
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**

Introduced and read first time: February 4, 1999

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 1999

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 to
5 conduct a certain study on the exposures of health care workers to blood and
6 certain potentially infectious materials by objects that can penetrate the skin;
7 requiring the Board to ~~recommend regulations to establish~~ hold hearings and
8 prepare a report on the establishment of a bloodborne pathogen standard in
9 consultation with certain government and private entities; requiring the Board
10 to complete the study and submit a report to the Commissioner of Labor by and
11 Industry and the General Assembly on or before a certain date; requiring
12 authorizing the Commissioner to adopt regulations in accordance with the
13 ~~recommendations of the Board by a certain date~~ initiate within a certain period
14 of time the process for publishing and issuing a certain proposed regulation
15 based on the Board's report; providing for the termination of this Act; and
16 generally relating to a bloodborne pathogen standard and health care workers'
17 safety.

18 BY adding to
19 Article - Labor and Employment
20 Section 5-308.1
21 Annotated Code of Maryland
22 (1991 Volume and 1998 Supplement)

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

1 **Article - Labor and Employment**

2 5-308.1.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
4 INDICATED.5 (2) (I) "BLOODBORNE PATHOGENS" MEANS PATHOGENIC
6 MICROORGANISMS THAT ARE PRESENT IN HUMAN BLOOD AND CAN CAUSE DISEASE
7 IN HUMANS.8 (II) "BLOODBORNE PATHOGENS" INCLUDE, BUT ARE NOT LIMITED
9 TO, HEPATITIS B VIRUS (HBV), HEPATITIS C VIRUS (HCV), AND HUMAN
10 IMMUNODEFICIENCY VIRUS (HIV).

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

12 (I) A PHYSICAL ATTRIBUTE BUILT INTO A NEEDLE DEVICE USED
13 FOR WITHDRAWING BODY FLUIDS, ACCESSING A VEIN OR ARTERY, OR
14 ADMINISTERING MEDICATIONS OR OTHER FLUIDS, WHICH EFFECTIVELY REDUCES
15 THE RISK OF AN EXPOSURE INCIDENT BY A MECHANISM SUCH AS BARRIER
16 CREATION, BLUNTING, ENCAPSULATION, WITHDRAWAL, RETRACTION,
17 DESTRUCTION, OR OTHER EFFECTIVE MECHANISMS; OR18 (II) A PHYSICAL ATTRIBUTE BUILT INTO ANY OTHER TYPE OF
19 NEEDLE DEVICE, OR INTO A NONNEEDLE SHARP, WHICH EFFECTIVELY REDUCES
20 THE RISK OF AN EXPOSURE INCIDENT.21 (4) "NEEDLELESS SYSTEMS" MEAN DEVICES THAT DO NOT UTILIZE
22 NEEDLES FOR:23 (I) THE WITHDRAWAL OF BODY FLUIDS AFTER INITIAL VENOUS OR
24 ARTERIAL ACCESS IS ESTABLISHED;

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

26 (III) ANY OTHER PROCEDURE INVOLVING THE POTENTIAL FOR AN
27 EXPOSURE INCIDENT.28 (5) "SHARPS" MEAN ANY OBJECTS USED OR ENCOUNTERED IN A
29 HEALTH CARE SETTING THAT CAN BE REASONABLY ANTICIPATED TO PENETRATE
30 THE SKIN OR ANY OTHER PART OF THE BODY, AND TO RESULT IN AN EXPOSURE
31 INCIDENT, INCLUDING, BUT NOT LIMITED TO, NEEDLE DEVICES, SCALPELS,
32 LANCETS, BROKEN GLASS, BROKEN CAPILLARY TUBES, EXPOSED ENDS OF DENTAL
33 WIRES AND DENTAL KNIVES, DRILLS, AND BURS.34 (B) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS
35 SUBSECTION, THE BOARD SHALL ADVISE, CONSULT WITH, PROPOSE, AND
36 RECOMMEND TO THE COMMISSIONER REASONABLE REGULATIONS TO ESTABLISH
37 HOLD HEARINGS AND PREPARE A REPORT ON THE ESTABLISHMENT OF A

1 BLOODBORNE PATHOGEN STANDARD GOVERNING OCCUPATIONAL EXPOSURE TO
 2 BLOOD AND OTHER POTENTIALLY INFECTIOUS MATERIALS ON THE BASIS OF A
 3 STUDY CONDUCTED BY THE BOARD WHICH INCLUDES:

4 ~~(+)~~ (I) EVALUATING NEEDLELESS SYSTEMS AND SHARPS WITH
 5 ENGINEERED SHARPS INJURY PROTECTION;

6 ~~(=)~~ (II) CONSIDERING TRAINING AND EDUCATION REQUIREMENTS
 7 AND INCREASED USE OF PERSONAL PROTECTIVE EQUIPMENT; ~~AND~~

8 ~~(=)~~ (III) COMPILING A LIST OF EXISTING NEEDLELESS SYSTEMS AND
 9 SHARPS WITH ENGINEERED SHARPS INJURY PROTECTION TO ASSIST EMPLOYERS IN
 10 COMPLYING WITH THE REQUIREMENT OF A BLOODBORNE PATHOGEN STANDARD;

11 (IV) CONSIDERING EXCEPTIONS TO THE STANDARD; AND

12 (V) CONSIDERING THE COST, COST BENEFIT ANALYSIS, AND
 13 POTENTIAL OFFSETTING SAVINGS ASSOCIATED WITH A BLOODBORNE PATHOGEN
 14 STANDARD.

15 (2) THE BOARD SHALL PERFORM THE DUTIES SPECIFIED IN PARAGRAPH
 16 (1) OF THIS SUBSECTION IN CONSULTATION WITH POTENTIALLY AFFECTED
 17 INDUSTRY GROUPS INCLUDING:

18 (I) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

19 (II) THE MARYLAND HOSPITAL ASSOCIATION;

20 (III) THE MARYLAND NURSES ASSOCIATION;

21 (IV) THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL
 22 SERVICES SYSTEMS;

23 (V) THE MEDICAL AND CHIRURGICAL FACULTY OF THE STATE OF
 24 MARYLAND;

25 (VI) THE SERVICE EMPLOYEES INTERNATIONAL UNION OF
 26 MARYLAND; AND

27 (VII) THE PROFESSIONAL STAFF NURSES ASSOCIATION OF
 28 MARYLAND.

29 (C) THE BOARD SHALL COMPLETE THE STUDY AND SUBMIT TO THE GENERAL
 30 ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE,
 31 AND THE COMMISSIONER A REPORT ON THE PROPOSED OR RECOMMENDED
 32 REGULATIONS AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION ON OR
 33 BEFORE JULY 1, 2000.

34 ~~(D)~~ ~~AFTER THE STUDY IS COMPLETED, THE COMMISSIONER SHALL ADOPT~~
 35 ~~REGULATIONS TO IMPLEMENT THE RECOMMENDATIONS ON OR BEFORE JANUARY 1,~~
 36 ~~2001.~~

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

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

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