED AN ACT

1 To amend Title 35 of the Official Code of Georgia Annotated, relating to law enforcement
2 officers and agencies, so as to provide for the comprehensive regulation of trauma scene
3 cleanup services; to provide for definitions; to provide for registration requirements; to
4 provide for qualifications; to provide for penalties for violations; to provide for emergencies;
5 to provide for rules and regulations; to provide for exemptions; to provide for related matters;
6 to provide for an effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

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

11 "CHAPTER 11

12 35-11-1.

13 As used in this chapter, the term:

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

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

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

19 (4) 'Potentially infectious material' means material known or reasonably expected to

20 contain a pathogen.

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

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

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

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

30 (6) 'Trauma scene' means a location soiled by or contaminated with potentially infectious
31 material or regulated biomedical waste due to the occurrence of a homicide or suicide,
32 or the occurrence of a death of a human being in which there is advanced decomposition
33 of the body; provided, however, that such term shall not include the scene of a motor
34 vehicle accident or locations which are subject to the laws and regulations of the federal
35 Occupational Safety and Health Administration.

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

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

42 35-11-2.

43 (a) A trauma scene waste management practitioner shall be registered with the bureau on

44 forms provided by and in a manner as directed by the bureau. Such registration shall be
45 in addition to and not in place of any other registrations or licenses from other state
46 agencies required by law. No county or municipal government shall be authorized to
47 require licenses, registrations, or permits for trauma scene waste management practitioners
48 in this state.

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

54 (c) Trauma scene waste management practitioners shall pay an initial registration fee of
55 \$100.00 to the bureau and, for each subsequent renewal of such registration, shall pay to
56 the bureau a registration renewal fee of \$100.00.

57 35-11-3.

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

60 35-11-4.

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

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

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

84 (c) Each trauma scene waste management practitioner shall provide the bureau with proof
85 of liability insurance coverage for the trauma scene waste management practitioner, his or
86 her employees, and each independent contractor of such trauma scene waste management
87 practitioner who performs trauma scene waste management services in the amount of at
88 least \$100,000.00 for each occurrence. No trauma scene waste management practitioner
89 or insurance carrier shall cancel, or cause to be canceled, a liability insurance policy issued
90 pursuant to this subsection unless the director is informed in writing by a certified letter at
91 least 30 days prior to the proposed cancellation. If the trauma scene waste management

92 practitioner or insurance carrier cancels the liability insurance policy and the trauma scene
93 waste management practitioner fails to submit, within ten days of the effective date of the
94 cancellation, a new liability insurance policy that meets the requirements of this subsection,
95 the director shall revoke such trauma scene waste management practitioner's registration.
96 (d) Each trauma scene waste management practitioner shall be responsible and liable for
97 the acts of his or her employees and any independent contractor of such trauma scene waste
98 management practitioner in the performance of trauma scene waste management services.

99 35-11-5.

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

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

108 (c) Any person that violates this Code section shall be subject to a civil fine not to exceed
109 \$5,000.00 and punitive action by the director, up to and including revocation of
110 registration.

111 35-11-6.

112 On and after January 1, 2020, it shall be against public policy for any person who is not
113 properly registered under this chapter to seek to recover from the owner of any property
114 or any other person the cost of the cleanup, removal, or remediation of trauma scene waste
115 at, in, or on such property.

116

35-11-7.

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

121

35-11-8.

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

128

35-11-9.

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

131

35-11-10.

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

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

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

139 (d) Nothing in this chapter shall apply to the gratuitous cleanup, removal, or remediation

140 of trauma scene waste performed for the owner of any property by individuals who are not
141 doing so as part of a commercial enterprise for the cleanup or removal of trauma scene
142 waste, including, but not limited to, individuals who are family, friends, or neighbors of
143 such owner; provided, however, that nothing in this subsection shall prevent such owner
144 from offering such individuals a gratuity at his or her election."

145 SECTION 2.

146 This Act shall become effective on January 1, 2020.

147 SECTION 3.

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

Appendix C: Fiscal Note for HB 417 (LC 41 1919S)



DEPARTMENT OF AUDITS AND ACCOUNTS

270 Washington St., S.W., Suite 1-156
Atlanta, Georgia 30334-8400

Greg S. Griffin
STATE AUDITOR
(404) 656-2174

August 29, 2019

Honorable Bill Hitchens
Chairman, Public Safety and Homeland Security
401-D State Capitol
Atlanta, GA 30334

SUBJECT: Fiscal Note
House Bill 417 (LC 41 1919S)

Dear Chairman Hitchens:

This bill would provide comprehensive regulation of trauma cleanup services and require trauma scene waste management practitioners to register with the Georgia Bureau of Investigation (GBI) every three years. Each practitioner would be required to pay an initial \$100 registration fee and a subsequent \$100 renewal fee every three years. Providers would need to be bonded and insured and submit to a criminal background screening. GBI would maintain a list of registered practitioners on its website.

Impact on State Expenditures

The bill is estimated to increase GBI personnel and operating costs, as the agency does not currently provide registration services for individuals. While we do not have a precise number of trauma cleanup service providers in Georgia, we estimate it to be fewer than 100.¹ Provider regulation would be a new function for GBI, and each license requires certain tasks inclusive of payment processing, background screenings, and general compliance assurance. One additional staff person is likely needed and sufficient to manage the process. As shown in Table 1, the additional employee is estimated to result in annual costs of \$46,933 (personnel and operating) and one-time operating costs of \$1,546.

Table 1. Estimated GBI Expenses

	FY2020	FY2021	FY2022
Personal Services	\$43,873	\$43,873	\$43,873
Operating Expenses (Annual)	\$3,060	\$3,060	\$3,060
Operating Expenses (One-Time)	\$1,546	--	--
Grand Total	\$48,479	\$46,933	\$46,933

¹In FY19, 14 certified trauma scene cleanup providers received reimbursement payments from the Criminal Justice Coordinating Council (CJCC). A complementary directory search of crime scene cleanup businesses yielded an additional 41 companies for a total of 55.

- **Annual Costs** – Annual costs are associated with additional GBI personnel. GBI would hire an additional administrative support clerk due to the increased workload, primarily associated with the responsibility for registration processing for no more than 100 trauma scene waste management companies. The staff person would largely be responsible for ensuring that companies comply with regulatory requirements. The annual costs include personnel salary and benefits, as well as annual computer charges, phone charges, and supplies.

Our annual cost estimate assumes that GBI licensing duties would not require inspections of the licensees' business locations or work sites. If site inspections were necessary, additional expenses would be incurred.

- **One-Time Costs** – The one-time costs account for \$1,546 in expenses related to the new hire (supplies, equipment, etc.).

Impact on State Revenue

If 100 companies are subject to the bill, the \$100 registration fee would generate \$10,000 in state revenue in the bill's first year. The same amount would be collected for renewals three years later. In addition to the registration fee, each company's owners must pay \$41 for a Georgia and FBI criminal background check. The state retains \$27.75 for each background check; therefore, 100 background checks would generate \$2,775 in state revenue. Background checks would be conducted every three years, following the registration renewal schedule.

Sincerely,



Greg S. Griffin
State Auditor



Kelly Farr, Director
Office of Planning and Budget

GSG/KF/ab