

# ASSEMBLY, No. 3546

## STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED NOVEMBER 15, 1999

**Sponsored by:**

**Assemblyman ALAN M. AUGUSTINE**

**District 22 (Middlesex, Morris, Somerset and Union)**

**Assemblywoman BARBARA WRIGHT**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

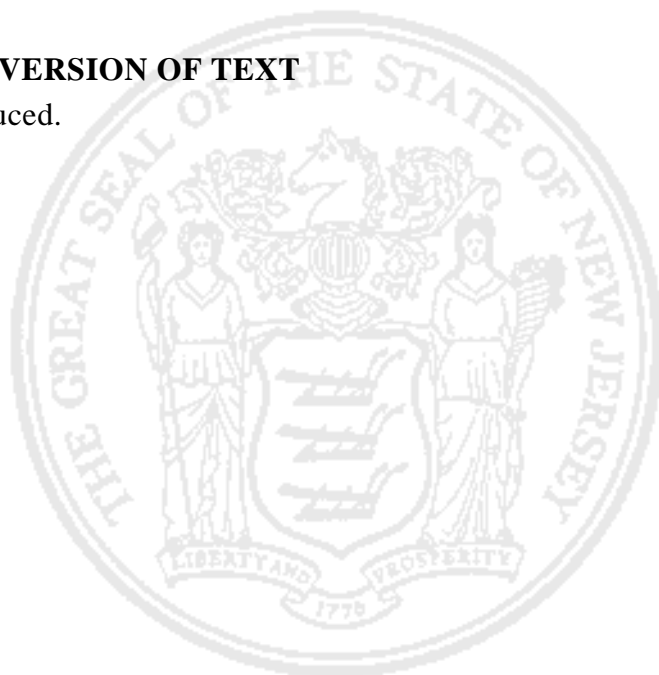
**Assemblymen Bagger, Biondi, Conaway, Conners, Assemblywoman Crecco, Assemblymen Felice, Gusciora, Assemblywoman Murphy, Assemblyman Wolfe, Senators Vitale, Bennett, Turner, Furnari, Baer, Girgenti, Sinagra, Allen and Inverso**

**SYNOPSIS**

Requires health care facilities to use certain safety needles and other sharp devices.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 12/14/1999)

1 AN ACT concerning the use of needles and other sharp devices in  
2 health care facilities and supplementing Title 26 of the Revised  
3 Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. The Legislature finds and declares that:

9 a. The use of conventional needles results in increased risk of HIV  
10 infection and hepatitis B and C to health care workers;

11 b. Each year, from 150 to 200 health care workers die and many  
12 suffer chronic and debilitating diseases due to needle stick injuries;

13 c. Equipment exists to prevent most injuries that result from needle  
14 stick injuries but overall concern with cutting health care costs has  
15 impeded the widespread use of advanced, safer technology; and

16 d. Newer, safer needle technology should be adopted in health care  
17 facilities.

18

19 2. As used in this act:

20 "Commissioner" means the Commissioner of Health and Senior  
21 Services.

22 "Department" means the Department of Health and Senior Services.

23 "Needle stick injury" means the parenteral introduction into the  
24 body of a health care worker of blood or other potentially infectious  
25 material by a needle or other sharp device during the worker's  
26 performance of health care duties in a health care facility.

27

28 3. a. No later than 12 months after the date of enactment of this  
29 act, the commissioner shall require that a health care facility licensed  
30 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) use only needles and  
31 other sharp devices with integrated safety features, which needles and  
32 other sharp devices have been cleared or approved for marketing by  
33 the federal Food and Drug Administration and are commercially  
34 available for distribution.

35 b. By a date established by the commissioner by regulation, but no  
36 later than 36 months after the date of enactment of this act, the  
37 requirements of subsection a. of this section shall also apply to pre-  
38 filled syringes, as that term is defined by the commissioner by  
39 regulation pursuant to this act.

40 c. No later than six months after the date of enactment of this act,  
41 the commissioner shall develop evaluation criteria for use by an  
42 evaluation committee established pursuant to subsection a. of section  
43 4 of this act in selecting needles and other sharp devices for use by a  
44 health care facility.

