

Occurred: Ch. 659, Acts of 1999.

### Article - Labor and Employment

【5-308.1.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Bloodborne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in humans.

(ii) "Bloodborne pathogens" include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).

(3) "Department" means the Department of Health and Mental Hygiene.

(4) "Engineered sharps injury protection" means either:

(i) a physical attribute built into a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, which effectively reduces the risk of an exposure incident by a mechanism such as barrier creation, blunting, encapsulation, withdrawal, retraction, destruction, or other effective mechanisms; or

(ii) a physical attribute built into any other type of needle device, or into a nonneedle sharp, which effectively reduces the risk of an exposure incident.

(5) "Needleless systems" mean devices that do not utilize needles for:

(i) the withdrawal of body fluids after initial venous or arterial access is established;

(ii) the administration of medication or fluids; and

(iii) any other procedure involving the potential for an exposure incident.

(6) "Secretary" means the Secretary of the Department of Health and Mental Hygiene.

(7) "Sharps" mean any objects used or encountered in a health care setting that can be reasonably anticipated to penetrate the skin or any other part of the body, and to result in an exposure incident, including, but not limited to, needle devices, scalpels, lancets, broken glass, broken capillary tubes, exposed ends of dental wires and dental knives, drills, and burs.

(b) (1) Subject to the provisions of paragraph (2) of this subsection, the Department shall hold hearings and prepare a report on the establishment of a bloodborne pathogen standard governing occupational exposure to blood and other potentially infectious materials on the basis of a study conducted by the Department which includes: