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Resolve, Directing the Commissioner of Health and Human Services To Advance the Safe Handling of Hazardous Drugs To Protect Health Care Personnel

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, antineoplastic drugs are a known hazard to which health care personnel are being exposed; and

Whereas, it is desirable to provide health care personnel protection from these drugs as soon as possible; and

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

Sec. 1 Commissioner of Health and Human Services to adopt rules. Resolved: That the Commissioner of Health and Human Services shall adopt rules to establish 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 commissioner shall consider input from hospitals; practicing physicians from affected 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, must be consistent with and not exceed recommendations in the United States Department of Health and Human Services, Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health 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 National Institute for Occupational Safety and Health guidelines. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

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

SUMMARY

This resolve requires the Commissioner of Health and Human Services to adopt by rule a standard for the handling of antineoplastic drugs in health care facilities regardless of the setting. The resolve requires the standard to be consistent with and not exceed specific recommendations adopted by the United States Department of Health and Human Services, Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health for preventing occupational exposures to those drugs in health care settings.