

## **BILL ANALYSIS**

Senate Research Center  
76R14517 CMR-D

C.S.S.B. 905  
By: Bernsen  
Health Services  
5/5/1999  
Committee Report (Substituted)

### **DIGEST**

The International Health-Care Worker Safety Center at the University of Virginia reports that there are approximately one million accidental needle sticks each year in the United States. Almost half of the accidental needle stick victims are Registered Nurses and Licensed Practical Nurses, while 12.4 percent are physicians. The next highest category of those injured includes housekeepers, maintenance persons, and those who work in laundry facilities. C.S.S.B. 905 would require the Texas Department of Health to adopt a bloodborne pathogen standard governing occupational exposure of public employees to blood and other potentially infectious materials.

### **PURPOSE**

As proposed, C.S.S.B. 905 sets forth standards for occupational exposure of public employees to bloodborne pathogens.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas Board of Health in SECTION 1 (Sections 81.304 and 81.305(a), Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 81, Health and Safety Code, by adding Subchapter H, as follows:

#### **SUBCHAPTER H. BLOODBORNE PATHOGEN EXPOSURE**

Sec. 81.301. DEFINITIONS. Defines “bloodborne pathogens,” “engineered sharps injury protection,” “governmental unit,” “needleless system,” “sharp,” and “sharps injury.”

Sec. 81.302. APPLICABILITY OF SUBCHAPTER. Provides that this subchapter applies only to a governmental unit employs certain employees.

Sec. 81.303. EXPOSURE CONTROL PLAN. Requires the Texas Department of Health (department) to establish an exposure control plan designed to minimize exposure of employees described by Section 81.032 to bloodborne pathogens. Requires the department to consider certain items in developing the plan.

Sec. 81.304. MINIMUM STANDARDS. Requires the Texas Board of Health (board), by rule, to adopt minimum standards to implement the exposure control plan and the other provisions of this subchapter. Requires the rules to be analogous to standards adopted by the federal Occupational Safety and Health Administration. Requires each governmental unit to comply with the minimum standards adopted under this subchapter.

Sec. 81.305. NEEDLELESS SYSTEMS. Requires the board, by rule, to recommend that a governmental unit implement needleless systems and sharps with engineered sharps injury protection for employees. Provides that the recommendations adopted under Subsection (a) do not apply to the use of a needleless system or sharps with engineered sharps injury protection in certain circumstances. Requires report of the board’s decision to be submitted to the department annually. Requires at least half of the members of an evaluation committee to be employees who are health care workers who have direct contact with patients or provide services on a regular basis. Prohibits the rules from prohibiting the use of a prefilled syringe that is approved by the

federal Food and Drug Administration. Provides that this subsection expires May 1, 2003.

Sec. 81.306. SHARPS INJURY LOG. Requires the board, by rule, to require that information concerning exposure incidents be recorded in a written or electronic sharps injury log to be maintained by a governmental unit. Requires the information to be reported to the department to include certain items. Establishes that information regarding which recommendations under Section 81.305(a) were adopted by the government entity.

Sec. 81.307. DEVICE REGISTRATION. Requires the department to implement a registration program for existing needless systems and sharps with engineered sharps injury protection. Requires the department to compile and maintain a list of existing needless systems and sharps with engineered sharps injury protection that are available in the commercial marketplace and registered with the department to assist government units to comply with this subchapter. Requires the department to charge a fee to register a device in an amount established by the board. Authorizes the fees collected under this section to be appropriated only to the department to implement this subchapter.

SECTION 2. Effective date: September 1, 1999, except as provided by Subsection (e). Requires the board to adopt the exposure control plan and the rules required by Chapter 81H, Health and Safety Code, as added by this Act, not later than September 1, 2000. Requires the governmental unit, except as provided by Subsection (d), to comply with Chapter 81H, Health and Safety Code, not later than January 1, 2001. Authorizes the department to waive the application of Chapter 81H, Health and Safety Code, to a rural county if the department finds that the application of the subchapter to the county would be unduly burdensome. Provides that a waiver granted under this subsection expires December 31, 2001. Defines "rural county." Establishes that this Act takes effect only if a specific appropriation for the implementation of this Act is provided by H.B. 1, Acts of the 76th Legislature, Regular Session, 1999. Provides that this Act has no effect if H.B. 1 has no specific appropriation provided.

SECTION 3. Emergency clause.

## **SUMMARY OF COMMITTEE CHANGES**

### **SECTION 1.**

Amends Section 81.301, Health and Safety Code, to redefine "engineered sharps injury protection" and "sharps injury."

Amends Section 81.304, Health and Safety Code, to delete proposed text regarding the extent to which rules must be stringent.

Amends Section 81.305, Health and Safety Code, to make certain recommendations, rather than requirements. Requires a report of the board's decision to be submitted to the department annually. Requires at least half of the members of an evaluation committee to be employees who are health care workers who have direct contact with patients or provide services on a regular basis. Prohibits the rules from prohibiting the use of a prefilled syringe that is approved by the federal Food and Drug Administration. Provides that this section expires May 1, 2003.

Amends Section 81.306, Health and Safety Code, to establish that information regarding recommendations under Section 81.305(a) were adopted by the government entity.

Amends Section 81.307, Health and Safety Code, to establish conditions regarding the implementation of and fee for sharps injury protection devices.

### **SECTION 2.**

Effective date: September 1, 1999, except as provided by Subsection (e). Requires the board to adopt the exposure control plan and the rules required by Chapter 81H, Health and Safety Code, as added by this Act, not later than September 1, 2000. Requires the governmental unit, except as provided by Subsection (d), to comply with Chapter 81H, Health and Safety Code, not later than January 1, 2001. Authorizes the department to waive the application of Chapter 81H, Health and Safety Code, to a rural county if the department finds that the application of the subchapter

to the county would be unduly burdensome. Provides that a waiver granted under this subsection expires December 31, 2001. Defines "rural county." Establishes that this Act takes effect only if a specific appropriation for the implementation of this Act is provided by H.B. 1, Acts of the 76th Legislature, Regular Session, 1999. Provides that this Act has no effect if H.B. 1 has no specific appropriation provided.