45 d. In the event that there is no cleared or approved for marketing  
46 product with integrated safety features for a specific patient use, the

1 licensed health care facility shall continue to use the appropriate needle  
2 or other sharp device that is available, including any needle or other  
3 sharp device with non-integrated, add-on safety features, until such  
4 time as a product with integrated safety features is cleared or approved  
5 for marketing and is commercially available for that specific patient  
6 use.

7 e. No later than six months after the date of enactment of this act,  
8 the commissioner shall develop and make available to health care  
9 facilities a standardized form that shall be used by health care  
10 professionals and the health care facility's evaluation committee for  
11 applying for a waiver and in reviewing a request for a waiver,  
12 respectively, and for reporting the use of a needle or other sharp  
13 device without integrated safety features in an emergency situation by  
14 a health care professional, pursuant to the provisions of subsection d.  
15 of section 4 of this act.

16

17 4. A health care facility shall:

18 a. Establish an evaluation committee in which at least half of the  
19 members are direct-care health care workers who shall select needles  
20 and other sharp devices from each class of needle or other sharp  
21 device for which the commissioner has developed evaluation criteria  
22 pursuant to subsection c. of section 3 of this act;

23 b. Provide for education and training, as appropriate, in the use of  
24 designated needles and other sharp devices;

25 c. Develop a mechanism to continually review and evaluate newly  
26 introduced needles and other sharp devices available in the  
27 marketplace for use in a health care facility;

28 d. Establish a waiver procedure for health care professionals  
29 wherein a health care professional practicing at the health care facility  
30 may request the evaluation committee to grant the professional a  
31 waiver from the requirements of subsection a. or b. of section 3 of this  
32 act for a specific product that will be used for a specific medical  
33 procedure that shall be performed on a specific class of patients. The  
34 evaluation committee shall grant a waiver if it determines that use of  
35 a needle or other sharp device with integrated safety features  
36 potentially may have a negative impact on patient safety or the success  
37 of a specific medical procedure.

38 A health care professional may use a needle or other sharp device  
39 without integrated safety features in an emergency situation, without  
40 obtaining a waiver from the evaluation committee, if the professional  
41 determines that use of a needle or other sharp device with integrated  
42 safety features potentially may have a negative impact on patient safety  
43 or the success of a specific medical procedure, and the professional  
44 notifies the evaluation committee, in writing, within five days of the  
45 date the needle or other sharp device was used of the reasons why  
46 that needle or other sharp device was necessary.

1 The use of a needle or other sharp device that does not meet the  
2 requirements of subsection a. or b. of section 3 of this act shall be  
3 permitted under this act if it is used in accordance with the  
4 requirements of this subsection;

5 e. Record needle stick injuries in a Sharps Injury Log or an OSHA  
6 200 Log, and shall include in the log a description of the injury,  
7 including the type and brand name of the needle or other sharp device  
8 involved in the injury; and

9 f. Report to the department quarterly, in a form and manner  
10 prescribed by the department: (1) all entries of an injury in a Sharps  
11 Injury Log or an OSHA 200 Log; and (2) all waivers granted to health  
12 care professionals and the reasons therefor, and all emergency uses by  
13 health care professionals of needles and other sharp devices without  
14 integrated safety features and the reasons therefor, pursuant to  
15 subsection d. of this section.

16  
17 5. The department shall review the reports submitted by health care  
18 facilities pursuant to section 4 of this act on a quarterly basis and shall  
19 make recommendations to the respective health care facility for  
20 reducing the incidence of needle stick injury, when appropriate.

21  
22 6. The commissioner shall report annually to the Senate and  
23 General Assembly Health Committees on the implementation of this  
24 act. The report shall include the number of needle stick injuries, the  
25 type and brand names of the needles or other sharp devices involved  
26 in the injuries, the number of waivers that were granted and the  
27 number of emergency uses of needles or other sharp devices without  
28 integrated safety features. The report shall include such  
29 recommendations for Legislative action as the commissioner deems  
30 appropriate to ensure that the purposes of this act are realized.

31  
32 7. The commissioner, pursuant to the "Administrative Procedure  
33 Act," P.L.1968, c.413 (C.52:14B-1 et seq.), shall adopt rules and  
34 regulations to effectuate the purposes of this act.

