

By: Representative Fleming

To: Public Health and Welfare

HOUSE BILL NO. 212

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

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

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

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

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



35 appropriate to provide safe and healthful employment and places of
36 employment.

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

43 (3) The board shall determine those environments where
44 standards require sharps injury prevention technology to be used.
45 Sharps injury prevention technology shall be used by all health
46 care providers. However, sharps injury prevention technology
47 shall not be required wherever the board demonstrates that such
48 technology is medically contraindicated or is not more effective
49 than alternative measures used by an employer to prevent exposure
50 incidents.

51 (4) The standards adopted by the board shall require
52 employers to adopt written exposure control plans. Written
53 exposure control plans shall be revised periodically to reflect
54 improvements in sharps injury prevention technology. Written
55 exposure control plans shall include the type and brand of device
56 used in an incident of exposure.

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



67 **SECTION 2.** This act shall take effect and be in force from
68 and after July 1, 2003.

