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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**

Introduced and read first time: February 4, 1999

Assigned to: Environmental Matters

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A BILL ENTITLED

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 to  
5 study the exposures of health care workers to blood and certain potentially  
6 infectious materials by objects that can penetrate the skin; requiring the Board  
7 to recommend regulations to establish a bloodborne pathogen standard to the  
8 Commissioner of Labor by a certain date; requiring the Commissioner to adopt  
9 regulations in accordance with the recommendations of the Board by a certain  
10 date; providing for the termination of this Act; and generally relating to health  
11 care workers' safety.

12 BY adding to

13 Article - Labor and Employment

14 Section 5-308.1

15 Annotated Code of Maryland

16 (1991 Volume and 1998 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Labor and Employment**

20 5-308.1.

21 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
22 INDICATED.

23 (2) (I) "BLOODBORNE PATHOGENS" MEANS PATHOGENIC  
24 MICROORGANISMS THAT ARE PRESENT IN HUMAN BLOOD AND CAN CAUSE DISEASE  
25 IN HUMANS.

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

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

5 (I) A PHYSICAL ATTRIBUTE BUILT INTO A NEEDLE DEVICE USED  
6 FOR WITHDRAWING BODY FLUIDS, ACCESSING A VEIN OR ARTERY, OR  
7 ADMINISTERING MEDICATIONS OR OTHER FLUIDS, WHICH EFFECTIVELY REDUCES  
8 THE RISK OF AN EXPOSURE INCIDENT BY A MECHANISM SUCH AS BARRIER  
9 CREATION, BLUNTING, ENCAPSULATION, WITHDRAWAL, RETRACTION,  
10 DESTRUCTION, OR OTHER EFFECTIVE MECHANISMS; OR

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

14 (4) "NEEDLELESS SYSTEMS" MEAN DEVICES THAT DO NOT UTILIZE  
15 NEEDLES FOR:

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

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

19 (III) ANY OTHER PROCEDURE INVOLVING THE POTENTIAL FOR AN  
20 EXPOSURE INCIDENT.

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

27 (B) THE BOARD SHALL ADVISE, CONSULT WITH, PROPOSE, AND RECOMMEND  
28 TO THE COMMISSIONER REASONABLE REGULATIONS TO ESTABLISH A BLOODBORNE  
29 PATHOGEN STANDARD GOVERNING OCCUPATIONAL EXPOSURE TO BLOOD AND  
30 OTHER POTENTIALLY INFECTIOUS MATERIALS ON THE BASIS OF A STUDY BY THE  
31 BOARD WHICH INCLUDES:

32 (1) EVALUATING NEEDLELESS SYSTEMS AND SHARPS WITH  
33 ENGINEERED SHARPS INJURY PROTECTION;

34 (2) CONSIDERING TRAINING AND EDUCATION REQUIREMENTS AND  
35 INCREASED USE OF PERSONAL PROTECTIVE EQUIPMENT; AND

36 (3) COMPILING A LIST OF EXISTING NEEDLELESS SYSTEMS AND SHARPS  
37 WITH ENGINEERED SHARPS INJURY PROTECTION TO ASSIST EMPLOYERS IN  
38 COMPLYING WITH THE REQUIREMENT OF A BLOODBORNE PATHOGEN STANDARD.

1 (C) THE BOARD SHALL COMPLETE THE STUDY AND SUBMIT TO THE  
2 COMMISSIONER A REPORT ON THE PROPOSED OR RECOMMENDED REGULATIONS ON  
3 OR BEFORE JULY 1, 2000.

4 (D) AFTER THE STUDY IS COMPLETED, THE COMMISSIONER SHALL ADOPT  
5 REGULATIONS TO IMPLEMENT THE RECOMMENDATIONS ON OR BEFORE JANUARY 1,  
6 2001.

7 (E) THIS SECTION MAY BE CITED AS THE "HEALTH CARE WORKERS' SAFETY  
8 ACT".

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