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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"New law mandates use of safer syringes," 1-5-00, [Bergen Record](#), p. A5.

"Safe syringes ok'd by state," 1-5-00, [Home News & Tribune](#), p. A3.

"Needle bill to protect health care workers," 1-5-00, [Courier News](#), p. 5A

"New Jersey requires safer needles at hospitals," 1-5-00, Trenton [The Times](#), p. A7

P.L. 1999, CHAPTER 311, *approved January 4, 2000*
Assembly, No. 3546

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

1 health care facility.

2 d. In the event that there is no cleared or approved for marketing
3 product with integrated safety features for a specific patient use, the
4 licensed health care facility shall continue to use the appropriate needle
5 or other sharp device that is available, including any needle or other
6 sharp device with non-integrated, add-on safety features, until such
7 time as a product with integrated safety features is cleared or approved
8 for marketing and is commercially available for that specific patient
9 use.

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

19

20 4. A health care facility shall:

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

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

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

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

41 A health care professional may use a needle or other sharp device
42 without integrated safety features in an emergency situation, without
43 obtaining a waiver from the evaluation committee, if the professional
44 determines that use of a needle or other sharp device with integrated
45 safety features potentially may have a negative impact on patient safety
46 or the success of a specific medical procedure, and the professional

1 notifies the evaluation committee, in writing, within five days of the
2 date the needle or other sharp device was used of the reasons why
3 that needle or other sharp device was necessary.

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

8 e. Record needle stick injuries in a Sharps Injury Log or an OSHA
9 200 Log, and shall include in the log a description of the injury,
10 including the type and brand name of the needle or other sharp device
11 involved in the injury; and

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

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

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

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

38
39 8. This act shall take effect immediately.
40
41

42 STATEMENT

43
44 This bill requires that, no later than 12 months after its date of
45 enactment, the Commissioner of Health and Senior Services shall
46 require that each licensed health care facility use only needles and

1 other sharp devices with integrated safety features, which needles and
2 other sharp devices have been cleared or approved for marketing by
3 the federal Food and Drug Administration (FDA) and that are
4 commercially available for distribution. Further, by a date established
5 by the commissioner by regulation, but no later than 36 months after
6 the date of enactment of this bill, these requirements shall also apply
7 to pre-filled syringes.

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

20 The bill further requires that a health care facility:

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

1 impact on patient safety or the success of a specific medical
2 procedure, and the professional notifies the evaluation committee,
3 in writing, within five days of the date the needle or other sharp
4 device was used of the reasons why that needle or other sharp
5 device was necessary;

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

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

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

28

29

30

31

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

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:

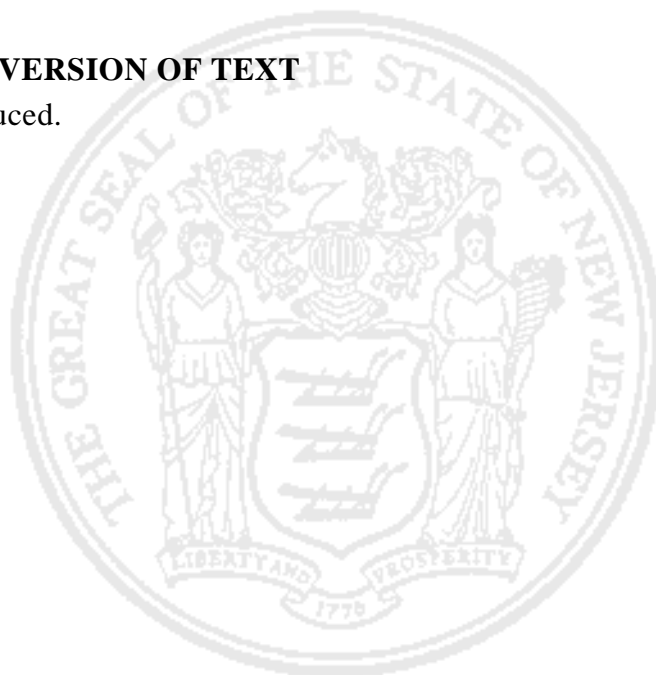
Assemblymen Bagger, Biondi, Conaway, Conners, Assemblywoman Crecco, Assemblymen Felice, Gusciora, Assemblywoman Murphy, Assemblyman Wolfe, Senators Vitale, Bennett, Turner, Furnari, Baer, Girgenti, Sinagra, Allen and Inverso

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.

35
36 8. This act shall take effect immediately.

37
38
39 STATEMENT

40
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.

