

HOUSE BILL 360

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2000 Regular Session
0lr1413
CF 0lr1601

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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 23, 2000

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; and generally relating to
12 the Bloodborne Pathogen Standard.

13 BY adding to
14 Article - Labor and Employment
15 Section 5-1001 through 5-1004 to be under the new subtitle "Subtitle 10.
16 Bloodborne Pathogen Standard"
17 Annotated Code of Maryland
18 (1999 Replacement Volume)

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

1 **Article - Labor and Employment**

2 SUBTITLE 10. BLOODBORNE PATHOGEN STANDARD.

3 5-1001.

4 (A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.6 (B) (1) "BLOODBORNE PATHOGENS" MEANS PATHOGENIC
7 MICROORGANISMS THAT ARE PRESENT IN HUMAN BLOOD AND CAN CAUSE DISEASE
8 IN HUMANS.

9 (2) "BLOODBORNE PATHOGENS" INCLUDES:

10 (I) HEPATITIS B VIRUS (HBV);

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

12 (III) HUMAN IMMUNODEFICIENCY VIRUS (HIV).

13 (C) "ENGINEERED SHARPS INJURY PROTECTION" MEANS A PHYSICAL
14 ATTRIBUTE THAT:

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

16 (2) REDUCES EXPOSURE RISK BY:

17 (I) CREATING A BARRIER;

18 (II) BLUNTING;

19 (III) ENCAPSULATION;

20 (IV) WITHDRAWAL;

21 (V) RETRACTION;

22 (VI) DESTRUCTION; OR

23 (VII) OTHER EFFECTIVE MECHANISMS.

24 (D) "NEEDLELESS SYSTEMS" MEANS DEVICES THAT DO NOT UTILIZE NEEDLES
25 AND THAT ARE USED FOR:26 (1) THE WITHDRAWAL OF BODY FLUIDS AFTER INITIAL VENOUS OR
27 ARTERIAL ACCESS IS ESTABLISHED;

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

1 (3) ANY OTHER PROCEDURE INVOLVING THE POTENTIAL FOR AN
2 EXPOSURE INCIDENT.

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

4 (1) LICENSED;

5 (2) CERTIFIED; OR

6 (3) OTHERWISE AUTHORIZED IN THE STATE TO PROVIDE HEALTH CARE
7 SERVICES IN THE COURSE OF THE PERSON'S ACTIVITIES IN THE A HEALTH CARE
8 SETTING.

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

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

12 (II) RESULT IN AN EXPOSURE INCIDENT.

13 (2) "SHARPS" INCLUDES:

14 (I) NEEDLE DEVICES;

15 (II) SCALPELS;

16 (III) LANCETS;

17 (IV) BROKEN GLASS;

18 (V) BROKEN CAPILLARY TUBES;

19 (VI) EXPOSED ENDS OF DENTAL WIRES; AND

20 (VII) DENTAL INSTRUMENTS.

21 5-1002.

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

24 (1) DEVELOP RECOMMENDATIONS FOR REVISION OF THE BLOODBORNE
25 PATHOGEN STANDARD GOVERNING OCCUPATIONAL EXPOSURE TO BLOOD AND
26 OTHER POTENTIALLY DANGEROUS MATERIALS; AND

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

30 (B) THE COMMISSIONER AND OF LABOR AND INDUSTRY IN CONSULTATION
31 WITH THE SECRETARY OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE

1 SHALL ~~JOINTLY~~ ADOPT REGULATIONS INCORPORATING THE BOARD'S
2 RECOMMENDATIONS ON OR BEFORE JUNE 1, ~~2000~~ 2001.

3 5-1003.

4 THE BLOODBORNE PATHOGEN STANDARD SHALL INCLUDE:

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

7 (2) A DEFINITION OF BOTH NEEDLE AND NONNEEDLE ENGINEERED
8 SHARPS INJURY PROTECTION;

9 (3) A REQUIREMENT THAT THE ENGINEERED SHARPS INJURY
10 PROTECTION TECHNOLOGY BE INCLUDED AS ENGINEERING OR WORK PRACTICE
11 CONTROLS;

12 (4) A WAIVER OF THE ENGINEERED SHARPS INJURY PROTECTION
13 TECHNOLOGY REQUIREMENTS WHEN THE EMPLOYER OR OTHER APPROPRIATE
14 PERSON CAN DEMONSTRATE THAT:

15 (I) NO DEVICE IS THEN AVAILABLE IN THE MARKETPLACE TO
16 PERFORM THE MEDICAL PROCEDURE BECAUSE OF LIMITS IN SUPPLY OR IN
17 TECHNOLOGY;

18 (II) THE TECHNOLOGY COMPROMISES THE PATIENT'S CARE OR
19 SAFETY;

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

22 (IV) SUFFICIENT INFORMATION IS NOT YET AVAILABLE ON THE
23 SAFETY PERFORMANCE OF THE DEVICE, AND THE EMPLOYER IS ACTIVELY
24 EVALUATING THE DEVICE;

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

26 (I) ARE DEVELOPED WITH THE INVOLVEMENT OF HEALTH CARE
27 WORKERS; AND

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

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

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

1 (8) ADDITIONAL REQUIREMENTS TO PREVENT SHARPS INJURY OR
2 EXPOSURE INCIDENTS INCLUDING:

3 (I) TRAINING; AND

4 (II) MEASURES TO INCREASE VACCINATIONS.

5 5-1004.

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

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

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