

By the Committee on Governmental Oversight and Productivity;  
and Senator Dyer

302-1879-00

1                                   A bill to be entitled  
2           An act relating to safety standards for public  
3           health care employees; providing definitions;  
4           requiring that the Department of Labor and  
5           Employment Security adopt a  
6           blood-borne-pathogen standard for public  
7           employees; requiring the use of needleless  
8           systems and sharps with engineered  
9           sharps-injury protection; requiring that  
10          incidents of exposure be recorded in a  
11          sharps-injury log; specifying the information  
12          to be included in the sharps-injury log;  
13          authorizing the Department of Labor and  
14          Employment Security to include additional  
15          requirements as part of the  
16          blood-borne-pathogen standard; requiring that  
17          the department compile a list of needleless  
18          systems and sharps with engineered  
19          sharps-injury protection to assist employers in  
20          complying with the department's standard;  
21          providing a declaration of an important state  
22          interest; providing an effective date.

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24 Be It Enacted by the Legislature of the State of Florida:  
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26           Section 1. (1) As used in this section, the term:  
27           (a) "Blood-borne pathogens" means pathogenic  
28           microorganisms that are present in human blood and that can  
29           cause disease in humans, including, but not limited to,  
30           hepatitis B virus, hepatitis C virus, and human  
31           immunodeficiency virus.

- 1           (b) "Engineered sharps-injury protection" means:  
2           1. A physical attribute built into or used with a  
3 needle device used for withdrawing body fluids, accessing a  
4 vein or artery, or administering medications or other fluids  
5 which effectively reduces the risk of an exposure incident by  
6 a mechanism such as barrier creation, blunting, encapsulation,  
7 withdrawal, retraction, destruction, or other effective  
8 mechanisms; or  
9           2. A physical attribute built into or used with any  
10 other type of needle device, or into a nonneedle sharp, which  
11 effectively reduces the risk of an exposure incident.  
12           (c) "Needleless system" means a device that does not  
13 use needles for:  
14           1. The withdrawal of body fluids after initial venous  
15 or arterial access is established.  
16           2. The administration of medication or fluids.  
17           3. Any other procedure that involves the potential for  
18 an exposure incident.  
19           (d) "Public employer" means any employer that employs  
20 public employees who have occupational exposure to blood or  
21 other material that potentially contains blood-borne  
22 pathogens.  
23           (e) "Public employee" means an employee of the state  
24 or a political subdivision of the state who is employed in a  
25 health care facility, home health care organization, or other  
26 facility that provides health care services.  
27           (f) "Sharp" means any object used or encountered in a  
28 health care setting which can be reasonably anticipated to  
29 penetrate the skin or any other part of the body and to result  
30 in an exposure incident, including, but not limited to, needle  
31 devices, scalpels, lancets, broken glass, broken capillary

1 tubes, exposed ends of dental wires, dental knives, drills,  
2 and burs.

3 (2) The Department of Labor and Employment Security  
4 shall adopt a blood-borne-pathogen standard governing public  
5 employees. The standard must be at least as stringent as the  
6 standard adopted by the federal Occupational Safety and Health  
7 Administration and must include, but need not be limited to:

8 (a) A requirement that needleless systems be  
9 implemented and that sharps with engineered sharps-injury  
10 protection be used in all facilities that employ public  
11 employees, except in cases where an evaluation committee,  
12 established by the public employer and consisting of a  
13 majority of health care workers that provide direct patient  
14 care, determines by means of an objective evaluation of  
15 products that the use of such devices will jeopardize the  
16 safety of patients or employees with respect to a specific  
17 medical procedure.

18 (b) A requirement that information concerning  
19 incidents of exposure be recorded in a sharps injury log that  
20 includes, but need not be limited to:

21 1. The date and time of the exposure incident.

22 2. The type and brand of sharp involved in the  
23 exposure incident.

24 3. A description of the exposure incident, which must  
25 include:

26 a. The job classification of the exposed employee.

27 b. The department or work area where the exposure  
28 incident occurred.

29 c. The procedure that the exposed employee was  
30 performing at the time of the incident.

31 d. How the incident occurred.

1           e. The body part involved in the exposure incident.

2           f. If the sharp had engineered sharps-injury  
3 protection, whether the protective mechanism was activated and  
4 whether the injury occurred before the protective mechanism  
5 was activated, during activation of the mechanism, or after  
6 activation of the mechanism, if applicable.

7           g. If the sharp did not have a form of engineered  
8 sharps-injury protection, the injured employee's opinion as to  
9 whether and how such a mechanism could have prevented the  
10 injury, as well as the basis for the opinion.

11           h. The employee's opinion about whether any other  
12 engineering, administrative procedure, or work practice could  
13 have prevented the injury, as well as the basis for the  
14 opinion.

15           (3) The standards adopted under paragraph (2)(a) may  
16 not prohibit the use of a pre-filled syringe that is approved  
17 by the federal Food and Drug Administration. This subsection  
18 expires May 1, 2003.

19           (4) The Department of Labor and Employment Security  
20 shall consider additional requirements as part of the  
21 blood-borne-pathogen standard in order to prevent sharps  
22 injuries or exposure incidents, including, but not limited to,  
23 training and educational requirements, measures to increase  
24 vaccinations, strategic placement of sharps containers as  
25 close to the work area as practical, and increased use of  
26 personal protective equipment.

27           (5) The Department of Labor and Employment Security  
28 shall compile and maintain a list of existing needleless  
29 systems and sharps with engineered sharps-injury protection,  
30 which shall be available to assist public employers in  
31 complying with the requirements of the blood-borne-pathogen

1 standard adopted under this section. The list may be developed  
2 from existing sources of information, including, but not  
3 limited to, the federal Food and Drug Administration, the  
4 federal Centers for Disease Control and Prevention, the  
5 federal Occupational Safety and Health Administration, and the  
6 United States Department of Veterans Affairs.

7 Section 2. The Legislature declares that the  
8 provisions of this act fulfill an important state interest due  
9 to the benefits of the prevention of communicable diseases.

10 Section 3. This act shall take effect July 1, 2000.

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12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
13 COMMITTEE SUBSTITUTE FOR  
14 SB 222

15 Substitutes the Department of Labor and Employment Security  
16 for the Department of Health.

17 Clarifies that standards adopted by the department are not to  
18 prohibit the use of a pre-filled syringe that is approved by  
the Federal Food and Drug Administration.

19 Modifies the definition of "engineered sharps-injury  
20 protection" to include a physical attribute built into or used  
with a needle device.

21 Provides that the evaluation committee must be composed of  
health care workers who provide direct patient care.

22 Contains a statement declaring that the act fulfills an  
23 important state interest by preventing communicable diseases.

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