SENATE, No. 2227

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED NOVEMBER 8, 1999

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator JOHN O. BENNETT

District 12 (Monmouth)

Co-Sponsored by:

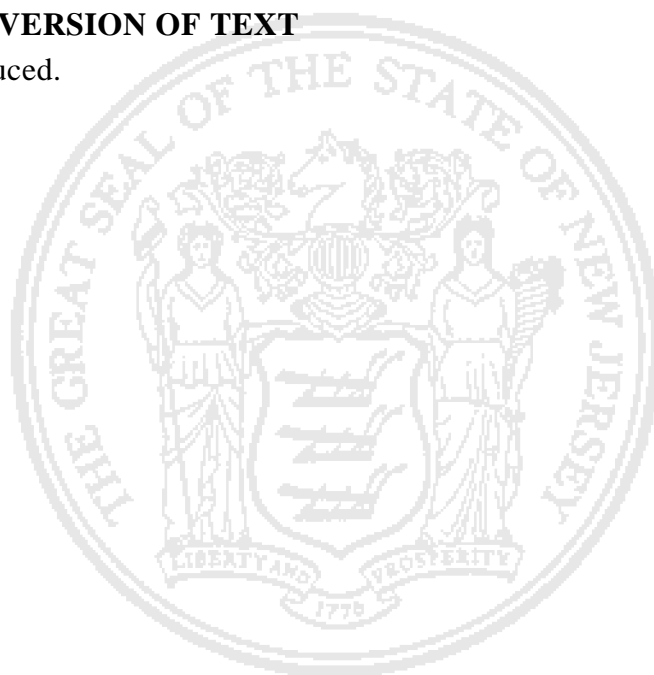
Senators Turner, Furnari, Baer, Girgenti, Sinagra, Allen and Inverso

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/16/1999)

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:

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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
17 care facilities.

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19 2. As used in this act:

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21 Services.

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

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24 body of a health care worker of blood or other potentially infectious
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26 performance of health care duties in a health care facility.

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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
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33 the federal Food and Drug Administration.

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

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

44 d. In the event that there is no cleared or approved for marketing
45 product with integrated safety features for a specific patient use, the
46 licensed health care facility shall continue to use the appropriate needle

1 or other sharp device that is available, including any needle or other
2 sharp device with non-integrated, add-on safety features, until such
3 time as a product with integrated safety features is cleared or approved
4 for marketing for that specific patient use.

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7 facilities a standardized form that shall be used by health care
8 professionals and the health care facility's evaluation committee for
9 applying for a waiver and in reviewing a request for a waiver,
10 respectively, and for reporting the use of a needle or other sharp
11 device without integrated safety features in an emergency situation by
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13 of section 4 of this act.

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17 members are direct-care health care workers who shall select needles
18 and other sharp devices from each class of needle or other sharp
19 device for which the commissioner has developed evaluation criteria
20 pursuant to subsection c. of section 3 of this act;

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

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

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

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

45 The use of a needle or other sharp device that does not meet the
46 requirements of subsection a. or b. of section 3 of this act shall be

1 permitted under this act if it is used in accordance with the
2 requirements of this subsection;

3 e. Record needle stick injuries in a Sharps Injury Log or an OSHA
4 200 Log, and shall include in the log a description of the injury,
5 including the type and brand name of the needle or other sharp device
6 involved in the injury; and

7 f. Report to the department quarterly, in a form and manner
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11 health care professionals of needles and other sharp devices without
12 integrated safety features and the reasons therefor, pursuant to
13 subsection d. of this section.

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

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

29

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

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34 8. This act shall take effect immediately.

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STATEMENT

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39 This bill requires that, no later than 12 months after its date of
40 enactment, the Commissioner of Health and Senior Services shall
41 require that each licensed health care facility use only needles and
42 other sharp devices with integrated safety features, which needles and
43 other sharp devices have been cleared or approved for marketing by
44 the federal Food and Drug Administration (FDA). Further, by a date
45 established by the commissioner by regulation, but no later than 36
46 months after the date of enactment of this bill, these requirements shall

1 also apply to pre-filled syringes.

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

13 The bill further requires that a health care facility:

14 C establish an evaluation committee in which at least half of the
15 members are direct-care health care workers who shall select
16 needles and other sharp devices from each class of needle or other
17 sharp device for which the commissioner has developed evaluation
18 criteria pursuant to this bill;

19 C provide for education and training, as appropriate, in the use of
20 designated needles and other sharp devices;

21 C develop a mechanism to continually review and evaluate newly
22 introduced needles and other sharp devices available in the
23 marketplace for use in a health care facility;

24 C establish a waiver procedure for health care professionals wherein
25 a health care professional practicing at the health care facility may
26 request the evaluation committee to grant the professional a waiver
27 from the requirements to use a needle or other sharp device with
28 integrated safety features for a specific product that will be used for
29 a specific medical procedure that shall be performed on a specific
30 class of patients. The evaluation committee is directed to grant a
31 waiver if it determines that use of a needle or other sharp device
32 with integrated safety features potentially may have a negative
33 impact on patient safety or the success of a specific medical
34 procedure;

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

45 C record needle stick injuries in a Sharps Injury Log or an OSHA 200
46 Log, and include in the log a description of the injury, including the

1 type and brand name of the needle or other sharp device involved
2 in the injury; and

3 C report to the Department of Health and Senior Services (DHSS),
4 quarterly, all entries of an injury in a Sharps Injury Log or an
5 OSHA 200 Log and all waivers granted by the evaluation
6 committee and all emergency uses of needles and other sharp
7 devices without integrated safety devices, and the reasons therefor.

