

CHAPTER 431 — S.F.No. 1495

An act relating to labor; providing for occupational safety and health; regulating infectious agents; amending Minnesota Statutes 1983 Supplement, section 182.653, subdivisions 4b, 4c, and 4f; and 182.654, subdivision 11.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1983 Supplement, section 182.653, subdivision 4b, is amended to read:

Subd. 4b. Prior to an employee's initial assignment to a workplace where the employee may be routinely exposed to a hazardous substance or harmful physical agent, the employer shall provide training concerning the hazardous substance or harmful physical agent. The employer shall provide additional instruction whenever the employee may be routinely exposed to any additional hazardous substance or harmful physical agent. The term "routinely exposed" includes the exposure of an employee to a hazardous substance when assigned to work in an area where a hazardous substance has been spilled.

For each hazardous substance to which the employee may be routinely exposed, the employer's training program shall include:

(a) the name or names of the substance including any generic or chemical name, trade name, and commonly used name;

(b) the level, if any and if known, at which exposure to the substance has been determined to be safe according to standards adopted by the commissioner, or, if no standard has been adopted, according to guidelines established by competent professional groups including but not limited to the American Industrial Hygiene Association, the American Conference of Governmental Industrial Hygienists, the Center for Disease Control, the Bureau of Radiological Health, and the American National Standards Institute;

(c) the known acute and chronic effects of exposure at hazardous levels;

(d) the known symptoms of the effects;

(e) any potential for flammability, explosion, or reactivity of the substance;

(f) appropriate emergency treatment;

(g) the known proper conditions for safe use of and exposure to the substance;

(h) procedures for cleanup of leaks and spills;

(i) the name, phone number and address of the manufacturer of the hazardous substance; and

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(j) a written copy of all of the above information which shall be readily accessible in the area or areas in which the hazardous substance is used or handled.

Employees who have been routinely exposed to a hazardous substance prior to the effective date of Laws 1983, chapter 316 and who continue to be routinely exposed to that hazardous substance after the effective date of Laws 1983, chapter 316, shall be trained with respect to that hazardous substance within six months of the effective date of Laws 1983, chapter 316.

Training to update the information required to be provided under this subdivision shall be repeated at intervals no greater than one year.

Every employer shall maintain current information for training under this subdivision or for information requests by employees under section 182.654, subdivision 10.

This subdivision does not apply to any employer engaged in a farming operation.

This subdivision does not apply to any small business.

This subdivision does not apply to any nonpublic school or any school district before January 1, 1985.

Any technically qualified individual may elect to participate in any training or update programs required to be provided under this subdivision to employees who are not technically qualified individuals.

Sec. 2. Minnesota Statutes 1983 Supplement, section 182.653, subdivision 4c, is amended to read:

Subd. 4c. For each harmful physical agent to which an employee may be routinely exposed, the employer's training program shall include the information required by the standard for that physical agent as determined by the commissioner, including but not limited to:

(a) the name or names of the physical agent including any commonly used synonym;

(b) the level, if any and if known, at which exposure to the physical agent has been determined to be safe according to standards adopted by the commissioner, or, if no standard has been adopted, according to guidelines established by competent professional groups including but not limited to the American Conference of Governmental Industrial Hygienists, the Center for Disease Control, the Bureau of Radiological Health, and the American National Standards Institute;

(c) the known acute and chronic effects of exposure at hazardous levels;

(d) the known symptoms of the effects;

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- (e) appropriate emergency treatment;
- (f) the known proper conditions for safe use of and exposure to the physical agent;
- (g) the name, phone number and address, if appropriate, of the manufacturer of the harmful physical agent; and
- (h) a written copy of all of the above information which shall be readily accessible in the area or areas in which the harmful physical agent is present and where the employee may be exposed to the agent through use, handling or otherwise.

Employees who have been routinely exposed to a harmful physical agent prior to the effective date of Laws 1983, chapter 316 and who continue to be routinely exposed to that harmful physical agent after the effective date of Laws 1983, chapter 316, shall be trained with respect to that harmful physical agent within six months of the effective date of Laws 1983, chapter 316.

