

1 AN ACT in relation to worker safety.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the
5 Health Care Worker Needle Stick Injury Protection Act.

6 Section 5. Definitions. In this Act:

7 "Bloodborne pathogens" means pathogenic microorganisms
8 that are present in human blood and can cause disease in
9 humans. These pathogens include, but are not limited to, the
10 hepatitis B virus, the hepatitis C virus, and the human
11 immunodeficiency virus.

12 "Engineered sharps injury protection" means either:

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

20 (2) a physical attribute built into any other type
21 of needle device, or into a non-needle sharp, that
22 effectively reduces the risk of an exposure incident.

23 "Needleless system" means a device that does not utilize
24 needles for:

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

27 (2) the administration of medication or fluids; and

28 (3) any other procedure involving the potential for
29 an exposure incident.

30 "Public employee" means an employee of the State or a
31 local government unit or an agency of the State or local

1 government who is employed in a public or private health care
2 facility, home health care organization, or other facility
3 providing health-care-related services.

4 "Public employer" means each employer having a public
5 employee or employees with occupational exposure to blood or
6 other material potentially containing bloodborne pathogens.

7 "Sharp" means any object used or encountered in a health
8 care setting that can be reasonably anticipated to penetrate
9 the skin or any other part of the body and to result in an
10 exposure incident, including, but not limited to, needle
11 devices, scalpels, lancets, broken glass, broken capillary
12 tubes, exposed ends of dental wires, and dental knives,
13 drills, and burrs.

14 "Sharps injury" means any injury caused by a sharp,
15 including, but not limited to, cuts, abrasions, needlesticks,
16 or human bites.

17 "Sharps injury log" means a written or electronic record
18 satisfying the requirements of subdivision (a)(2) of Section
19 15.

20 Section 15. Bloodborne pathogen standards.

21 (a) No later than 6 months after the effective date of
22 this Act, the Department of Public Health must adopt a
23 bloodborne pathogen standard governing occupational exposure
24 of public employees to blood and other potentially infectious
25 materials. The standard must be at least as prescriptive as
26 the standard promulgated by the federal Occupational Safety
27 and Health Administration and must include, but need not be
28 limited to, the following:

29 (1) A requirement that needleless systems and
30 sharps with engineered sharps injury protection be
31 implemented in all facilities employing public employees,
32 except in cases in which an evaluation committee,
33 established by the employer, at least half the members of

1 which are front-line health care workers, determines by
2 means of objective product evaluation criteria that use
3 of the devices will jeopardize patient or employee safety
4 with regard to a specific medical procedure.

5 (2) A requirement that information concerning
6 exposure incidents be recorded in a sharps injury log.
7 The information must include, but need not be limited to:

8 (A) the date and time of the exposure
9 incident;

10 (B) the type and brand of sharp involved in
11 the exposure incident; and

12 (C) a description of the exposure incident,
13 which must include:

14 (I) the job classification of the exposed
15 employee;

16 (II) the department or work area where
17 the exposure incident occurred;

18 (III) the procedure that the exposed
19 employee was performing at the time of the
20 incident;

21 (IV) how the incident occurred;

22 (V) the body part involved in the
23 exposure incident;

24 (VI) if the sharp had engineered sharps
25 injury protection, whether the protective
26 mechanism was activated, and whether the injury
27 occurred before the protective mechanism was
28 activate, during activation of the mechanism,
29 or after activation of the mechanism, if
30 applicable;

31 (VII) if the sharp had no engineered
32 sharps injury protection, the injured
33 employee's opinion as to whether and how such a
34 mechanism could have prevented the injury, as

1 well as the basis for the opinion; and

2 (VIII) the employer's opinion about
3 whether any other engineering, administrative,
4 or work practice control could have prevented
5 the injury, as well as the basis for the
6 opinion.

7 (b) The Department of Public Health must consider
8 additional enactments as part of the bloodborne pathogen
9 standard to prevent sharps injuries or exposure incidents,
10 including, but not limited to, training and educational
11 requirements, measures to increase vaccinations, strategic
12 placement of sharps containers as close to the work area as
13 practical, and increased use of personal protective
14 equipment.

15 (c) The Department of Public Health must compile and
16 maintain a list of existing needleless systems and sharps
17 with engineered sharps injury protection, which shall be
18 available to assist employers in complying with the
19 requirements of the bloodborne pathogen standards adopted
20 pursuant to this Act. The list may be developed from
21 existing sources of information, including, but not limited
22 to, the federal Food and Drug Administration, the federal
23 Centers for Disease Control and Prevention, the National
24 Institute of Occupational Safety and Health, and the United
25 States Department of Veteran Affairs.

26 (d) The Health Care Worker Injury Protection Fund is
27 created in the State treasury. Moneys in the Fund shall be
28 used, subject to appropriation, by the Department of Public
29 Health to provide for research, development, and product
30 evaluations of needleless systems and sharps with engineered
31 sharps injury protection.

32 Section 905. The State Finance Act is amended by adding
33 Section 5.545 as follows:

1 (30 ILCS 105/5.545 new)

2 Sec. 5.545. The Health Care Worker Injury Protection

3 Fund.