

**SUBSTITUTE FOR
HOUSE BILL NO. 4621**

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 NEEDLES SHALL NOT PERMIT A HEALTH CARE
3 EMPLOYEE TO USE A NEEDLE THAT IS NOT A NEEDLELESS SYSTEM OR IS
4 NOT A NEEDLE WITH ENGINEERED SHARPS INJURY PROTECTION, EXCEPT IN
5 CIRCUMSTANCES IN WHICH THAT TECHNOLOGY DOES NOT PROMOTE EMPLOYEE
6 OR PATIENT SAFETY OR INTERFERES WITH A MEDICAL PROCEDURE.

7 (2) AN EMPLOYER WITH MORE THAN 15 HEALTH CARE EMPLOYEES WITH
8 OCCUPATIONAL EXPOSURE TO NEEDLES SHALL DO ALL OF THE FOLLOWING:

9 (A) ESTABLISH AN EVALUATION COMMITTEE, AT LEAST HALF THE
10 MEMBERS OF WHICH ARE FRONTLINE HEALTH CARE WORKERS FROM A VARIETY
11 OF OCCUPATIONAL CLASSIFICATIONS AND DEPARTMENTS, INCLUDING, BUT

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1 NOT LIMITED TO, NURSES, NURSE AIDES, CLINICAL LABORATORY
2 REPRESENTATIVES, PHLEBOTOMISTS, DENTISTS, AND PHYSICIANS, TO CON-
3 DUCT AN EVALUATION OF NEEDLELESS SYSTEMS AND NEEDLES WITH ENGI-
4 NEERED SHARPS INJURY PROTECTIONS. [IF A COLLECTIVE BARGAINING
RELATIONSHIP IS IN EFFECT BETWEEN THE EMPLOYER AND THE EMPLOYER'S
HEALTH CARE EMPLOYEES, HEALTH CARE EMPLOYEE MEMBERS OF THE
EVALUATION COMMITTEE ESTABLISHED UNDER THIS SUBDIVISION SHALL BE
SELECTED FROM HEALTH CARE EMPLOYEES NOMINATED BY THE AUTHORIZED
EMPLOYEE REPRESENTATIVE.]

5 (B) ESTABLISH WRITTEN EXPOSURE CONTROL PLANS THAT INCLUDE AN
6 EFFECTIVE PROCEDURE FOR IDENTIFYING AND SELECTING EXISTING NEE-
7 DLEESS SYSTEMS AND NEEDLES WITH ENGINEERED SHARPS INJURY PROTEC-
8 TION TECHNOLOGY AND IDENTIFYING CIRCUMSTANCES IN WHICH THAT TECH-
9 NOLOGY DOES NOT PROMOTE EMPLOYEE OR PATIENT SAFETY OR INTERFERES
10 WITH A MEDICAL PROCEDURE. THE WRITTEN EXPOSURE CONTROL PLANS
11 SHALL BE UPDATED AT LEAST ANNUALLY, AND REVIEWED BY THE EVALU-
12 ATION COMMITTEE ESTABLISHED UNDER SUBDIVISION (A), TO REFLECT
13 PROGRESS IN IMPLEMENTING THE NEEDLELESS SYSTEMS AND NEEDLES WITH
14 ENGINEERED SHARPS INJURY PROTECTION TECHNOLOGY.

15 (C) RECORD INFORMATION CONCERNING ACCIDENTAL NEEDLE STICKS
16 OR OTHER NEEDLE EXPOSURE INCIDENTS [AS PROVIDED IN SECTION 61.
17 THE INFORMATION RECORDED

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19] SHALL INCLUDE,
20 BUT IS NOT LIMITED TO, ALL OF THE FOLLOWING:

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

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

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

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1 HEALTH CARE EMPLOYEE WAS PERFORMING; THE PATIENT'S STATUS RELATED
2 TO BLOODBORNE PATHOGENS, IF KNOWN; WHETHER THE NEEDLE HAD ENGI-
3 NEERED SHARPS INJURY PROTECTION; AND WHETHER THE HEALTH CARE
4 EMPLOYEE HAD BEEN TRAINED IN THE USE OF NEEDLES, NEEDLELESS SYS-
5 TEMS, AND SHARPS INJURY PROTECTION TECHNOLOGY.

