HOUSE BILL NO. 195

AN ACT TO DIRECT THE STATE BOARD OF HEALTH TO ADOPT REGULATIONS THAT PRESCRIBE OCCUPATIONAL SAFETY AND HEALTH STANDARDS DESIGNED TO REDUCE THE TRANSMISSION OF BLOODBORNE PATHOGENS THROUGH NEEDLES; TO REQUIRE THE STANDARDS TO PROVIDE FOR THE APPROPRIATE USE OF SHARPS INJURY PREVENTION TECHNOLOGY, INCLUDING NEEDLELESS SYSTEMS AND NEEDLES WITH ENGINEERED SHARPS INJURY PROTECTION; TO REQUIRE THE BOARD TO DETERMINE THOSE ENVIRONMENTS WHERE STANDARDS REQUIRE SHARPS INJURY PREVENTION TECHNOLOGY TO BE USED; TO PROVIDE THAT SHARPS INJURY PREVENTION TECHNOLOGY SHALL BE USED BY ALL HEALTH CARE PROVIDERS; TO PROVIDE THAT SHARPS INJURY PREVENTION TECHNOLOGY WILL NOT BE REQUIRED WHEREVER THE BOARD DEMONSTRATES THAT SUCH TECHNOLOGY IS MEDICALLY CONTRAINDICATED OR IS NOT MORE EFFECTIVE THAN ALTERNATIVE MEASURES; TO PROVIDE THAT EMPLOYERS MUST ADOPT WRITTEN EXPOSURE CONTROL PLANS, WHICH SHALL BE REVISED PERIODICALLY TO REFLECT IMPROVEMENTS IN SHARPS INJURY PREVENTION TECHNOLOGY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The State Board of Health shall adopt regulations that prescribe occupational safety and health standards designed to reduce the transmission of bloodborne pathogens through needles. The standards shall provide for the appropriate use of sharps injury prevention technology, including needleless systems and needles with engineered sharps injury protection.

(2) The board shall determine those environments where standards require sharps injury prevention technology to be used. Sharps injury prevention technology shall be used by all health care providers. However, sharps injury prevention technology shall not be required wherever the board demonstrates that such technology is medically contraindicated or is not more effective than alternative measures used by an employer to prevent exposure incidents.
(3) The standards adopted by the board shall require employers to adopt written exposure control plans. Written exposure control plans shall be revised periodically to reflect improvements in sharps injury prevention technology. Written exposure control plans shall include the type and brand of device used in an incident of exposure.

(4) The board shall compile and maintain a list of existing needleless systems and needles with engineered sharps injury protection, which shall be available to assist employers in complying with the requirements of the bloodborne pathogen standards adopted under this section. The list may be developed from existing sources of information, including, but not limited to, information from the federal Food and Drug Administration, the federal Centers for Disease Control, the National Institute for Occupational Safety and Health, and the United States Department of Veterans Affairs.

(5) For the purposes of this section, the following words shall have the following meanings:

(a) "Employer" means a person engaged in a business who has one or more employees, and includes state, county and municipal governments;

(b) "Employee" means any person performing services for another under a contract of hire, including minors, whether lawfully or unlawfully employed, persons in executive positions, and includes state, county and municipal government employees;

(c) "Person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives or any organized group of persons;

(d) "Standard" means an occupational safety and health standard promulgated by the State Board of Health that requires conditions or the adoption or the use of one or more practices, means, methods, operations or processes reasonably necessary or
appropriate to provide safe and healthful employment and places of employment.

SECTION 2. This act shall take effect and be in force from and after July 1, 2001.