

HOUSE BILL NO. 440

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Introduced: 3/29/00

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to needle stick and sharps injury protections and the use of
2 safe needles by health care facilities and health care professionals; relating to the
3 vaccination of health care workers against diseases transmitted by bloodborne
4 pathogens; and providing for an effective date."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** AS 18.60 is amended by adding new sections to read:

7 **Article 13. Health Care Protections.**

8 **Sec. 18.60.880. Needle stick and sharps injury protections for health care**
9 **workers.** (a) An employer shall conduct product evaluations of needleless systems
10 and sharps with engineered sharps injury protections that are used in the employer's
11 facilities. For each category of device, the product evaluations shall be conducted by
12 front-line health care workers representing all wards and medical specialties where the
13 devices are used. The product evaluation period must last at least six months. The
14 categories of devices to be evaluated under this subsection include

- 1 (1) IV catheters;
- 2 (2) IV access devices and IV connectors;
- 3 (3) vacuum-tube blood collection devices;
- 4 (4) blood-drawing devices including phlebotomy needle and tube
- 5 holders, butterfly-type devices, and syringes and other similar devices;
- 6 (5) syringes used for purposes other than blood drawing;
- 7 (6) suture needles;
- 8 (7) scalpel devices; and
- 9 (8) any other category of device used at the employer's facility where
- 10 there is a sharps injury risk.

11 (b) The department shall, by regulation, adopt a standard concerning the use
12 of needleless systems and sharps with engineered sharps injury protections for devices
13 listed in (a) of this section. The regulations must provide that

14 (1) needleless systems and sharps with engineered sharps injury
15 protections must be included as engineering and work practice controls; however, the
16 engineering control is not required if an evaluation committee established by the
17 employer, at least half the members of which are front-line health care workers,
18 determines by means of objective product evaluation criteria that use of the devices
19 will jeopardize patient or employee safety with regard to a specific medical procedure;

20 (2) a written exposure control plan include an effective procedure for
21 identifying and selecting existing needleless systems and sharps with engineered sharps
22 injury protections; the procedure must provide that a product evaluation committee
23 described in (a) of this section has responsibility for identifying and selecting the
24 devices;

25 (3) written exposure control plans shall be updated when necessary to
26 reflect progress in implementing needleless systems and sharps with engineered sharps
27 injury protections as determined by the evaluation committee described in (a) of this
28 section; updating must occur at least once every year;

29 (4) information concerning exposure incidents shall be recorded in a
30 sharps injury log as required by (c) of this section.

31 (c) A sharps injury log must include at least

- 1 (1) the date and time of the exposure incident;
- 2 (2) the type and brand of sharp involved in the exposure incident; and
- 3 (3) the description of the exposure incident that must include
- 4 (A) the job classification of the exposed employee;
- 5 (B) the department or work area where the exposure incident
- 6 occurred;
- 7 (C) the procedure that the exposed employee was performing
- 8 at the time of the incident;
- 9 (D) how the incident occurred;
- 10 (E) the body part involved in the exposure incident;
- 11 (F) if the sharp had engineered sharps injury protections,
- 12 whether the protective mechanism was activated, and whether the injury
- 13 occurred before the protective mechanism was activated, during activation of
- 14 the mechanism, or after activation of the mechanism;
- 15 (G) if the sharp had no engineered sharps injury protections, the
- 16 injured employee's opinion as to whether and how such a mechanism could
- 17 have prevented the injury, as well as the basis for the opinion; and
- 18 (H) whether an engineering, administrative, or work practice
- 19 control could have prevented the injury, as well as the recorder's basis for the
- 20 opinion.
- 21 (d) The department shall adopt regulations to implement AS 18.60.880 -
- 22 18.60.890 and to revise the bloodborne pathogen standard to prevent sharps injuries
- 23 or exposure incidents. The regulations may include
- 24 (1) training and education requirements;
- 25 (2) measures to encourage the vaccination of health care workers
- 26 against diseases transmitted by bloodborne pathogens;
- 27 (3) requirements for the strategic placement of sharps containers as
- 28 close to the work area as practical; and
- 29 (4) requirements for the increased use of personal protective equipment.
- 30 (e) The department shall compile and maintain a list of sources of information
- 31 on existing needleless systems and sharps with engineered sharps injury protections.

1 The department shall make the list available to assist employers in complying with the
2 requirements of the bloodborne pathogen standard adopted under this section.

3 (f) Subject to appropriation, the department shall establish a needlestick injury
4 fund. The department may make grants from the fund for research into, development
5 of, and product evaluation of, needleless systems and sharps with engineered sharps
6 injury protections.

7 (g) Standards adopted under (b) of this section do not apply to the use of a
8 drug or biologic prepackaged within an administration system or used in a prefilled
9 syringe that is approved for commercial distribution or investigational use by the
10 federal Food and Drug Administration if the standards exceed the requirements of the
11 comparable Occupational Safety and Health Administration standards.

12 **Sec. 18.60.890. Definitions.** In AS 18.60.880 - 18.60.890,

13 (1) "bloodborne pathogens" means pathogenic microorganisms that are
14 present in human blood and can cause disease in humans, including hepatitis B virus,
15 hepatitis C virus, and human immunodeficiency virus;

16 (2) "department" means the Department of Labor and Workforce
17 Development;

18 (3) "employer" means an employer having an employee with
19 occupational exposure to human blood or other material potentially containing
20 bloodborne pathogens;

21 (4) "engineered sharps injury protections" means a physical attribute
22 built into

23 (A) a needle device used for withdrawing body fluids, accessing
24 a vein or artery, or administering medications or other fluids that effectively
25 reduces the risk of an exposure incident by a mechanism such as barrier
26 creation, blunting, encapsulation, withdrawal, retraction, destruction, or other
27 effective mechanisms; or

28 (B) another type of needle device, or a nonneedle sharp, that
29 effectively reduces the risk of an exposure incident;

30 (5) "engineering controls" means controls, including needleless systems
31 and sharps with engineered sharps injury protections, that isolate or remove the

1 bloodborne pathogens hazard from the workplace;

2 (6) "needleless system" means a device that does not use needles for

3 (A) the withdrawal of body fluids after initial venous or arterial
4 access is established;

5 (B) the administration of medication or fluids; or

6 (C) another procedure involving the potential for an exposure
7 incident;

8 (7) "sharp" means an object used or encountered in a health care setting
9 that can be reasonably anticipated to penetrate the skin or any other part of the body
10 and to result in an exposure incident, including needle devices, scalpels, lancets,
11 broken glass, broken capillary tubes, exposed ends of dental wires, and dental knives,
12 drills, and burs;

13 (8) "sharps injury" means cuts, abrasions, needlesticks, other injuries
14 caused by a sharp, or human bites;

15 (9) "sharps injury log" means a written or electronic record satisfying
16 the requirements of AS 18.60.880(c).

17 * **Sec. 2.** AS 18.60.880(g) is repealed December 31, 2003.

18 * **Sec. 3.** This Act takes effect January 1, 2001.