

FEB 25 1999

HUMAN RESOURCES

HOUSE FILE
BY MYERS

407

(COMPANION TO LSB 2241SS
BY TINSMAN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to regulation of needles and providing penalties.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 407

1 Section 1. NEW SECTION. 135.39A NEEDLES -- REGULATION.

2 1. As used in this section, unless the context otherwise
3 requires:

4 a. "Emergency medical care provider" means emergency
5 medical care provider as defined in section 147A.1.

6 b. "Health care provider" means health care provider as
7 defined in section 135.61.

8 c. "Health services" means health services and
9 institutional health services as defined in section 135.61.

10 d. "Needles" means any object used or encountered that can
11 be reasonably anticipated to penetrate the skin or any other
12 part of the body, and to result in a blood-borne pathogen
13 exposure incident including but not limited to needle devices.

14 2. The department shall adopt rules pursuant to chapter
15 17A, which do not conflict with federal standards relating to
16 blood-borne pathogens, to regulate the use of needles. The
17 rules shall apply to the employer of and self-employed health
18 care providers and emergency medical care providers who
19 provide health services in the course of their employment,
20 including such a person who provides such health services
21 without compensation. The rules may enhance federal standards
22 relating to blood-borne pathogen standards to prevent needle
23 injuries or exposure incidents including but not limited to
24 training requirements and measures to increase vaccinations.

25 3. The rules adopted shall include, but are not limited
26 to, all of the following:

27 a. A requirement that engineering controls include needle
28 prevention technology including but not limited to needleless
29 systems and needles with engineered sharps injury protection.

30 b. A requirement that needle prevention technology
31 specified in paragraph "a" be included as engineering or work
32 practice controls.

33 c. A requirement that written exposure control plans
34 include an effective procedure for identifying and selecting
35 for use existing needle prevention technology of the type

1 specified in paragraph "a".

2 d. A requirement that written exposure control plans be
3 updated when necessary to reflect progress in implementing the
4 use of needle prevention technology specified in paragraph
5 "a".

6 e. A requirement that information concerning exposure
7 incidents be recorded in a needle injury log including but not
8 limited to the type and brand of device involved in the
9 incident.

10 f. A provision for variances or exceptions to the rules.
11 A person who applies for a variance or exception shall
12 demonstrate circumstances under which the needle prevention
13 technology is medically contraindicated, interferes with a
14 medical procedure, does not promote safety, or is not more
15 effective than alternative measures used to prevent exposure
16 incidents.

17 g. A graduated schedule of penalties for violation of
18 rules adopted which reflect the penalties established pursuant
19 to section 88.14.

20 4. The department shall compile and maintain a list of
21 existing needleless systems and needles with engineered needle
22 injury protection, which shall be available to assist in
23 compliance with this section.

24 EXPLANATION

25 This bill requires the Iowa department of public health to
26 adopt rules regulating needles used or encountered by a health
27 care provider or an emergency medical care provider providing
28 health services in the course of employment. The department
29 is to adopt the rules which do not conflict with federal
30 standards relating to blood-borne pathogens. The rules are to
31 apply to employers of and self-employed health care providers
32 and emergency medical care providers. The rules are to
33 include a graduated schedule of penalties for violation of the
34 rules which reflect the penalties established for violating
35 provisions of the occupational safety and health Code chapter.