

By: Representative Fleming

To: Public Health and Welfare

HOUSE BILL NO. 162

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

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

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

26 (2) The board shall determine those environments where
 27 standards require sharps injury prevention technology to be used.
 28 Sharps injury prevention technology shall be used by all health
 29 care providers. However, sharps injury prevention technology
 30 shall not be required wherever the board demonstrates that such
 31 technology is medically contraindicated or is not more effective
 32 than alternative measures used by an employer to prevent exposure
 33 incidents.



34 (3) The standards adopted by the board shall require
35 employers to adopt written exposure control plans. Written
36 exposure control plans shall be revised periodically to reflect
37 improvements in sharps injury prevention technology. Written
38 exposure control plans shall include the type and brand of device
39 used in an incident of exposure.

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

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

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

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

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

62 (d) "Standard" means an occupational safety and health
63 standard promulgated by the State Board of Health that requires
64 conditions or the adoption or the use of one or more practices,
65 means, methods, operations or processes reasonably necessary or



66 appropriate to provide safe and healthful employment and places of
67 employment.

68 **SECTION 2.** This act shall take effect and be in force from
69 and after July 1, 2002.

