

# SENATE BILL No. 237

March 25, 2015, Introduced by Senators BRANDENBURG, BOOHER and BIEDA and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding section 20154.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           SEC. 20154. (1) THE DEPARTMENT OF LICENSING AND REGULATORY  
2   AFFAIRS SHALL PROMULGATE RULES TO ESTABLISH REQUIREMENTS FOR  
3   HANDLING ANTINEOPLASTIC DRUGS AND OTHER HAZARDOUS DRUGS IN A HEALTH  
4   FACILITY OR AGENCY OR ANY OTHER SETTING AT WHICH MEDICAL OR  
5   SURGICAL TREATMENT OR CARE TO HUMAN PATIENTS IS PROVIDED. THE  
6   DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS SHALL CONSIDER INPUT  
7   FROM HEALTH FACILITIES AND AGENCIES, ORGANIZATIONS THAT REPRESENT  
8   HEALTH PROFESSIONALS, AND OTHER STAKEHOLDERS AND SHALL CONSIDER

1 REASONABLE TIME FOR HEALTH PROVIDERS TO IMPLEMENT NEW REQUIREMENTS  
2 IMPOSED IN RULES PROMULGATED UNDER THIS SECTION.

3 (2) THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS SHALL  
4 ENSURE THAT RULES PROMULGATED UNDER THIS SECTION ARE CONSISTENT  
5 WITH AND DO NOT EXCEED PROVISIONS ADOPTED BY THE NATIONAL INSTITUTE  
6 FOR OCCUPATIONAL SAFETY AND HEALTH'S 2004 ALERT ON "PREVENTING  
7 OCCUPATIONAL EXPOSURES TO ANTINEOPLASTIC AND OTHER HAZARDOUS DRUGS  
8 IN HEALTH CARE SETTINGS" AS UPDATED IN 2012. IF, AFTER THE  
9 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, THE  
10 DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS DETERMINES THAT ANY  
11 UPDATES OR CHANGES MADE TO THE NATIONAL INSTITUTE FOR OCCUPATIONAL  
12 SAFETY AND HEALTH'S 2004 ALERT ON "PREVENTING OCCUPATIONAL  
13 EXPOSURES TO ANTINEOPLASTIC AND OTHER HAZARDOUS DRUGS IN HEALTH  
14 CARE SETTINGS" ARE APPROPRIATE TO PROTECT THE PUBLIC HEALTH AND  
15 WELFARE, THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS BY  
16 ORDER OR RULE MAY UPDATE THE APPLICATION OF THE RULES PROMULGATED  
17 UNDER THIS SECTION.

18 (3) A HEALTH CARE PROVIDER SHALL COMPLY WITH RULES PROMULGATED  
19 UNDER THIS SECTION.

20 (4) A HEALTH CARE PROVIDER THAT VIOLATES THIS SECTION IS  
21 GUILTY OF A MISDEMEANOR. A VIOLATION OF THIS SECTION BY A HEALTH  
22 PROFESSIONAL IS CONSIDERED A VIOLATION OF ARTICLE 15 AND THAT  
23 HEALTH PROFESSIONAL IS SUBJECT TO ADMINISTRATIVE ACTION UNDER  
24 SECTIONS 16221(H) AND 16226.

25 (5) AS USED IN THIS SECTION:

26 (A) "ANTINEOPLASTIC DRUG" MEANS A CHEMOTHERAPEUTIC AGENT THAT  
27 CONTROLS OR KILLS CANCER CELLS.

1 (B) "HAZARDOUS DRUGS" MEANS ANY DRUG IDENTIFIED BY THE  
2 NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH AT THE  
3 CENTERS FOR DISEASE CONTROL AND PREVENTION OR ANY DRUG THAT MEETS 1  
4 OR MORE OF THE FOLLOWING CRITERIA:

5 (i) CARCINOGENICITY.

6 (ii) TERATOGENICITY OR DEVELOPMENTAL TOXICITY.

7 (iii) REPRODUCTIVE TOXICITY IN HUMANS.

8 (iv) ORGAN TOXICITY AT LOW DOSES IN HUMANS OR ANIMALS.

9 (v) GENOTOXICITY.

10 (vi) NEW DRUGS THAT MIMIC EXISTING HAZARDOUS DRUGS IN  
11 STRUCTURE OR TOXICITY.

12 (C) "HEALTH CARE PROVIDER" MEANS A HEALTH FACILITY OR AGENCY  
13 OR A HEALTH PROFESSIONAL THAT HANDLES AN ANTINEOPLASTIC DRUG OR  
14 OTHER HAZARDOUS DRUGS IN FURNISHING MEDICAL OR SURGICAL TREATMENT  
15 OR CARE TO HUMAN PATIENTS.

16 (D) "HEALTH PROFESSIONAL" MEANS AN INDIVIDUAL LICENSED,  
17 CERTIFIED, OR AUTHORIZED TO ENGAGE IN A HEALTH PROFESSION UNDER  
18 ARTICLE 15, BUT NOT INCLUDING VETERINARIANS OR VETERINARY  
19 TECHNICIANS UNDER PART 188.

20 Enacting section 1. This amendatory act takes effect 90 days  
21 after the date it is enacted into law.