

HOUSE BILL No. 4621

May 4, 1999, Introduced by Reps. Woodward, DeWeese, Green, Vear, Dennis, Schauer, Neumann, Cherry, Toy, Mortimer, Ehardt, Pumford, Jacobs, Reeves, DeHart, Gielegem, Rivet, Callahan, Baird, Kilpatrick and Bovin and referred to the Committee on Health Policy.

A bill to amend 1974 PA 154, entitled
"Michigan occupational safety and health act,"
(MCL 408.1001 to 408.1094) by adding section 24a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 24A. (1) NOT LATER THAN 90 DAYS AFTER THE EFFECTIVE
2 DATE OF THIS SECTION, THE OCCUPATIONAL HEALTH STANDARDS COMMIS-
3 SION SHALL PROMULGATE AN EMERGENCY REGULATION REVISING THE
4 BLOOD-BORNE PATHOGEN STANDARD CURRENTLY SET FORTH IN R 325.70001
5 TO R 325.70017 OF THE MICHIGAN ADMINISTRATIVE CODE. FOLLOWING
6 ADOPTION OF THE EMERGENCY REGULATION, THE BOARD SHALL COMPLETE
7 THE REGULATION ADOPTION PROCESS AND SHALL FORMALLY ADOPT A REGU-
8 LATION EMBODYING A BLOOD-BORNE PATHOGEN STANDARD MEETING THE
9 REQUIREMENTS OF SUBSECTION (2). THAT REGULATION SHALL BECOME
10 EFFECTIVE NOT LATER THAN 9 MONTHS AFTER THE EFFECTIVE DATE OF

1 THIS SECTION. THE EMERGENCY REGULATION SHALL REMAIN IN EFFECT
2 UNTIL THE NONEMERGENCY REGULATION BECOMES EFFECTIVE.

3 (2) THE DEPARTMENT OF COMMUNITY HEALTH SHALL DEVELOP A STAN-
4 DARD DESCRIBED IN SUBSECTION (1), AND THE OCCUPATIONAL HEALTH
5 STANDARDS COMMISSION SHALL ADOPT THAT STANDARD. THE STANDARD
6 SHALL INCLUDE, BUT NOT BE LIMITED TO, ALL OF THE FOLLOWING:

7 (A) A REVISED DEFINITION OF "ENGINEERING CONTROLS" THAT
8 INCLUDES SHARPS PREVENTION TECHNOLOGY THAT, AT A MINIMUM, CON-
9 TAINS NEEDLELESS SYSTEMS AND NEEDLES WITH ENGINEERED SHARPS
10 INJURY PROTECTION. THE STANDARD SHALL ADDITIONALLY DEFINE
11 "ENGINEERED SHARPS INJURY PROTECTION" TO MEAN EITHER OF THE
12 FOLLOWING:

13 (i) A PHYSICAL ATTRIBUTE BUILT INTO A NEEDLE DEVICE USED FOR
14 WITHDRAWING BODY FLUIDS, ACCESSING A VEIN OR ARTERY, OR ADMINIS-
15 TERING MEDICATIONS OR OTHER FLUIDS, THAT EFFECTIVELY REDUCES THE
16 RISK OF AN EXPOSURE INCIDENT BY A MECHANISM SUCH AS BARRIER CRE-
17 ATION, BLUNTING, ENCAPSULATION, WITHDRAWAL RETRACTION, DESTRUC-
18 TION, OR OTHER EFFECTIVE MECHANISMS.

19 (ii) A PHYSICAL ATTRIBUTE BUILT INTO ANY TYPE OF NEEDLE
20 DEVICE NOT DESCRIBED IN SUBPARAGRAPH (i), OR INTO A NONNEEDLE
21 SHARP, THAT EFFECTIVELY REDUCES THE RISK OF AN EXPOSURE
22 INCIDENT.

23 (B) A REQUIREMENT THAT EMPLOYERS HAVING EMPLOYEES WITH OCCU-
24 PATIONAL EXPOSURE SHALL ESTABLISH AN EVALUATION COMMITTEE, AT
25 LEAST HALF THE MEMBERS OF WHICH ARE FRONTLINE HEALTH CARE WORKERS
26 FROM A VARIETY OF OCCUPATIONAL CLASSIFICATIONS AND DEPARTMENTS,
27 INCLUDING, BUT NOT LIMITED TO, NURSES, NURSE AIDS, TECHNICIANS,

1 PHLEBOTOMISTS, AND PHYSICIANS, TO CONDUCT AN EVALUATION OF
2 NEEDLELESS SYSTEMS AND SHARPS WITH ENGINEERED SHARPS INJURY
3 PROTECTIONS.