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36 8. This act shall take effect immediately.

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39 STATEMENT

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41 This bill requires that, no later than 12 months after its date of  
42 enactment, the Commissioner of Health and Senior Services shall  
43 require that each licensed health care facility use only needles and  
44 other sharp devices with integrated safety features, which needles and  
45 other sharp devices have been cleared or approved for marketing by  
46 the federal Food and Drug Administration (FDA) and that are

1 commercially available for distribution. Further, by a date established  
2 by the commissioner by regulation, but no later than 36 months after  
3 the date of enactment of this bill, these requirements shall also apply  
4 to pre-filled syringes.

5 The bill directs the commissioner, no later than six months after the  
6 date of enactment of the bill, to develop evaluation criteria for use by  
7 an evaluation committee established pursuant to this bill in selecting  
8 needles and other sharp devices for use by a health care facility. The  
9 bill provides, however, that in the event that there are no FDA-cleared  
10 or approved products with integrated safety features that are  
11 commercially available for specific patient uses, the licensed health  
12 care facility shall continue to use the appropriate needles and other  
13 sharp devices, including needles or other sharp devices with non-  
14 integrated, add-on safety features, that are available until such time as  
15 products with integrated safety features are cleared or approved for  
16 that specific patient use.

17 The bill further requires that a health care facility:

- 18 • establish an evaluation committee in which at least half of the  
19 members are direct-care health care workers who shall select  
20 needles and other sharp devices from each class of needle or other  
21 sharp device for which the commissioner has developed evaluation  
22 criteria pursuant to this bill;
- 23 • provide for education and training, as appropriate, in the use of  
24 designated needles and other sharp devices;
- 25 • develop a mechanism to continually review and evaluate newly  
26 introduced needles and other sharp devices available in the  
27 marketplace for use in a health care facility;
- 28 • establish a waiver procedure for health care professionals wherein  
29 a health care professional practicing at the health care facility may  
30 request the evaluation committee to grant the professional a waiver  
31 from the requirements to use a needle or other sharp device with  
32 integrated safety features for a specific product that will be used for  
33 a specific medical procedure that shall be performed on a specific  
34 class of patients. The evaluation committee is directed to grant a  
35 waiver if it determines that use of a needle or other sharp device  
36 with integrated safety features potentially may have a negative  
37 impact on patient safety or the success of a specific medical  
38 procedure;
- 39 • permit a health care professional to use a needle or other sharp  
40 device without integrated safety features in an emergency situation,  
41 without obtaining a waiver from the evaluation committee, if the  
42 professional determines that use of a needle or other sharp device  
43 with integrated safety features potentially may have a negative  
44 impact on patient safety or the success of a specific medical  
45 procedure, and the professional notifies the evaluation committee,  
46 in writing, within five days of the date the needle or other sharp

1 device was used of the reasons why that needle or other sharp  
2 device was necessary;

- 3 • record needle stick injuries in a Sharps Injury Log or an OSHA 200  
4 Log, and include in the log a description of the injury, including the  
5 type and brand name of the needle or other sharp device involved  
6 in the injury; and
- 7 • report to the Department of Health and Senior Services (DHSS),  
8 quarterly, all entries of an injury in a Sharps Injury Log or an  
9 OSHA 200 Log and all waivers granted by the evaluation  
10 committee and all emergency uses of needles and other sharp  
11 devices without integrated safety devices, and the reasons therefor.

12 The bill stipulates that DHSS shall review the reports of needle  
13 stick injuries submitted by health care facilities on a quarterly basis and  
14 shall make recommendations to the respective health care facility for  
15 reducing the incidence of needle stick injury.

16 Finally, the bill requires the commissioner to report annually to the  
17 Senate and General Assembly Health Committees on the  
18 implementation of this bill and include in the report the number of  
19 needle stick injuries, the type and brand names of the needles or other  
20 sharp devices involved in the injuries, the number of waivers that were  
21 granted and the number of emergency uses of needles or other sharp  
22 devices without integrated safety features. The report shall include  
23 such recommendations for Legislative action as the commissioner  
24 deems appropriate to ensure that the purposes of this bill are realized.