

HOUSE BILL 360

Unofficial Copy  
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2000 Regular Session  
0lr1413  
CF 0lr1601

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

Introduced and read first time: February 2, 2000

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 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 adopt regulations containing the recommendations by a  
9 certain date; defining certain terms; and generally relating to the Bloodborne  
10 Pathogen Standard.

11 BY adding to  
12 Article - Labor and Employment  
13 Section 5-1001 through 5-1004 to be under the new subtitle "Subtitle 10.  
14 Bloodborne Pathogen Standard"  
15 Annotated Code of Maryland  
16 (1999 Replacement Volume)

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 **SUBTITLE 10. BLOODBORNE PATHOGEN STANDARD.**

21 5-1001.

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

24 (B) (1) "BLOODBORNE PATHOGENS" MEANS PATHOGENIC  
25 MICROORGANISMS THAT ARE PRESENT IN HUMAN BLOOD AND CAN CAUSE DISEASE  
26 IN HUMANS.

1 (2) "BLOODBORNE PATHOGENS" INCLUDES:

2 (I) HEPATITIS B VIRUS (HBV);

3 (II) HEPATITIS C VIRUS (HCV); AND

4 (III) HUMAN IMMUNODEFICIENCY VIRUS (HIV).

5 (C) "ENGINEERED SHARPS INJURY PROTECTION" MEANS A PHYSICAL  
6 ATTRIBUTE THAT:

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

8 (2) REDUCES EXPOSURE RISK BY:

9 (I) CREATING A BARRIER;

10 (II) BLUNTING;

11 (III) ENCAPSULATION;

12 (IV) WITHDRAWAL;

13 (V) RETRACTION;

14 (VI) DESTRUCTION; OR

15 (VII) OTHER EFFECTIVE MECHANISMS.

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

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

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

21 (3) ANY OTHER PROCEDURE INVOLVING THE POTENTIAL FOR AN  
22 EXPOSURE INCIDENT.

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

24 (1) LICENSED;

25 (2) CERTIFIED; OR

26 (3) OTHERWISE AUTHORIZED IN THE STATE TO PROVIDE HEALTH CARE  
27 SERVICES ACTIVITIES IN THE HEALTH CARE SETTING.

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

- 1 (I) PENETRATE THE SKIN OR ANY OTHER PART OF THE BODY; AND  
2 (II) RESULT IN AN EXPOSURE INCIDENT.
- 3 (2) "SHARPS" INCLUDES:
- 4 (I) NEEDLE DEVICES;  
5 (II) SCALPELS;  
6 (III) LANCETS;  
7 (IV) BROKEN GLASS;  
8 (V) BROKEN CAPILLARY TUBES;  
9 (VI) EXPOSED ENDS OF DENTAL WIRES; AND  
10 (VII) DENTAL INSTRUMENTS.

11 5-1002.

12 (A) THE MARYLAND OCCUPATIONAL SAFETY AND HEALTH ADVISORY BOARD,  
13 AFTER CONSULTATION WITH INTERESTED PARTIES, SHALL:

14 (1) DEVELOP RECOMMENDATIONS FOR REVISION OF THE BLOODBORNE  
15 PATHOGEN STANDARD GOVERNING OCCUPATIONAL EXPOSURE TO BLOOD AND  
16 OTHER POTENTIALLY DANGEROUS MATERIALS; AND

17 (2) SUBMIT RECOMMENDED REVISIONS TO THE COMMISSIONER OF  
18 LABOR AND INDUSTRY AND THE SECRETARY OF HEALTH AND MENTAL HYGIENE ON  
19 OR BEFORE JANUARY 1, 2000.

20 (B) THE COMMISSIONER AND THE SECRETARY SHALL JOINTLY ADOPT  
21 REGULATIONS INCORPORATING THE BOARD'S RECOMMENDATIONS ON OR BEFORE  
22 JUNE 1, 2000.

23 5-1003.

24 THE BLOODBORNE PATHOGEN STANDARD SHALL INCLUDE:

25 (1) A REVISED DEFINITION OF ENGINEERING CONTROLS THAT  
26 INCLUDES ENGINEERED SHARPS INJURY PROTECTION TECHNOLOGY;

27 (2) A DEFINITION OF BOTH NEEDLE AND NONNEEDLE ENGINEERED  
28 SHARPS INJURY PROTECTION;

29 (3) A REQUIREMENT THAT THE ENGINEERED SHARPS INJURY  
30 PROTECTION TECHNOLOGY BE INCLUDED AS ENGINEERING OR WORK PRACTICE  
31 CONTROLS;

1 (4) A WAIVER OF THE ENGINEERED SHARPS INJURY PROTECTION  
2 TECHNOLOGY REQUIREMENTS WHEN THE EMPLOYER OR OTHER APPROPRIATE  
3 PERSON CAN DEMONSTRATE THAT:

4 (I) NO DEVICE IS THEN AVAILABLE IN THE MARKETPLACE TO  
5 PERFORM THE MEDICAL PROCEDURE BECAUSE OF LIMITS IN SUPPLY OR IN  
6 TECHNOLOGY;

7 (II) THE TECHNOLOGY COMPROMISES THE PATIENT'S CARE OR  
8 SAFETY;

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

11 (IV) SUFFICIENT INFORMATION IS NOT YET AVAILABLE ON THE  
12 SAFETY PERFORMANCE OF THE DEVICE, AND THE EMPLOYER IS ACTIVELY  
13 EVALUATING THE DEVICE;

14 (5) A REQUIREMENT THAT WRITTEN EXPOSURE CONTROL PLANS:

15 (I) ARE DEVELOPED WITH THE INVOLVEMENT OF HEALTH CARE  
16 WORKERS; AND

17 (II) INCLUDE A PROCEDURE FOR IDENTIFYING AND SELECTING  
18 EXISTING ENGINEERED SHARPS INJURY PROTECTION TECHNOLOGY;

19 (6) A REQUIREMENT THAT WRITTEN EXPOSURE CONTROL PLANS BE  
20 UPDATED ANNUALLY OR AS NECESSARY TO REFLECT PROGRESS IN IMPLEMENTING  
21 ENGINEERED SHARPS INJURY PROTECTION REQUIREMENTS;

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

25 (8) ADDITIONAL REQUIREMENTS TO PREVENT SHARPS INJURY OR  
26 EXPOSURE INCIDENTS INCLUDING:

27 (I) TRAINING; AND

28 (II) MEASURES TO INCREASE VACCINATIONS.

29 5-1004.

30 THIS SECTION MAY BE CITED AS THE "HEALTH CARE WORKERS' SAFETY ACT".

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

34 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 June 1, 2000.

