

HOUSE BILL 360

Unofficial Copy
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2000 Regular Session
(01r1413)

ENROLLED BILL

-- Environmental Matters/Economic and Environmental Affairs --

Introduced by **Delegates Morhaim, Nathan-Pulliam, Goldwater, Zirkin, Oaks, Mohorovic, Weir, Owings, Hubers, Moe, Hammen, Boutin, Sher, Malone, Hurson, Klausmeier, Redmer, Cane, Eckardt, and Guns**

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 FOR the purpose of requiring the ~~Maryland Occupational Safety and Health Advisory~~
4 ~~Board to develop revisions to the Bloodborne Pathogen Standard including~~
5 ~~certain terms and requirements; requiring the Board to submit recommended~~
6 ~~revisions to the Commissioner of Labor and Industry and the Secretary of~~
7 ~~Health and Mental Hygiene by a certain date; requiring the Commissioner and~~
8 ~~the Secretary to jointly of Labor and Industry in consultation with the Secretary~~
9 ~~of the Department of Health and Mental Hygiene to adopt regulations~~
10 ~~containing the recommendations by a certain date; defining the circumstances~~
11 ~~under which the Act applies; defining certain terms that implement the~~
12 Bloodborne Pathogen Standard as established by the federal Occupational
13 Safety and Health Administration; requiring the Commissioner to submit a
14 certain notice and make certain recommendations to the General Assembly and
15 certain committees of the General Assembly at a certain time; and generally

1 relating to the Bloodborne Pathogen Standard.

2 BY adding to

3 Article - Labor and Employment

4 Section 5-1001 through 5-1004 to be under the new subtitle "Subtitle 10.

5 Bloodborne Pathogen Standard"

6 Annotated Code of Maryland

7 (1999 Replacement Volume)

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

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

10 **Article - Labor and Employment**

11 **SUBTITLE 10. BLOODBORNE PATHOGEN STANDARD.**

12 5-1001.

13 ~~(A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
14 ~~INDICATED.~~

15 ~~(B) (1) "BLOODBORNE PATHOGENS" MEANS PATHOGENIC~~
16 ~~MICROORGANISMS THAT ARE PRESENT IN HUMAN BLOOD AND CAN CAUSE DISEASE~~
17 ~~IN HUMANS.~~

18 ~~(2) "BLOODBORNE PATHOGENS" INCLUDES:~~

19 ~~(I) HEPATITIS B VIRUS (HBV);~~

20 ~~(II) HEPATITIS C VIRUS (HCV); AND~~

21 ~~(III) HUMAN IMMUNODEFICIENCY VIRUS (HIV).~~

22 ~~(C) "ENGINEERED SHARPS INJURY PROTECTION" MEANS A PHYSICAL~~
23 ~~ATTRIBUTE THAT:~~

24 ~~(1) IS BUILT INTO A NEEDLE DEVICE OR NONNEEDLE SHARP; AND~~

25 ~~(2) REDUCES EXPOSURE RISK BY:~~

26 ~~(I) CREATING A BARRIER;~~

27 ~~(II) BLUNTING;~~

28 ~~(III) ENCAPSULATION;~~

29 ~~(IV) WITHDRAWAL;~~

30 ~~(V) RETRACTION;~~

1 (VI) DESTRUCTION; OR

2 (VII) OTHER EFFECTIVE MECHANISMS.

3 (D) "NEEDLELESS SYSTEMS" MEANS DEVICES THAT DO NOT UTILIZE NEEDLES
4 AND THAT ARE USED FOR:

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

7 (2) THE ADMINISTRATION OF MEDICATION OR FLUIDS; AND

8 (3) ANY OTHER PROCEDURE INVOLVING THE POTENTIAL FOR AN
9 EXPOSURE INCIDENT.

10 (E) "HEALTH CARE WORKER" MEANS A PERSON WHO IS:

11 (1) LICENSED;

12 (2) CERTIFIED; OR

13 (3) OTHERWISE AUTHORIZED IN THE STATE TO PROVIDE HEALTH CARE
14 SERVICES IN THE COURSE OF THE PERSON'S ACTIVITIES IN THE A HEALTH CARE
15 SETTING.