4 (C) A REQUIREMENT THAT ENGINEERED SHARPS INJURY PROTECTION
5 BE INCLUDED AS ENGINEERING OR WORK PRACTICE CONTROLS, EXCEPT IN
6 CASES WHERE THE EVALUATION COMMITTEE ESTABLISHED UNDER
7 SUBDIVISION (B) DEMONSTRATES CIRCUMSTANCES IN WHICH THE TECHNOL-
8 OGY DOES NOT PROMOTE EMPLOYEE OR PATIENT SAFETY OR INTERFERES
9 WITH A MEDICAL PROCEDURE.

10 (D) A REQUIREMENT THAT WRITTEN EXPOSURE CONTROL PLANS
11 INCLUDE AN EFFECTIVE PROCEDURE FOR IDENTIFYING AND SELECTING
12 EXISTING SHARPS PREVENTION TECHNOLOGY SPECIFIED IN
13 SUBDIVISION (A).

14 (E) A REQUIREMENT THAT, AT A MINIMUM, WRITTEN EXPOSURE CON-
15 TROL PLANS BE UPDATED AT LEAST ANNUALLY, AND REVIEWED BY THE
16 EVALUATION COMMITTEE ESTABLISHED UNDER SUBDIVISION (B), TO
17 REFLECT PROGRESS IN IMPLEMENTING THE SHARPS PREVENTION TECHNOLOGY
18 SPECIFIED IN SUBDIVISION (A).

19 (F) A REQUIREMENT THAT INFORMATION CONCERNING EXPOSURE INCI-
20 DENTS BE RECORDED IN A SHARPS INJURY LOG, AND THAT THE INFORMA-
21 TION INCLUDE, AT A MINIMUM, ALL OF THE FOLLOWING:

22 (i) THE DATE AND TIME OF THE EXPOSURE INCIDENT.

23 (ii) THE TYPE AND BRAND OF SHARP INVOLVED IN THE EXPOSURE
24 INCIDENT.

25 (iii) A FULL DESCRIPTION OF THE EXPOSURE INCIDENT THAT, AT A
26 MINIMUM, INCLUDES THE JOB CLASSIFICATION OF THE EXPOSED EMPLOYEE;
27 THE WORK AREA WHERE THE EXPOSURE OCCURRED; THE PROCEDURE THE

1 EMPLOYEE WAS PERFORMING; WHETHER THE SHARP HAD ENGINEERED SHARPS
2 INJURY PROTECTION; AND WHETHER THE EMPLOYEE HAD BEEN TRAINED ON
3 THE USE OF ENGINEERING CONTROLS.

4 (3) THE DEPARTMENT OF COMMUNITY HEALTH MAY CONSIDER AND PRO-
5 POSE FOR ADOPTION BY THE OCCUPATIONAL HEALTH STANDARDS COMMISSION
6 ADDITIONAL REVISIONS TO THE BLOOD-BORNE PATHOGEN STANDARDS TO
7 PREVENT SHARPS INJURIES OR EXPOSURE INCIDENTS, INCLUDING, BUT NOT
8 LIMITED TO, TRAINING REQUIREMENTS AND MEASURES TO INCREASE
9 VACCINATIONS.

10 (4) THE OCCUPATIONAL HEALTH STANDARDS COMMISSION AND THE
11 DEPARTMENT OF COMMUNITY HEALTH SHALL JOINTLY COMPILE AND MAINTAIN
12 A LIST OF EXISTING NEEDLELESS SYSTEMS AND NEEDLES WITH ENGINEERED
13 SHARPS INJURY PROTECTION AND MAKE THAT LIST AVAILABLE TO ASSIST
14 EMPLOYERS IN COMPLYING WITH THE BLOOD-BORNE PATHOGEN STANDARD
15 ADOPTED UNDER SUBSECTION (1) OR (2). THE LIST MAY BE DEVELOPED
16 FROM EXISTING SOURCES OF INFORMATION, INCLUDING, BUT NOT LIMITED
17 TO, THE UNITED STATES FOOD AND DRUG ADMINISTRATION, THE UNITED
18 STATES CENTERS FOR DISEASE CONTROL, THE NATIONAL INSTITUTE OF
19 OCCUPATIONAL SAFETY AND HEALTH, AND THE UNITED STATES DEPARTMENT
20 OF VETERANS AFFAIRS.