

Assembly Bill No. 1202

CHAPTER 678

An act to add Section 144.8 to the Labor Code, relating to occupational safety and health standards.

[Approved by Governor October 9, 2013. Filed with
Secretary of State October 9, 2013.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1202, Skinner. Occupational safety and health standards: hazardous drugs.

Under existing law, the Occupational Safety and Health Standards Board within the Department of Industrial Relations promulgates occupational safety and health standards for the state, including standards dealing with toxic materials and harmful physical agents. Violations of these standards and regulations is a crime.

This bill would require the board to adopt a standard for the handling of antineoplastic drugs, as defined, in health care facilities regardless of the setting. The bill would require the standard to be consistent with and not exceed specific recommendations adopted by the National Institute for Occupational Safety and Health for preventing occupational exposures to those drugs in health care settings. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares the following:

(a) Health care personnel who work with or near hazardous drugs in health care settings may be exposed to these agents in the air, on work surfaces, clothing, and medical equipment, or through patient contact.

(b) According to the National Institute for Occupational Safety and Health (NIOSH), early concerns about occupational exposure to antineoplastic drugs first appeared in the 1970s. Antineoplastic drugs may cause skin rashes, infertility, miscarriages, and birth defects, and have been linked to a wide variety of cancers.

(c) In 2004, the NIOSH published an alert on preventing occupational exposures to antineoplastic drugs in health care settings, and updated that

alert in 2010. In this alert, the NIOSH “presents a standard precautions or universal precautions approach to handling hazardous drugs safely: that is, NIOSH recommends that all hazardous drugs be handled as outlined in this Alert.”

(d) It is the intent of the Legislature to require the Occupational Safety and Health Standards Board to adopt standards consistent with the NIOSH alert regardless of the setting in order to protect health care personnel from hazardous exposure to these drugs.

SEC. 2. Section 144.8 is added to the Labor Code, to read:

144.8. (a) As used in this section the following definitions shall apply:

(1) “Antineoplastic drug” means a chemotherapeutic agent that controls or kills cancer cells.

(2) “NIOSH” means the National Institute for Occupational Safety and Health.

(b) The board shall adopt an occupational safety and health standard for the handling of antineoplastic drugs in health care facilities regardless of the setting. In developing the standard, the board shall consider input from hospitals, practicing physicians from impacted specialties, including oncology, organizations representing health care personnel, including registered nurses and pharmacists, and other stakeholders, and shall determine a reasonable time for facilities to implement new requirements imposed by the adopted standard. The standard, to the extent feasible, shall be consistent with and not exceed recommendations in the NIOSH 2004 alert entitled “Preventing Occupational Exposures to Antineoplastic and Other Hazardous Drugs in Health Care Settings,” as updated in 2010. The standard may incorporate applicable updates and changes to NIOSH guidelines.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.