[(D) ANNUALLY SUMMARIZE THE NUMBER OF NEEDLE STICKS AND
INJURIES FROM THOSE NEEDLE STICKS AND SUBMIT THAT INFORMATION TO THE
OCCUPATIONAL HEALTH STANDARDS COMMISSION AND THE DEPARTMENT OF
COMMUNITY HEALTH.]

6 (3) THE OCCUPATIONAL HEALTH STANDARDS COMMISSION AND THE
7 DEPARTMENT OF COMMUNITY HEALTH SHALL JOINTLY COMPILE AND MAINTAIN
8 A LIST OF EXISTING NEEDLELESS SYSTEMS AND NEEDLES WITH ENGINEERED
9 SHARPS INJURY PROTECTION AND MAKE THAT LIST AVAILABLE TO ASSIST
10 EMPLOYERS IN COMPLYING WITH THIS SECTION. THE LIST MAY BE DEVEL-
11 OPED FROM EXISTING SOURCES OF INFORMATION, INCLUDING, BUT NOT
12 LIMITED TO, THE UNITED STATES FOOD AND DRUG ADMINISTRATION, THE
13 UNITED STATES CENTERS FOR DISEASE CONTROL, THE NATIONAL INSTITUTE
14 OF OCCUPATIONAL SAFETY AND HEALTH, AND THE UNITED STATES DEPART-
15 MENT OF VETERANS AFFAIRS.

16 (4) PRE-FILLED SYRINGES APPROVED BY THE UNITED STATES FOOD
17 AND DRUG ADMINISTRATION ARE EXEMPT FROM THE REQUIREMENTS OF THIS
18 SECTION FOR A PERIOD OF 2 YEARS BEGINNING ON THE EFFECTIVE DATE
19 OF THE AMENDATORY ACT THAT ADDED THIS SECTION.

20 (5) AS USED IN THIS SECTION:

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

23 (B) "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.

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1 (C) "NEEDLE" OR "NEEDLES" MEANS A HYPODERMIC SYRINGE OR
2 OTHER DEVICE USED TO WITHDRAW BODY FLUIDS, ACCESS A VEIN OR
3 ARTERY, OR ADMINISTER MEDICATIONS OR OTHER FLUIDS.

4 (D) "ENGINEERED SHARPS INJURY PROTECTION" MEANS A PHYSICAL
5 ATTRIBUTE BUILT INTO OR USED WITH A NEEDLE THAT EFFECTIVELY
6 REDUCES THE RISK OF AN ACCIDENTAL NEEDLE STICK OR OTHER NEEDLE
7 EXPOSURE INCIDENT BY A MECHANISM SUCH AS BARRIER CREATION, BLUNT-
8 ING, ENCAPSULATION, WITHDRAWAL RETRACTION, DESTRUCTION, OR OTHER
9 EFFECTIVE MECHANISM.

[(E) "OCCUPATIONAL EXPOSURE TO NEEDLES" MEANS REASONABLY
ANTICIPATED SKIN, EYE, MUCOUS MEMBRANE, OR PARENTERAL CONTACT WITH
BLOOD OR OTHER POTENTIALLY INFECTIOUS MATERIALS THAT MAY RESULT FROM
THE USE OF NEEDLES IN THE PERFORMANCE OF AN EMPLOYEE'S DUTIES.
OCCUPATIONAL EXPOSURE TO NEEDLES DOES NOT INCLUDE EXPOSURES THAT MAY
TAKE PLACE ON THE JOB, AND THAT ARE NEITHER REASONABLY NOR ROUTINELY
EXPECTED AND THAT THE WORKER IS NOT REQUIRED TO INCUR IN THE NORMAL
COURSE OF EMPLOYMENT.]

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

12 Enacting section 2. This amendatory act does not take
13 effect unless House Bill No. 4780 of the 90th Legislature is
14 enacted into law.