16 (F) (1) "SHARPS" MEANS ANY OBJECTS IN A HEALTH CARE SETTING THAT
17 CAN BE REASONABLY ANTICIPATED TO:

18 (I) PENETRATE THE SKIN OR ANY OTHER PART OF THE BODY; AND

19 (II) RESULT IN AN EXPOSURE INCIDENT.

20 (2) "SHARPS" INCLUDES:

21 (I) NEEDLE DEVICES;

22 (II) SCALPELS;

23 (III) LANCETS;

24 (IV) BROKEN GLASS;

25 (V) BROKEN CAPILLARY TUBES;

26 (VI) EXPOSED ENDS OF DENTAL WIRES; AND

27 (VII) DENTAL INSTRUMENTS.

28 ~~5-1002.~~

29 (A) ~~THE MARYLAND OCCUPATIONAL SAFETY AND HEALTH ADVISORY BOARD,~~
30 ~~AFTER CONSULTATION WITH INTERESTED PARTIES, SHALL:~~

1 (1) ~~DEVELOP RECOMMENDATIONS FOR REVISION OF THE BLOODBORNE~~
2 ~~PATHOGEN STANDARD GOVERNING OCCUPATIONAL EXPOSURE TO BLOOD AND~~
3 ~~OTHER POTENTIALLY DANGEROUS MATERIALS; AND~~

4 (2) ~~SUBMIT RECOMMENDED REVISIONS TO THE COMMISSIONER OF~~
5 ~~LABOR AND INDUSTRY AND THE SECRETARY OF HEALTH AND MENTAL HYGIENE ON~~
6 ~~OR BEFORE JANUARY 1, 2000 2001.~~

7 ~~(B) THE COMMISSIONER AND OF LABOR AND INDUSTRY IN CONSULTATION~~
8 ~~WITH THE SECRETARY OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE~~
9 ~~SHALL JOINTLY ADOPT REGULATIONS INCORPORATING THE BOARD'S~~
10 ~~RECOMMENDATIONS ON OR BEFORE JUNE 1, 2000 2001.~~

11 ~~5-1003.~~

12 ~~THE BLOODBORNE PATHOGEN STANDARD SHALL INCLUDE:~~

13 (1) ~~A REVISED DEFINITION OF ENGINEERING CONTROLS THAT~~
14 ~~INCLUDES ENGINEERED SHARPS INJURY PROTECTION TECHNOLOGY;~~

15 (2) ~~A DEFINITION OF BOTH NEEDLE AND NONNEEDLE ENGINEERED~~
16 ~~SHARPS INJURY PROTECTION;~~

17 (3) ~~A REQUIREMENT THAT THE ENGINEERED SHARPS INJURY~~
18 ~~PROTECTION TECHNOLOGY BE INCLUDED AS ENGINEERING OR WORK PRACTICE~~
19 ~~CONTROLS;~~

20 (4) ~~A WAIVER OF THE ENGINEERED SHARPS INJURY PROTECTION~~
21 ~~TECHNOLOGY REQUIREMENTS WHEN THE EMPLOYER OR OTHER APPROPRIATE~~
22 ~~PERSON CAN DEMONSTRATE THAT:~~

23 (I) ~~NO DEVICE IS THEN AVAILABLE IN THE MARKETPLACE TO~~
24 ~~PERFORM THE MEDICAL PROCEDURE BECAUSE OF LIMITS IN SUPPLY OR IN~~
25 ~~TECHNOLOGY;~~

26 (II) ~~THE TECHNOLOGY COMPROMISES THE PATIENT'S CARE OR~~
27 ~~SAFETY;~~

28 (III) ~~THE TECHNOLOGY IS NOT MORE EFFECTIVE IN PREVENTING~~
29 ~~EXPOSURE INCIDENTS THAN THE ALTERNATIVE USED BY THE EMPLOYER; OR~~

