

HOUSE BILL 287

Unofficial Copy
K3

1999 Regular Session
(9r1412)

ENROLLED BILL

-- Environmental Matters/Economic and Environmental Affairs --

Introduced by **Delegates Morhaim, Nathan-Pulliam, Guns, Goldwater,
Klausmeier, Frush, Elliott, Hammen, Eckardt, D. Davis, Stull,
Donoghue, Hubbard, Boutin, Owings, Weir, Cane, Baldwin, Malone, and
Moe Moe and Stern**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Health Care Workers' Safety Act - Bloodborne Pathogen Standard -**
3 **Regulations**

4 FOR the purpose of requiring the ~~Occupational Safety and Health Advisory Board~~
5 Department of Health and Mental Hygiene to conduct a certain study on the
6 exposures of health care workers to blood and certain potentially infectious
7 materials by objects that can penetrate the skin; requiring the ~~Board~~
8 Department to recommend regulations to establish hold hearings and prepare a
9 report on the establishment of a bloodborne pathogen standard in consultation
10 with certain government and private entities; requiring the ~~Board~~ Department
11 to complete the study and submit a report to the Commissioner of Labor by and
12 Industry Secretary of the Department of Health and Mental Hygiene and the
13 General Assembly on or before a certain date; requiring ~~authorizing the~~
14 Commissioner to adopt regulations in accordance with the recommendations of

1 ~~the Board by a certain date initiate within a certain period of time the process~~
 2 ~~for publishing and issuing a certain proposed regulation based on the Board's~~
 3 ~~report defining certain terms~~; providing for the termination of this Act; and
 4 generally relating to a bloodborne pathogen standard and health care workers'
 5 safety.

6 BY adding to
 7 Article - Labor and Employment
 8 Section 5-308.1
 9 Annotated Code of Maryland
 10 (1991 Volume and 1998 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article - Labor and Employment**

14 5-308.1.

15 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 16 INDICATED.

17 (2) (I) "BLOODBORNE PATHOGENS" MEANS PATHOGENIC
 18 MICROORGANISMS THAT ARE PRESENT IN HUMAN BLOOD AND CAN CAUSE DISEASE
 19 IN HUMANS.

20 (II) "BLOODBORNE PATHOGENS" INCLUDE, BUT ARE NOT LIMITED
 21 TO, HEPATITIS B VIRUS (HBV), HEPATITIS C VIRUS (HCV), AND HUMAN
 22 IMMUNODEFICIENCY VIRUS (HIV).

23 (3) "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH AND MENTAL
 24 HYGIENE.

25 (4) "ENGINEERED SHARPS INJURY PROTECTION" MEANS EITHER:

26 (I) A PHYSICAL ATTRIBUTE BUILT INTO A NEEDLE DEVICE USED
 27 FOR WITHDRAWING BODY FLUIDS, ACCESSING A VEIN OR ARTERY, OR
 28 ADMINISTERING MEDICATIONS OR OTHER FLUIDS, WHICH EFFECTIVELY REDUCES
 29 THE RISK OF AN EXPOSURE INCIDENT BY A MECHANISM SUCH AS BARRIER
 30 CREATION, BLUNTING, ENCAPSULATION, WITHDRAWAL, RETRACTION,
 31 DESTRUCTION, OR OTHER EFFECTIVE MECHANISMS; OR

32 (II) A PHYSICAL ATTRIBUTE BUILT INTO ANY OTHER TYPE OF
 33 NEEDLE DEVICE, OR INTO A NONNEEDLE SHARP, WHICH EFFECTIVELY REDUCES
 34 THE RISK OF AN EXPOSURE INCIDENT.

35 (5) "NEEDLELESS SYSTEMS" MEAN DEVICES THAT DO NOT UTILIZE
 36 NEEDLES FOR:

1 (I) THE WITHDRAWAL OF BODY FLUIDS AFTER INITIAL VENOUS OR
2 ARTERIAL ACCESS IS ESTABLISHED;

3 (II) THE ADMINISTRATION OF MEDICATION OR FLUIDS; AND

4 (III) ANY OTHER PROCEDURE INVOLVING THE POTENTIAL FOR AN
5 EXPOSURE INCIDENT.

6 (6) "SECRETARY" MEANS THE SECRETARY OF THE DEPARTMENT OF
7 HEALTH AND MENTAL HYGIENE.

8 (5) (7) "SHARPS" MEAN ANY OBJECTS USED OR ENCOUNTERED IN A
9 HEALTH CARE SETTING THAT CAN BE REASONABLY ANTICIPATED TO PENETRATE
10 THE SKIN OR ANY OTHER PART OF THE BODY, AND TO RESULT IN AN EXPOSURE
11 INCIDENT, INCLUDING, BUT NOT LIMITED TO, NEEDLE DEVICES, SCALPELS,
12 LANCETS, BROKEN GLASS, BROKEN CAPILLARY TUBES, EXPOSED ENDS OF DENTAL
13 WIRES AND DENTAL KNIVES, DRILLS, AND BURS.

