

HOUSE BILL No. 4394

March 1, 2001, Introduced by Reps. Woodward, Vear, Waters, Lipsey, Kolb, Bernero, Gielegem, Spade, Schauer, Minore, Jacobs, Voorhees, Rich Brown, Neumann, Garza, Gosselin, Patterson, Bovin, Basham, Anderson, Ruth Johnson, Richardville, Toy, Vander Veen, Kowall, Ehardt, Caul, Woronchak, Rocca, DeWeese, Wojno, Williams, Adamini, Pappageorge, Hardman, Reeves, Lemmons and Raczkowski 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) AN EMPLOYER WITH 15 OR MORE EMPLOYEES WITH
2 OCCUPATIONAL EXPOSURE TO HUMAN BLOOD OR OTHER MATERIAL POTEN-
3 Tially INFECTIOUS TO HUMANS THROUGH NEEDLE PUNCTURES SHALL NOT
4 PERMIT AN EMPLOYEE TO USE A NEEDLE THAT IS NOT A NEEDLELESS
5 SYSTEM OR IS NOT A NEEDLE WITH ENGINEERED SHARPS INJURY PROTEC-
6 TION, EXCEPT IN CIRCUMSTANCES IN WHICH THAT TECHNOLOGY DOES NOT
7 PROMOTE EMPLOYEE OR PATIENT SAFETY OR INTERFERES WITH A MEDICAL
8 PROCEDURE.

9 (2) AN EMPLOYER WITH MORE THAN 15 EMPLOYEES WITH
10 OCCUPATIONAL EXPOSURE TO HUMAN BLOOD OR OTHER MATERIAL
11 POTENTIALLY INFECTIOUS TO HUMANS SHALL DO ALL OF THE FOLLOWING:

1 (A) ESTABLISH AN EVALUATION COMMITTEE, AT LEAST HALF THE
2 MEMBERS OF WHICH ARE HEALTH CARE EMPLOYEES FROM A VARIETY OF
3 HEALTH OCCUPATIONS AND HEALTH PROFESSIONS, TO CONDUCT AN EVALU-
4 ATION OF NEEDLELESS SYSTEMS AND NEEDLES WITH ENGINEERED SHARPS
5 INJURY PROTECTIONS. HEALTH CARE EMPLOYEE MEMBERS OF THE EVALU-
6 ATION COMMITTEE ESTABLISHED UNDER THIS SUBDIVISION SHALL INCLUDE
7 NONMANAGERIAL HEALTH CARE EMPLOYEES DIRECTLY INVOLVED IN PATIENT
8 CARE.

9 (B) ESTABLISH AN EFFECTIVE PROCEDURE FOR IDENTIFYING AND
10 SELECTING EXISTING NEEDLELESS SYSTEMS AND NEEDLES WITH ENGINEERED
11 SHARPS INJURY PROTECTION TECHNOLOGY AND IDENTIFYING CIRCUMSTANCES
12 IN WHICH THAT TECHNOLOGY DOES NOT PROMOTE EMPLOYEE OR PATIENT
13 SAFETY OR INTERFERES WITH A MEDICAL PROCEDURE. THE PROCEDURE
14 SHALL BE REVIEWED AND UPDATED ANNUALLY BY THE EVALUATION COMMIT-
15 TEE ESTABLISHED UNDER SUBDIVISION (A), TO REFLECT PROGRESS IN
16 IMPLEMENTING THE NEEDLELESS SYSTEMS AND NEEDLES WITH ENGINEERED
17 SHARPS INJURY PROTECTION TECHNOLOGY.

18 (C) PROVIDE INFORMATION TO THE EVALUATION COMMITTEE ESTAB-
19 LISHED UNDER SUBDIVISION (A) CONCERNING ACCIDENTAL NEEDLE STICKS
20 OR OTHER NEEDLE EXPOSURE INCIDENTS. THE INFORMATION PROVIDED
21 SHALL INCLUDE, BUT IS NOT LIMITED TO, ALL OF THE FOLLOWING:

22 (i) THE DATE AND TIME OF THE ACCIDENTAL NEEDLE STICK OR
23 OTHER NEEDLE EXPOSURE INCIDENT.

24 (ii) THE TYPE AND BRAND OF NEEDLE INVOLVED.

25 (iii) A FULL DESCRIPTION OF THE ACCIDENTAL NEEDLE STICK OR
26 OTHER NEEDLE EXPOSURE INCIDENT THAT INCLUDES, BUT IS NOT LIMITED
27 TO, THE JOB CLASSIFICATION OF THE EXPOSED EMPLOYEE; THE WORK AREA

1 WHERE THE EXPOSURE OCCURRED; THE PROCEDURE THE EMPLOYEE WAS
2 PERFORMING; THE PATIENT'S STATUS RELATED TO BLOODBORNE PATHOGENS,
3 IF KNOWN; WHETHER THE NEEDLE HAD ENGINEERED SHARPS INJURY PROTEC-
4 TION; AND WHETHER THE EMPLOYEE HAD BEEN TRAINED IN THE USE OF
5 NEEDLES, NEEDLELESS SYSTEMS, AND SHARPS INJURY PROTECTION
6 TECHNOLOGY.

