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P.L. 2005, CHAPTER 278, *approved January 6, 2006*
Assembly, No. 3663

1 **AN ACT** concerning the use of needles and other sharp devices with
2 integrated safety features in health care facilities and amending
3 P.L.1999, c.311.

4

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

7

8 1. Section 3 of P.L.1999, c.311 (C.26:2H-5.12) is amended to read
9 as follows:

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

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

22 c. No later than six months after the date of enactment of this act,
23 the commissioner shall develop evaluation criteria for use by an
24 evaluation committee established pursuant to subsection a. of section
25 4 of this act in selecting needles and other sharp devices for use by a
26 health care facility.

27 d. In the event that there is no cleared or approved for marketing
28 product with integrated safety features for a specific patient use, the
29 licensed health care facility shall continue to use the appropriate needle
30 or other sharp device that is available, including any needle or other
31 sharp device with non-integrated, add-on safety features, until such
32 time as a product with integrated safety features is cleared or approved
33 for marketing and is commercially available for that specific patient
34 use.

35 e. No later than six months after the date of enactment of this act,
36 the commissioner shall develop and make available to health care
37 facilities a standardized form that shall be used by health care
38 professionals and the health care facility's evaluation committee for
39 applying for a waiver and in reviewing a request for a waiver,
40 respectively, and for reporting the use of a needle or other sharp
41 device without integrated safety features in an emergency situation by

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 a health care professional, pursuant to the provisions of subsection d.
2 of section 4 of this act.

3 f. Notwithstanding the provisions of this section to the contrary,
4 a dentist who determines that use of a needle or other sharp device
5 with integrated safety features potentially may have a negative impact
6 on patient safety or the success of a specific medical procedure may
7 use a needle or other sharp device without integrated safety features,
8 without obtaining a waiver from the evaluation committee and without
9 providing notification to the evaluation committee pursuant to section
10 4 of P.L.1999, c.311 (C.26:2H-5.13).

11 (cf: P.L.1999, c.311, s.3)

12

13 2. This act shall take effect immediately.

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STATEMENT

17

18 This bill amends N.J.S.A.26:2H-5.12 to exempt dentists from the
19 general requirement that needles and sharp instruments used in health
20 care facilities have integrated safety features.

21 Current law permits a health care professional to apply to an
22 evaluation committee at the health care facility for a waiver, so that a
23 specific needle or sharp instrument without the safety features can be
24 used for specific procedures. In addition, use of such needles and
25 other sharp instruments is permissible in emergency situations, if the
26 health care professional notifies the evaluation committee within five
27 days and explains why it was necessary to use a needle or other sharp
28 instrument without integrated safety features.

29 Under this bill, dentists would not have to request a waiver or
30 notify the evaluation committee if they determine that using a needle
31 or other sharp device with integrated safety features could compromise
32 patient safety or the success of a medical procedure. Many dentists
33 believe that integrated safety features lead to needle stick injuries
34 rather than protect against them, and dentists working in more than
35 one facility find the waiver and notification procedures burdensome.

36

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39

40 Exempts dentists from requirement that needles and sharp devices used
41 in health care facilities have integrated safety features.

ASSEMBLY, No. 3663

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED JANUARY 10, 2005

Sponsored by:

Assemblyman HERBERT CONAWAY, JR.

District 7 (Burlington and Camden)

Assemblyman BRIAN P. STACK

District 33 (Hudson)

Co-Sponsored by:

