

## § 5193 - BLOODBORNE PATHOGENS

Following are small portions of the CalOSHA Bloodborne Pathogen Standard, that became law on July 1, 1999, regarding needles, sharps injuries & the needle exemptions:

### **Amend § 5193 to read:**

**(b) Definitions.** For purposes of this section, the following shall apply:

"Needle" or "Needle Device" means a needle of any type, including, but not limited to, solid and hollow-bore needles.

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

- (1) The withdrawal of body fluids after initial venous or arterial access is established;
- (2) The administration of medication or fluids; and
- (3) Any other procedure involving the potential for an exposure incident.

"Sharps Injury" means any injury caused by a sharp, including, but not limited to, cuts, abrasions, or needlesticks.

"Sharps Injury Log" means a written or electronic record satisfying the requirements of subsection (c)(2).

### **(d) Methods of Compliance.**

#### **(3) Engineering and Work Practice Controls--Specific Requirements.**

(A) Needleless Systems, Needle Devices and Non-Needle Sharps. By July 1, 1999, the employer shall comply with the following requirements:

1. Needleless Systems. Needleless systems shall be used for:
  - a. Withdrawal of body fluids after initial venous or arterial access is established;
  - b. Administration of medications or fluids; and
  - c. Any other procedure involving the potential for an exposure incident for which a needleless system is available as an alternative to the use of needle devices.
2. Needle Devices. If needleless systems are not used, needles with engineered sharps injury protection shall be used for:
  - a. Withdrawal of body fluids;
  - b. Accessing a vein or artery;
  - c. Administration of medications or fluids; and
  - d. Any other procedure involving the potential for an exposure incident for which a needle device with engineered sharps injury protection is available.
3. Non-Needle Sharps. If sharps other than needle devices are used, these items shall include engineered sharps injury protection.

**EXCEPTIONS:** The following exceptions apply to the engineering controls required by subsection (d)(3)(A):

1. Market Availability. The engineering control is not required if it is not available in the marketplace.
2. Patient Safety. The engineering control is not required if a licensed healthcare professional directly involved in a patient's care determines, in the reasonable exercise of clinical judgment, that use of the engineering control will jeopardize the patient's safety or the success of a medical, dental or nursing procedure involving the patient.

The determination shall be documented according to the procedure required by (c)(1)(B)6.

3. Safety Performance. The engineering control is not required if the employer can demonstrate by means of objective product evaluation criteria that the engineering control is not more effective in preventing exposure incidents than the alternative used by the employer.
4. Availability of Safety Performance Information. The engineering control is not required if the employer can demonstrate that reasonably specific and reliable information is not available on the safety performance of the engineering control for the employer's procedures, and that the employer is actively determining by means of objective product evaluation criteria whether use of the engineering control will reduce the risk of exposure incidents occurring in the employer's workplace.