7 (D) ANNUALLY SUMMARIZE THE NUMBER OF NEEDLE STICKS AND INJU-
8 RIES FROM THOSE NEEDLE STICKS AND SUBMIT THAT INFORMATION TO THE
9 DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES.

10 (3) PRE-FILLED SYRINGES APPROVED BY THE UNITED STATES FOOD
11 AND DRUG ADMINISTRATION ARE EXEMPT FROM THE REQUIREMENTS OF THIS
12 SECTION FOR A PERIOD OF 2 YEARS BEGINNING ON THE EFFECTIVE DATE
13 OF THE AMENDATORY ACT THAT ADDED THIS SECTION.

14 (4) AS USED IN THIS SECTION:

15 (A) "ENGINEERED SHARPS INJURY PROTECTION" MEANS A PHYSICAL
16 ATTRIBUTE BUILT INTO OR USED WITH A NEEDLE THAT EFFECTIVELY
17 REDUCES THE RISK OF AN ACCIDENTAL NEEDLE STICK OR OTHER NEEDLE
18 EXPOSURE INCIDENT BY A MECHANISM SUCH AS BARRIER CREATION, BLUNT-
19 ING, ENCAPSULATION, WITHDRAWAL RETRACTION, DESTRUCTION, OR OTHER
20 EFFECTIVE MECHANISM.

21 (B) "HEALTH CARE EMPLOYEE" MEANS A PERSON ENGAGED IN A
22 HEALTH OCCUPATION OR HEALTH PROFESSION.

23 (C) "HEALTH OCCUPATION" AND "HEALTH PROFESSION" MEAN THOSE
24 TERMS AS DEFINED IN SECTION 16105 OF THE PUBLIC HEALTH CODE, 1978
25 PA 368, MCL 333.16105.

26 (D) "HIV" MEANS HUMAN IMMUNODEFICIENCY VIRUS.

1 (E) "MATERIAL POTENTIALLY INFECTIOUS TO HUMANS" MEANS 1 OR
2 MORE OF THE FOLLOWING:

3 (i) ONE OR MORE OF THE FOLLOWING HUMAN BODY FLUIDS:

4 (A) SEMEN.

5 (B) VAGINAL SECRETIONS.

6 (C) AMNIOTIC FLUID.

7 (D) CEREBROSPINAL FLUID.

8 (E) PERITONEAL FLUID.

9 (F) PLEURAL FLUID.

10 (G) PERICARDIAL FLUID.

11 (H) SYNOVIAL FLUID.

12 (I) SALIVA IN DENTAL PROCEDURES.

13 (J) ANY BODY FLUID THAT IS VISIBLY CONTAMINATED WITH BLOOD.

14 (K) ALL BODY FLUIDS IN A SITUATION IN WHICH IT IS DIFFICULT
15 OR IMPOSSIBLE TO DIFFERENTIATE BETWEEN BODY FLUIDS.

16 (ii) ANY UNFIXED TISSUE OR ORGAN, OTHER THAN INTACT SKIN,
17 FROM A LIVING OR DEAD HUMAN.

18 (iii) CELL OR TISSUE CULTURES THAT CONTAIN HIV, ORGAN CUL-
19 TURES, CULTURE MEDIUM, OR OTHER SOLUTIONS THAT CONTAIN BLOODBORNE
20 PATHOGENS.

21 (iv) BLOOD, ORGANS, OR OTHER TISSUE FROM EXPERIMENTAL ANI-
22 MALS INFECTED WITH BLOODBORNE PATHOGENS.

23 (F) "NEEDLE" OR "NEEDLES" MEANS A HYPODERMIC SYRINGE OR
24 OTHER DEVICE USED TO WITHDRAW HUMAN BODY FLUIDS, ACCESS A HUMAN
25 VEIN OR ARTERY, OR ADMINISTER MEDICATIONS OR OTHER FLUIDS TO A
26 PERSON.

1 (G) "OCCUPATIONAL EXPOSURE TO NEEDLES" MEANS REASONABLY
2 ANTICIPATED SKIN, EYE, MUCOUS MEMBRANE, OR PARENTERAL CONTACT
3 WITH HUMAN BLOOD OR OTHER MATERIAL POTENTIALLY INFECTIOUS TO
4 HUMANS THAT MAY RESULT FROM THE USE OF NEEDLES IN THE PERFORMANCE
5 OF AN EMPLOYEE'S DUTIES. OCCUPATIONAL EXPOSURE TO NEEDLES DOES
6 NOT INCLUDE EXPOSURES THAT MAY TAKE PLACE ON THE JOB, AND THAT
7 ARE NEITHER REASONABLY NOR ROUTINELY EXPECTED AND THAT THE
8 EMPLOYEE IS NOT REQUIRED TO INCUR IN THE NORMAL COURSE OF
9 EMPLOYMENT.

10 Enacting section 1. This amendatory act takes effect 2
11 years after the date this amendatory act is enacted.