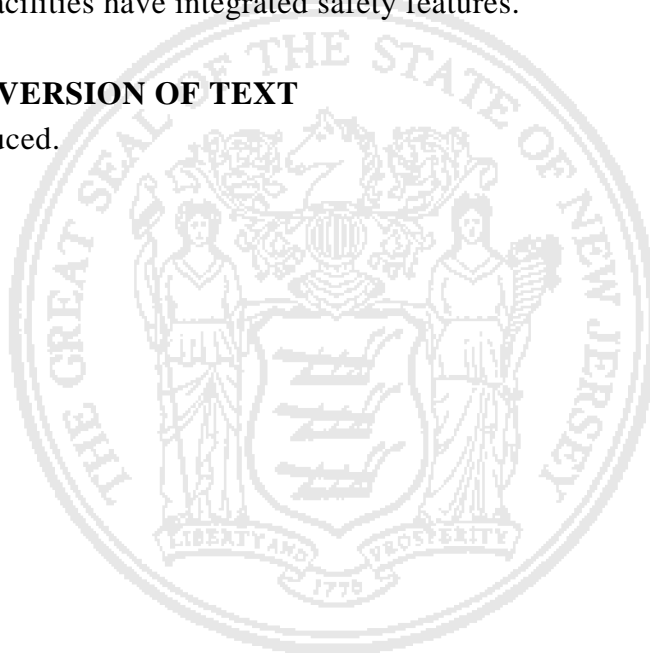
**Assemblymen Connors, Green, Gordon, Assemblywoman Oliver,
Assemblymen Manzo, Morgan, Panter, Scalera, Senators Madden and
Allen**

SYNOPSIS

Exempts dentists from requirement that needles and sharp devices used in health care facilities have integrated safety features.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/16/2005)

1 AN ACT concerning the use of needles and other sharp devices with
2 integrated safety features in health care facilities and amending
3 P.L.1999, c.311.

4

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

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8 1. Section 3 of P.L.1999, c.311 (C.26:2H-5.12) is amended to read
9 as follows:

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

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

22 c. No later than six months after the date of enactment of this act,
23 the commissioner shall develop evaluation criteria for use by an
24 evaluation committee established pursuant to subsection a. of section
25 4 of this act in selecting needles and other sharp devices for use by a
26 health care facility.

27 d. In the event that there is no cleared or approved for marketing
28 product with integrated safety features for a specific patient use, the
29 licensed health care facility shall continue to use the appropriate needle
30 or other sharp device that is available, including any needle or other
31 sharp device with non-integrated, add-on safety features, until such
32 time as a product with integrated safety features is cleared or approved
33 for marketing and is commercially available for that specific patient
34 use.

35 e. No later than six months after the date of enactment of this act,
36 the commissioner shall develop and make available to health care
37 facilities a standardized form that shall be used by health care
38 professionals and the health care facility's evaluation committee for
39 applying for a waiver and in reviewing a request for a waiver,
40 respectively, and for reporting the use of a needle or other sharp
41 device without integrated safety features in an emergency situation by
42 a health care professional, pursuant to the provisions of subsection d.
43 of section 4 of this act.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 f. Notwithstanding the provisions of this section to the contrary,
2 a dentist who determines that use of a needle or other sharp device
3 with integrated safety features potentially may have a negative impact
4 on patient safety or the success of a specific medical procedure may
5 use a needle or other sharp device without integrated safety features,
6 without obtaining a waiver from the evaluation committee and without
7 providing notification to the evaluation committee pursuant to section
8 4 of P.L.1999, c.311 (C.26:2H-5.13).
9 (cf: P.L.1999, c.311, s.3)

10

11 2. This act shall take effect immediately.

12

13

14

STATEMENT

15

16 This bill amends N.J.S.A.26:2H-5.12 to exempt dentists from the
17 general requirement that needles and sharp instruments used in health
18 care facilities have integrated safety features.

19 Current law permits a health care professional to apply to an
20 evaluation committee at the health care facility for a waiver, so that a
21 specific needle or sharp instrument without the safety features can be
22 used for specific procedures. In addition, use of such needles and
23 other sharp instruments is permissible in emergency situations, if the
24 health care professional notifies the evaluation committee within five
25 days and explains why it was necessary to use a needle or other sharp
26 instrument without integrated safety features.

27 Under this bill, dentists would not have to request a waiver or
28 notify the evaluation committee if they determine that using a needle
29 or other sharp device with integrated safety features could compromise
30 patient safety or the success of a medical procedure. Many dentists
31 believe that integrated safety features lead to needle stick injuries
32 rather than protect against them, and dentists working in more than
33 one facility find the waiver and notification procedures burdensome.

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3663

STATE OF NEW JERSEY

DATED: MAY 12, 2005

The Assembly Health and Human Services Committee reports favorably Assembly Bill No. 3663.

This bill amends N.J.S.A.26:2H-5.12 to exempt dentists from the general requirement that needles and other sharp devices used in health care facilities have integrated safety features.