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

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

SENATE HEALTH COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2227

STATE OF NEW JERSEY

DATED: DECEMBER 6, 1999

The Senate Health Committee reports favorably Senate Bill No. 2227 (1R).

This bill requires that, no later than 12 months after its date of enactment, the Commissioner of Health and Senior Services shall require that each licensed health care facility use only needles and other sharp devices with integrated safety features, which needles and other sharp devices have been cleared or approved for marketing by the federal Food and Drug Administration (FDA) and which are commercially available. Further, by a date established by the commissioner by regulation, but no later than 36 months after the date of enactment of this bill, these requirements shall also apply to pre-filled syringes.

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

The bill further requires that a health care facility:

- establish an evaluation committee in which at least half of the members are direct-care health care workers who shall select needles and other sharp devices from each class of needle or other sharp device for which the commissioner has developed evaluation criteria pursuant to this bill;
- provide for education and training, as appropriate, in the use of designated needles and other sharp devices;
- develop a mechanism to continually review and evaluate newly introduced needles and other sharp devices available in the

marketplace for use in a health care facility;

- establish a waiver procedure for health care professionals wherein a health care professional practicing at the health care facility may request the evaluation committee to grant the professional a waiver from the requirements to use a needle or other sharp device with integrated safety features for a specific product that will be used for a specific medical procedure that shall be performed on a specific class of patients. The evaluation committee is directed to grant a waiver if it determines that use of a needle or other sharp device with integrated safety features potentially may have a negative impact on patient safety or the success of a specific medical procedure;
- permit a health care professional to use a needle or other sharp device without integrated safety features in an emergency situation, without obtaining a waiver from the evaluation committee, if the professional determines that use of a needle or other sharp device with integrated safety features potentially may have a negative impact on patient safety or the success of a specific medical procedure, and the professional notifies the evaluation committee, in writing, within five days of the date the needle or other sharp device was used of the reasons why that needle or other sharp device was necessary;
- record needle stick injuries in a Sharps Injury Log or an OSHA 200 Log, and include in the log a description of the injury, including the type and brand name of the needle or other sharp device involved in the injury; and
- report to the Department of Health and Senior Services (DHSS), quarterly, all entries of an injury in a Sharps Injury Log or an OSHA 200 Log and all waivers granted by the evaluation committee and all emergency uses of needles and other sharp devices without integrated safety devices, and the reasons therefor.

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

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

This bill is identical to Assembly Bill No. 3546 (Augustine/Wright) which is pending before the Assembly.

STATEMENT TO
SENATE, No. 2227

with Senate Floor Amendments
(Proposed By Senators VITALE and BENNETT)

ADOPTED: NOVEMBER 15, 1999

This amendment clarifies that the requirement to use only needles and other sharp devices with integrated safety features that have been cleared or approved for marketing by the federal Food and Drug Administration (FDA) applies to such devices that are commercially available for distribution.

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Office of the Governor
NEWS RELEASE

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RELEASE: January 4, 2000

Governor Signs Safe Needles Bill Provides Protection for Health Care Workers

Governor Christie Whitman today signed legislation that will require health care facilities to use safety needles and sharp devices.

"Every day health care workers dedicate themselves to providing quality health services to our citizens," said Governor Whitman. "We must recognize the risks they may face when administering some treatments. This bill will help minimize the incidence of inadvertent needle stick injuries suffered by health care workers."

A-3546 was sponsored by Assembly Members Alan M. Augustine (R- Middlesex/ Morris/Somerset/Union) and Barbara Wright (R-Mercer/Middlesex) and Senators Joseph F. Vitale (D-Middlesex), John O. Bennett (R-Monmouth), Jack Sinagra ((R-Middlesex), Diane B. Allen (R-Burlington/Camden) and Peter A. Inverso (R-Mercer/Middlesex), will require health care facilities to use safety needles and sharp devices with integrated safety features.

The Commissioner of the Department of Health and Senior Services will establish a date upon which the bill would apply to pre-filled syringes. Also, the Commissioner will develop evaluation criteria that will be used in selecting specific needles and other sharp devices to be used.

If a safety needle is not available for a specific patient use, another needle or sharp device may be used until products with the safety features are available.

In addition, each health care facility must establish an evaluation committee to select needles and other sharp devices according to the criteria established by DHSS. Education and training must be provided in the use of the safety needles and a mechanism must be created to continually evaluate newly introduced needles.

A record must be kept of all needle stick injuries and reported to DHHS. Also, a procedure must be established for health care professionals to request a waiver to use a needle that is not a safety needle selected by the facility. In addition, a health care professional is permitted to use a needle that is not a selected safety needle if the safety needle may have a negative impact on patient safety or the success of a medical procedure. All waivers may be reported to DHSS and the Department will report annually to the Senate and Assembly Health Committees on the implementation of this bill.