

MAINE STATE LEGISLATURE

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R 45

L.D. 2185

DATE: 3-27-00

(Filing No. H-948)

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LABOR

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12 the House.

14 **STATE OF MAINE**
16 **HOUSE OF REPRESENTATIVES**
18 **119TH LEGISLATURE**
20 **SECOND REGULAR SESSION**

22 COMMITTEE AMENDMENT "A" to H.P. 1532, L.D. 2185, Bill, "An
24 Act to Promote Workplace Safety"

26 Amend the bill by striking out the title and substituting
28 the following:

30 **'Resolve, Relating to Protection from Bloodborne Pathogens for
32 Maine Workers'**

34 Further amend the bill by striking out everything after the
36 title and before the summary and inserting in its place the
38 following:

40 **'Emergency preamble. Whereas, Acts and resolves of the
42 Legislature do not become effective until 90 days after
44 adjournment unless enacted as emergencies; and**

46 **Whereas, this resolve proposes to improve protection from
48 bloodborne diseases for workers; and**

**Whereas, Maine workers suffer a significant number of
needle-stick injuries each year, putting them at risk of
contracting numerous diseases, many of which, like AIDS or
Hepatitis C, are life-threatening; and**

**Whereas, the federal Occupational Safety and Health
Administration, or "OSHA," has adopted a regulation requiring
private-sector employers to develop plans to control exposure to
bloodborne pathogens, including a requirement that employers use
engineering and work practice controls to prevent needle-stick
injuries; and**

COMMITTEE AMENDMENT

2 **Whereas**, that federal regulation has been adopted as a rule
4 by the State's Board of Occupational Safety and Health, which
establishes requirements for public-sector workplaces; and

6 **Whereas**, a federal directive interpreting the bloodborne
8 pathogen regulation sets forth more explicit instructions to
employers in implementing the regulation, including a requirement
10 that employers provide engineering controls such as needleless
systems and safer needle devices; and

12 **Whereas**, adoption of the directive as a rule would provide
14 greater assurance of continued protection for public-sector
employees; and

16 **Whereas**, the Legislature intends for public-sector and
18 private-sector employees to have rigorous protection against
exposure to bloodborne pathogens; and

20 **Whereas**, the Legislature intends that public-sector and
22 private-sector employers learn and heed the requirements of the
OSHA directive to use the most effective engineering controls,
24 including needleless systems and safer needle devices and that
such employers act as quickly as possible to implement such
26 systems; and

28 **Whereas**, the Legislature understands that the requirements
of the OSHA directive are relatively recent so that employers may
30 not have fully implemented the requirement, but wishes to
expedite the process; and

32 **Whereas**, a survey of practices and progress in implementing
34 the directive will help policymakers assess the need for
additional educational efforts or additional regulation; and

36 **Whereas**, in the judgment of the Legislature, these facts
38 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
40 necessary for the preservation of the public peace, health and
safety; now, therefore, be it

42 **Sec. 1. Rules for occupational safety and health of public employees.**
44 **Resolved:** That, except as provided in this section, the Board of
Occupational Safety and Health, as defined in the Maine Revised
46 Statutes, Title 26, section 564, shall adopt rules that are at
least as protective of employee health and safety as Directive
48 Number CPL 2-2.44D issued by the United States Department of
Labor, Occupational Safety and Health Administration, or "OSHA,"
to interpret the OSHA bloodborne pathogen regulation and

effective November 5, 1999. The rules must exempt any hypodermic apparatus exchange program certified by the Department of Human Services, Bureau of Health pursuant to Title 22, section 1341 from the requirements of that directive. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A; and be it further

Sec. 2. Survey of health care providers. Resolved: That the Department of Labor and the Department of Human Services shall conduct a survey of public and private health care providers to collect information about:

1. The use of needleless systems and other safe needle devices by employees; and

2. The process used or to be used by the providers to comply with federal regulations or state rules regarding engineering controls to protect employees against exposure to bloodborne pathogens.

The departments shall report the results of the survey to the joint standing committee of the Legislature having jurisdiction over labor matters of the 120th Legislature by February 1, 2001. That committee may report out legislation to the 120th Legislature in response to the survey.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

The Department of Human Services and the Department of Labor will incur some minor additional costs to conduct a survey and submit the required report. These costs can be absorbed within the departments' existing budgeted resources.

The additional costs associated with adopting rules can be absorbed by the Department of Labor utilizing existing budgeted resources.'

SUMMARY

This amendment replaces the bill and changes the bill to a resolve. The resolve requires the State's Board of Occupational

COMMITTEE AMENDMENT "A" to H.P. 1532, L.D. 2185

2 Safety and Health, which regulates public-sector places of
3 employment, to adopt rules that are at least as protective of
4 employees as a November 5, 1999 directive published by the
5 federal Occupational Safety and Health Administration, or
6 "OSHA." That directive interprets the OSHA bloodborne pathogen
7 regulation.

8 The amendment also requires the Department of Labor and the
9 Department of Human Services to survey health care providers to
10 collect information on the use of needleless systems and other
11 safe needle devices, as well as on plans to adopt such systems.
12 The departments must submit information collected by the survey
13 in a report to the joint standing committee of the Legislature
14 having jurisdiction over labor matters. That committee is
15 authorized to report out legislation in response to the survey.
16

17 The amendment also adds a fiscal note to the bill.
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