

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

H.B. 644  
Apr 9, 2013  
HOUSE PRINCIPAL CLERK

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HOUSE DRH80253-LR-119 (03/27)

Short Title: Prevent Hazardous Drug Exposure. (Public)

Sponsors: Representatives Fulghum, Murry, and Carney (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT RELATING TO THE HANDLING OF HAZARDOUS DRUGS TO PREVENT  
3 DISEASE AND INJURY CAUSED BY EXPOSURE.

4 Whereas, according to the National Institute for Occupational Safety and Health  
5 (NIOSH), early concerns about occupational exposure to antineoplastic drugs first appeared in  
6 the 1970s; and

7 Whereas, antineoplastic and other hazardous drugs may cause skin rashes,  
8 infertility, miscarriage, birth defects, and have been linked to a wide variety of cancers; and

9 Whereas, NIOSH published an alert on preventing occupational exposures to  
10 antineoplastic and other hazardous drugs in health care settings in 2004 with an update in 2010;  
11 and

12 Whereas, in this alert, the NIOSH presents a standard precautions or universal  
13 precautions approach to handling hazardous drugs safely, meaning that it recommends that all  
14 hazardous drugs be handled as outlined in the alert; Now, therefore,  
15 The General Assembly of North Carolina enacts:

16 **SECTION 1.** The General Assembly finds that health care personnel who work  
17 with or near hazardous drugs in health care settings may be exposed to these agents in the air,  
18 on work surfaces, clothing, and medical equipment or through patient contact. It is the intent of  
19 the General Assembly to require health care facilities to follow rules requiring compliance with  
20 all aspects of alerts from the National Institute for Occupational Safety and Health regardless of  
21 the setting in order to protect health care personnel in this State from hazardous exposure to  
22 such drugs.

23 **SECTION 2.** G.S. 95-174 is amended by adding new subsections to read:

24 "(t) "Antineoplastic drug" means a chemotherapeutic agent that controls or kills cancer  
25 cells.

26 "(u) "Hazardous drugs" means any drug identified by the National Institute for  
27 Occupational Safety and Health at the Centers for Disease Control or any drug that meets at  
28 least one of the following six criteria: carcinogenicity, teratogenicity or developmental toxicity,  
29 reproductive toxicity in humans, organ toxicity at low doses in humans or animals,  
30 genotoxicity, or new drugs that mimic existing hazardous drugs in structure or toxicity."

31 **SECTION 3.** Part 2 of Article 18 of Chapter 95 of the General Statutes is amended  
32 by adding a new section to read:

33 **"§ 95-199. Handling of dangerous drugs.**

34 By January 1, 2015, the Commissioner of Labor shall adopt by rule requirements for the  
35 handling of antineoplastic and other hazardous drugs in health care facilities regardless of the  
36 setting. Rule making under this section shall consider input from hospitals, organizations



1 representing health care personnel, and other stakeholders and shall consider reasonable time  
2 for facilities to implement new requirements. The rules adopted must be consistent with and not  
3 exceed provisions adopted by the National Institute for Occupational Safety and Health's 2004  
4 alert on preventing occupational exposures to antineoplastic and other hazardous drugs in  
5 health care settings as updated in 2010. The Department's adoption of the rules may incorporate  
6 updates and changes to the Institute's guidelines as made by the Centers for Disease Control  
7 and Prevention. The Commissioner of Labor shall investigate complaints and enforce these  
8 requirements in accordance with the provisions of this Part."

9           **SECTION 4.** This act is effective when it becomes law.