Under N.J.S.A.26:2H-5.13, a health care professional may apply to an evaluation committee at the health care facility for a waiver to use a specific needle or sharp instrument without the safety features for specific procedures performed on a specific class of patients. In addition, the use of such needles and other sharp devices is permissible in emergency situations, if the health care professional notifies the evaluation committee within five days of the date that the needle or other sharp device was used of the reasons why that needle or other sharp device was necessary.

Under this bill, dentists would not have to request a waiver or notify the evaluation committee if they determine that using a needle or other sharp device with integrated safety features could compromise patient safety or the success of a specific medical procedure. Many dentists believe that integrated safety features lead to needle stick injuries, rather than protect against them; and dentists working in more than one facility find the waiver and notification procedures burdensome.

This bill is identical to Senate Bill No. 2315 (Madden), which is currently pending in the Senate Health, Human Services and Senior Citizens Committee.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3663

STATE OF NEW JERSEY

DATED: DECEMBER 1, 2005

The Senate Health, Human Services and Senior Citizen Committee reports favorably Assembly Bill No. 3663.

This bill amends N.J.S.A.26:2H-5.12 to exempt dentists from the general requirement that needles and other sharp devices used in health care facilities have integrated safety features.

Under N.J.S.A.26:2H-5.13, a health care professional may apply to an evaluation committee at the health care facility for a waiver to use a specific needle or sharp instrument without the safety features for specific procedures performed on a specific class of patients. In addition, the use of such needles and other sharp devices is permissible in emergency situations, if the health care professional notifies the evaluation committee within five days of the date that the needle or other sharp device was used of the reasons why that needle or other sharp device was necessary.

Under this bill, dentists would not have to request a waiver or notify the evaluation committee if they determine that using a needle or other sharp device with integrated safety features could compromise patient safety or the success of a specific medical procedure. Many dentists believe that integrated safety features lead to needle stick injuries, rather than protect against them; and dentists working in more than one facility find the waiver and notification procedures burdensome.

This bill is identical to Senate Bill No. 2315 (Madden), which the committee also reported favorably on this date.

SENATE, No. 2315

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED FEBRUARY 7, 2005

Sponsored by:

Senator FRED MADDEN

District 4 (Camden and Gloucester)

Senator DIANE ALLEN

District 7 (Burlington and Camden)

SYNOPSIS

Exempts dentists from requirement that needles and sharp devices used in health care facilities have integrated safety features.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/9/2005)

1 AN ACT concerning the use of needles and other sharp devices with
2 integrated safety features in health care facilities and amending
3 P.L.1999, c.311.

4

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

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9 as follows:

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17 b. By a date established by the commissioner by regulation, but no
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22 c. No later than six months after the date of enactment of this act,
23 the commissioner shall develop evaluation criteria for use by an
24 evaluation committee established pursuant to subsection a. of section
25 4 of this act in selecting needles and other sharp devices for use by a
26 health care facility.

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40 respectively, and for reporting the use of a needle or other sharp
41 device without integrated safety features in an emergency situation by
42 a health care professional, pursuant to the provisions of subsection d.
43 of section 4 of this act.

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Matter underlined thus is new matter.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 2315

STATE OF NEW JERSEY

DATED: DECEMBER 1, 2005

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 2315.

This bill amends N.J.S.A.26:2H-5.12 to exempt dentists from the general requirement that needles and sharp instruments used in health care facilities have integrated safety features.

Current law permits a health care professional to apply to an evaluation committee at the health care facility for a waiver, so that a specific needle or sharp instrument without the safety features can be used for specific procedures. In addition, use of such needles and other sharp instruments is permissible in emergency situations, if the health care professional notifies the evaluation committee within five days and explains why it was necessary to use a needle or other sharp instrument without integrated safety features.

Under this bill, dentists would not have to request a waiver or notify the evaluation committee if they determine that using a needle or other sharp device with integrated safety features could compromise patient safety or the success of a medical procedure. Many dentists believe that integrated safety features lead to needle stick injuries rather than protect against them, and dentists working in more than one facility find the waiver and notification procedures burdensome.

This bill is identical to Assembly Bill No. 3663 (Conaway/Stack), which the committee also reported favorably on this date.