CHAPTER 69

AN ACT concerning safe handling of hazardous drugs and supplementing Title 45 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.45:1-56 Short title.

1. This act shall be known and may be cited as the "Hazardous Drug Safe Handling Act."

C.45:1-57 Findings, declarations relative to safe handling of hazardous drugs.

2. a. The Legislature finds and declares that:

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

(2) According to the National Institute for Occupational Safety and Health (NIOSH), which is part of the federal Centers for Disease Control and Prevention, early concerns about occupational exposure to anticancer drugs first appeared in the 1970s;

(3) Antineoplastic and other hazardous drugs have been identified with a number of acute, short-term, and chronic effects, including skin rashes, infertility, miscarriage, birth defects, liver and kidney damage, damage to the bone marrow, damage to the heart and lungs, and various cancers; and

(4) In 2004, NIOSH published an alert on preventing occupational exposures to antineoplastic drugs in health care settings. NIOSH urges that all hazardous drugs be universally handled according to standard precautions as outlined in the alert, which includes recommended procedures for assessing workplace hazards, handling hazardous drugs, and using and maintaining equipment, as well as a list of "drugs considered hazardous," which was updated in 2010, 2012, and 2014.

b. The Legislature therefore determines that it is the public policy of the State to provide for the appropriate regulation of the handling of hazardous drugs consistent with the NIOSH alert, regardless of the setting in which health care is provided, in order to protect health care personnel from potentially harmful exposure to antineoplasic and other hazardous drugs.

C.45:1-58 Definitions relative to safe handling of hazardous drugs.

3. As used in this act:

"Animal or veterinary facility" means an animal or veterinary facility as defined in section 1 of P.L.1983, c.98 (C.45:16-1.1).

"Antineoplastic" means inhibiting or preventing the growth and spread of tumors or malignant cells.

"Hazardous drugs" means drugs that exhibit one or more of the following characteristics in humans or animals: carcinogenicity; teratogenicity or other developmental toxicity; reproductive toxicity; organ toxicity at low doses; genotoxicity; or structure and toxicity profiles that mimic existing hazardous drugs. This term includes, but is not limited to, antineoplastic drugs.

"Health care facility" means a general acute care hospital, satellite emergency department, hospital-based off-site ambulatory care facility in which ambulatory surgical procedures are performed, or ambulatory surgical facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.).

"Health care professional" means a physician, physician assistant, advanced practice nurse, registered nurse, licensed practical nurse, pharmacist, or veterinarian licensed or certified pursuant to Title 45 of the Revised Statutes. "Health care professional" shall not include a licensed dentist or dental hygienist.

"Pharmacy practice site" means a pharmacy practice site licensed pursuant to P.L.2003, c.280 (C.45:14-40 et seq.).

"Stakeholder group" means a group of stakeholders in the areas of health care and workplace safety, which shall consist of: a representative of the Rutgers Cancer Institute of New Jersey; a representative of the New Jersey Hospital Association; a representative of the New Jersey Veterinary Medical Association; a representative of the Medical Society of New Jersey; a representative of the New Jersey State Society of Physician Assistants; practicing physicians from impacted specialties including, but not limited to, oncology; pharmacists; practicing advanced practice nurses, registered nurses, and licensed practical nurses, including at least one representative from the New Jersey Chapters of the Oncology Nursing Society; three representatives from organized labor unions representing health care personnel employed by health care professionals or employed in health care facilities, pharmacy practice sites, or animal or veterinary facilities, two of whom shall serve at the recommendation of the New Jersey State AFL-CIO; and other interested stakeholders.

C.45:1-59 Adoption of standards, regulations.

4. a. No later than 12 months after the effective date of this act, the Commissioner of Health and the Director of the Division of Consumer Affairs in the Department of Law and Public Safety, in consultation with a stakeholder group as defined in section 3 of P.L.2017, c.69 (C.45:1-58), shall adopt standards and regulations in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) concerning the handling of hazardous drugs by health care personnel employed by a health care professional or employed in a health care facility, pharmacy practice site, or animal or veterinary facility.

b. The standards and regulations to be adopted pursuant to subsection a. of this section shall describe the hazardous drugs for which handling is to be regulated, the methods and procedures for handling such drugs, an implementation plan, and such other requirements as may be necessary to protect the health and safety of health care personnel employed by a health care professional or employed in a health care facility, pharmacy practice site, or animal or veterinary facility, including, but not limited to:

(1) written, site-specific hazardous drug control programs to avoid occupational exposure to hazardous drugs through transporting, compounding, administering, disposing, or other handling of the drugs;

(2) hazard assessments to determine precautions necessary to protect health care personnel from exposure to hazardous drugs;

(3) engineering controls to eliminate or minimize exposure to hazardous drugs;

(4) personal protective equipment and the circumstances under which personal protective equipment shall be used by health care personnel;

(5) safe handling practices related to hazardous drugs, including handling, receiving, storage, preparing, administering, waste handling, cleaning, housekeeping, labeling and signage, and maintenance practices;

(6) spill control and response procedures;

(7) training standards and training programs;

(8) requirements for recordkeeping, including records related to training sessions, qualifications, incident reports, and other pertinent information; and

(9) appropriate medical surveillance for health care personnel who directly handle hazardous drugs.

c. The standards and regulations adopted pursuant to subsection a. of this section shall include requirements for inspections by the appropriate licensing or inspection authority and a schedule of penalties for violations of the provisions of this act or the rules and regulations adopted pursuant to subsection a. of this section.

d. The standards and regulations adopted pursuant to subsection a. of this section shall be based on the most recent recommendations set forth by the National Institute for Occupational Safety and Health in the federal Centers for Disease Control and Prevention.

C.45:1-60 Hazardous drugs training.

5. Employers of health care personnel shall provide hazardous drugs training to all employees who have or are likely to have occupational exposure to hazardous drugs. This training shall take place at the time of the employee's initial job assignment and on an annual basis thereafter. Such training shall be consistent with the standards and regulations adopted pursuant to subsection a. of section 4 of P.L.2017, c.69 (C.45:1-59).

6. This act shall take effect immediately.

Approved May 11, 2017.