30 (IV) ~~SUFFICIENT INFORMATION IS NOT YET AVAILABLE ON THE~~
31 ~~SAFETY PERFORMANCE OF THE DEVICE, AND THE EMPLOYER IS ACTIVELY~~
32 ~~EVALUATING THE DEVICE;~~

33 (5) ~~A REQUIREMENT THAT WRITTEN EXPOSURE CONTROL PLANS:~~

34 (I) ~~ARE DEVELOPED WITH THE INVOLVEMENT OF HEALTH CARE~~
35 ~~WORKERS; AND~~

1 (II) ~~INCLUDE A PROCEDURE FOR IDENTIFYING AND SELECTING~~
2 ~~EXISTING ENGINEERED SHARPS INJURY PROTECTION TECHNOLOGY;~~

3 (6) ~~A REQUIREMENT THAT WRITTEN EXPOSURE CONTROL PLANS BE~~
4 ~~UPDATED ANNUALLY OR AS NECESSARY TO REFLECT PROGRESS IN IMPLEMENTING~~
5 ~~ENGINEERED SHARPS INJURY PROTECTION REQUIREMENTS;~~

6 (7) ~~A REQUIREMENT THAT INFORMATION CONCERNING ALL EXPOSURE~~
7 ~~INCIDENTS BE RECORDED IN A SHARPS INJURY LOG, INCLUDING INFORMATION ON~~
8 ~~THE TYPE AND BRAND OF DEVICE INVOLVED IN THE INCIDENT; AND~~

9 (8) ~~ADDITIONAL REQUIREMENTS TO PREVENT SHARPS INJURY OR~~
10 ~~EXPOSURE INCIDENTS INCLUDING:~~

11 (I) ~~TRAINING; AND~~

12 (II) ~~MEASURES TO INCREASE VACCINATIONS.~~

13 ~~5-1004.~~

14 ~~THIS SECTION SUBTITLE MAY BE CITED AS THE "HEALTH CARE WORKERS'~~
15 ~~SAFETY ACT".~~

16 ~~SECTION 2. AND BE IT FURTHER ENACTED, That compliance with the~~
17 ~~regulations adopted under Title 5, Subtitle 10 of the Labor and Employment Article~~
18 ~~shall be required within 12 months following final adoption of the regulations.~~

19 (A) ~~THE COMMISSIONER, IN CONSULTATION WITH THE SECRETARY OF THE~~
20 ~~DEPARTMENT OF HEALTH AND MENTAL HYGIENE, SHALL ADOPT REGULATIONS TO~~
21 ~~IMPLEMENT THE BLOODBORNE PATHOGEN STANDARD AS ESTABLISHED BY THE~~
22 ~~FEDERAL OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION IN 29 C.F.R.~~
23 ~~1910.1030, EFFECTIVE NOVEMBER 5, 1999.~~

24 (B) ~~THE COMMISSIONER SHALL SUBMIT NOTICE REGARDING ANY~~
25 ~~MODIFICATIONS MADE TO THE FEDERAL BLOODBORNE PATHOGEN STANDARD~~
26 ~~AFTER NOVEMBER 5, 1999 AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT~~
27 ~~ARTICLE, MAKE RECOMMENDATIONS FOR ANY LEGISLATIVE CHANGES TO THE~~
28 ~~HOUSE ENVIRONMENTAL MATTERS COMMITTEE, THE SENATE ECONOMIC AND~~
29 ~~ENVIRONMENTAL AFFAIRS COMMITTEE, AND THE GENERAL ASSEMBLY WITHIN 30~~
30 ~~DAYS OF THE ISSUANCE OF MODIFICATIONS TO THE BLOODBORNE PATHOGEN~~
31 ~~STANDARD.~~

32 ~~SECTION 3. 2. AND BE IT FURTHER ENACTED, That this Act shall take~~
33 ~~effect ~~June 1~~ October 1, 2000.~~

