

1 1. Unless exempt from the premarket clearance and
2 approval requirements of the Federal Food, Drug, and Cosmetic
3 Act, the United States Food and Drug Administration has
4 cleared or approved as safe and effective in reducing the risk
5 of needlestick injuries.

6 2. The public employer's evaluation committee
7 reasonably determines will effectively reduce the risk of an
8 exposure incident at the employer's work site.

9 (b) "Blood-borne pathogens" means pathogenic
10 microorganisms that are present in human blood and that can
11 cause disease in humans, including, but not limited to,
12 hepatitis B virus, hepatitis C virus, and human
13 immunodeficiency virus.

14 (c) "Engineered sharps injury protection" means a
15 physical attribute:

16 1.a. Built into or used with a needle device used for
17 withdrawing body fluids, accessing a vein or artery, or
18 administering medications or other fluids by employing a
19 mechanism such as barrier creation, blunting, encapsulation,
20 withdrawal, retraction, destruction, or other effective
21 mechanisms; or

22 b. Built into or used with any other type of needle
23 device, or into a non-needle sharp.

24 2. That is incorporated into a device that:

25 a. Unless exempt from the premarket clearance and
26 approval requirements of the Federal Food, Drug, and Cosmetic
27 Act, the United States Food and Drug Administration has
28 cleared or approved as safe and effective in reducing the risk
29 of needlestick injuries.

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1 b. The public employer's evaluation committee
2 reasonably determines will effectively reduce the risk of an
3 exposure incident at the employer's work site.

4 (d) "Needleless system" means a device that does not
5 use needles for:

6 1. The withdrawal of body fluids after initial venous
7 or arterial access is established.

8 2. The administration of medication or fluids.

9 3. Any other procedure that involves the potential for
10 an exposure incident.

11 (e) "Public employer" means any employer that employs
12 public employees who have occupational exposure to blood or
13 other material that potentially contains blood-borne
14 pathogens.

15 (f) "Public employee" means an employee of the state
16 or a political subdivision of the state who is employed in a
17 health care facility, home health care organization, or other
18 facility that provides health care services.

19 (g) "Sharp" means any object used or encountered in a
20 health care setting which can be reasonably anticipated to
21 penetrate the skin or any other part of the body and to result
22 in an exposure incident, including, but not limited to, needle
23 devices, scalpels, lancets, broken glass, broken capillary
24 tubes, exposed ends of dental wires, dental knives, drills,
25 and burs.

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

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1 (a) A requirement that needleless systems, sharps with
2 engineered sharps injury protection, and approved needlestick
3 prevention technologies be used in all facilities that employ
4 public employees, except in cases where an evaluation
5 committee, established by the public employer and consisting
6 of a majority of health care workers, determines by means of
7 an objective evaluation of products that the use of such
8 devices will jeopardize the safety of patients or employees
9 with respect to a specific medical procedure.

10 (b) The standards adopted under this subsection may
11 not prohibit the use of a prefilled syringe that is approved
12 by the United States Food and Drug Administration. This
13 paragraph expires May 1, 2003.

14 (c) A requirement that information concerning
15 incidents of exposure be recorded in a sharps injury log that
16 includes, but need not be limited to:

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

18 2. The type and brand of sharp involved in the
19 exposure incident.

20 3. A description of the exposure incident, which must
21 include:

22 a. The job classification of the exposed employee.

23 b. The department or work area where the exposure
24 incident occurred.

25 c. The procedure that the exposed employee was
26 performing at the time of the incident.

27 d. How the incident occurred.

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

29 f. If the sharp had engineered sharps injury
30 protection, whether the protective mechanism was activated,
31 and whether the injury occurred before the protective

1 mechanism was activated, during activation of the mechanism,
2 or after activation of the mechanism, if applicable.

3 (3) The Department of Labor and Employment Security
4 shall consider additional requirements as part of the
5 blood-borne-pathogen standard in order to prevent sharps
6 injuries or exposure incidents, including, but not limited to,
7 training and educational requirements, measures to increase
8 vaccinations, strategic placement of sharps containers as
9 close to the work area as practical, and increased use of
10 personal protective equipment.

11 (4) The Department of Labor and Employment Security
12 shall compile and maintain a list of existing needleless
13 systems and sharps with engineered sharps injury protection,
14 and approved needlestick prevention technologies, which shall
15 be available to assist public employers in complying with the
16 requirements of the blood-borne-pathogen standard adopted
17 under this section. The list may be developed from existing
18 sources of information, including, but not limited to, the
19 federal Food and Drug Administration, the federal Centers for
20 Disease Control and Prevention, the federal Occupational
21 Safety and Health Administration, and the United States
22 Department of Veterans Affairs.

23 Section 2. The Legislature hereby determines and
24 declares that the provisions of this act fulfill an important
25 state interest due to the benefits of the prevention of
26 communicable diseases.

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