14 (B) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS
15 SUBSECTION, THE BOARD DEPARTMENT SHALL ADVISE, CONSULT WITH, PROPOSE,
16 AND RECOMMEND TO THE COMMISSIONER REASONABLE REGULATIONS TO
17 ESTABLISH HOLD HEARINGS AND PREPARE A REPORT ON THE ESTABLISHMENT OF A
18 BLOODBORNE PATHOGEN STANDARD GOVERNING OCCUPATIONAL EXPOSURE TO
19 BLOOD AND OTHER POTENTIALLY INFECTIOUS MATERIALS ON THE BASIS OF A
20 STUDY CONDUCTED BY THE BOARD DEPARTMENT WHICH INCLUDES:

21 (4) (I) EVALUATING NEEDLELESS SYSTEMS AND SHARPS WITH
22 ENGINEERED SHARPS INJURY PROTECTION;

23 (2) (II) CONSIDERING TRAINING AND EDUCATION REQUIREMENTS
24 AND INCREASED USE OF PERSONAL PROTECTIVE EQUIPMENT; ~~AND~~

25 (3) (III) COMPILING A LIST OF EXISTING NEEDLELESS SYSTEMS AND
26 SHARPS WITH ENGINEERED SHARPS INJURY PROTECTION TO ASSIST EMPLOYERS IN
27 COMPLYING WITH THE REQUIREMENT OF A BLOODBORNE PATHOGEN STANDARD;

28 (IV) CONSIDERING EXCEPTIONS TO THE STANDARD; ~~AND~~

29 (V) CONSIDERING THE COST, COST BENEFIT ANALYSIS, AND
30 POTENTIAL OFFSETTING SAVINGS ASSOCIATED WITH A BLOODBORNE PATHOGEN
31 STANDARD, AND THE AVAILABILITY OF ~~NEEDLESS~~ NEEDLELESS SYSTEMS;

32 (VI) CONSIDERING THE CENTERS FOR DISEASE CONTROL'S
33 GUIDELINES ON UNIVERSAL PRECAUTIONS; AND

34 (VII) CONSIDERING THE RELEVANT REQUIREMENTS OR
35 RECOMMENDATIONS OF THE OCCUPATIONAL SAFETY AND HEALTH
36 ADMINISTRATION.

1 (2) ~~THE BOARD DEPARTMENT SHALL PERFORM THE DUTIES SPECIFIED~~
 2 ~~IN PARAGRAPH (1) OF THIS SUBSECTION IN CONSULTATION WITH POTENTIALLY~~
 3 ~~AFFECTED INDUSTRY GROUPS INCLUDING:~~

4 ~~(I) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;~~

5 ~~(I) THE MARYLAND OCCUPATIONAL SAFETY AND HEALTH~~
 6 ~~ADMINISTRATION;~~

7 ~~(II) THE MARYLAND HOSPITAL ASSOCIATION;~~

8 ~~(III) THE MARYLAND NURSES ASSOCIATION;~~

9 ~~(IV) THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL~~
 10 ~~SERVICES SYSTEMS;~~

11 ~~(V) THE MEDICAL AND CHIRURGICAL FACULTY OF THE STATE OF~~
 12 ~~MARYLAND;~~

13 ~~(VI) THE SERVICE EMPLOYEES INTERNATIONAL UNION OF~~
 14 ~~MARYLAND; AND~~

15 ~~(VII) THE PROFESSIONAL STAFF NURSES ASSOCIATION OF~~
 16 ~~MARYLAND; AND~~

17 ~~(VIII) THE MARYLAND STATE DENTAL ASSOCIATION.~~

18 (C) ~~THE BOARD DEPARTMENT SHALL COMPLETE THE STUDY AND SUBMIT TO~~
 19 ~~THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE~~
 20 ~~GOVERNMENT ARTICLE, AND THE COMMISSIONER SECRETARY A REPORT ON THE~~
 21 ~~PROPOSED OR RECOMMENDED REGULATIONS AS PROVIDED UNDER SUBSECTION (B)~~
 22 ~~OF THIS SECTION ON OR BEFORE JULY 1 JANUARY 1, 2000. ON THE PROPOSED OR~~
 23 ~~RECOMMENDED REGULATIONS ON OR BEFORE JANUARY 1, 2000.~~

24 ~~(D) AFTER THE STUDY IS COMPLETED, THE COMMISSIONER SHALL ADOPT~~
 25 ~~REGULATIONS TO IMPLEMENT THE RECOMMENDATIONS ON OR BEFORE JANUARY 1,~~
 26 ~~2001.~~

27 ~~(D) WITHIN 45 DAYS AFTER RECEIPT OF THE REPORT FROM THE BOARD~~
 28 ~~UNDER SUBSECTION (C) OF THIS SECTION, THE COMMISSIONER MAY INITIATE THE~~
 29 ~~PROCESS FOR PUBLISHING AND ISSUING AN APPROPRIATE PROPOSED REGULATION~~
 30 ~~BASED ON THE BOARD'S REPORT.~~

31 ~~(E) THIS SECTION MAY BE CITED AS THE "HEALTH CARE WORKERS' SAFETY~~
 32 ~~ACT".~~

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
 34 effect July 1, 1999. It shall remain effective for a period of 3 years, and at the end of
 35 June 30, 2002, with no further action required by the General Assembly, this Act shall
 36 be abrogated and of no further force and effect.