Training to update the information required to be provided under this subdivision shall be repeated at intervals no greater than one year.

Every employer shall maintain current information for training under this subdivision or for information requests by employees under section 182.654, subdivision 10.

This subdivision does not apply to any employer engaged in a farming operation.

Any technically qualified individual may elect to participate in any training or update programs required to be provided under this subdivision to employees who are not technically qualified individuals.

Sec. 3. Minnesota Statutes 1983 Supplement, section 182.653, subdivision 4f, is amended to read:

Subd. 4f. Each employer who operates a hospital or clinic shall provide training according to a program developed by the commissioner by rule with approval of the commissioner of health to its employees who are routinely exposed to an infectious agent. The training shall include the information required by the rule for that agent as developed by the commissioner and shall include, if known, names of infectious agents to which the employee is routinely exposed, proper techniques for the employee to avoid self-contamination, and symptoms and effects of contamination. Training shall be provided upon the initial assignment of the employee to a job where that person will be routinely exposed to an infectious agent. Existing inservice, hospital licensure or certification programs which the commissioner determines substantially comply with the rules adopted pursuant to this subdivision may be certified by the commissioner to satisfy all or a part of the rules. "Infectious agent" means a communicable

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bacterium, rickettsia, parasites, virus, or fungus determined by the commissioner by rule, with approval of the commissioner of health, which according to documented medical or scientific evidence causes substantial acute or chronic illness or permanent disability as a foreseeable and direct result of any routine exposure to the infectious agent. Infectious agent does not include an agent in or on the body of a patient before diagnosis.

Infectious agent does not include an agent being developed or regularly utilized by a technically qualified individual in a research, medical research, medical diagnostic or medical educational laboratory or in a health care facility or in a clinic associated with a laboratory or health care facility, or in a pharmacy registered and licensed under chapter 151. The exemption in this clause does not include an infectious agent utilized in a laboratory that primarily provides a quality control analysis for a manufacturing process.

Employees who have been routinely exposed to an infectious agent prior to the effective date of Laws 1983, chapter 316 and who continue to be routinely exposed to that infectious agent after the effective date of Laws 1983, chapter 316, shall be trained with respect to that infectious agent within six months of the effective date of Laws 1983, chapter 316.

Training to update the information required to be provided under this subdivision shall be repeated at intervals no greater than one year.

Any technically qualified individual may elect to participate in any training or update programs required to be provided under this subdivision to employees who are not technically qualified individuals.

Sec. 4. Minnesota Statutes 1983 Supplement, section 182.654, subdivision 11, is amended to read:

Subd. 11. An employee acting in good faith has the right to refuse to work under conditions which the employee reasonably believes present an imminent danger of death or serious physical harm to the employee.

A reasonable belief of imminent danger of death or serious physical harm includes but is not limited to a reasonable belief of the employee that the employee has been assigned to work with a hazardous substance, harmful physical agent or infectious agent under conditions which are inconsistent with the training or information provided by the employer pursuant to section 182.653, subdivision 4b, clauses (g) or (h), section 182.653, subdivision 4c, clause (f), section 182.653, subdivision 4d, section 182.653, subdivision 4e, section 182.653, subdivision 4f, or section 182.654, subdivision 10.

An employer may not discriminate against an employee for a good faith refusal to perform assigned tasks if the employee has requested that the employer correct the hazardous conditions but the conditions remain uncorrected.

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An employee who has refused in good faith to perform assigned tasks and who has not been reassigned to other tasks by the employer shall, in addition to retaining a right to continued employment, receive pay for the tasks which would have been performed if (1) the employee requests the commissioner to inspect and determine the nature of the hazardous condition, and (2) the commissioner determines that the employee, by performing the assigned tasks, would have been placed in imminent danger of death or serious physical harm; or (3) the employee requests the commissioner to inspect and determine if a hazardous condition exists, and (4) the commissioner determines that the employer has failed to provide the training required under section 182.653, subdivision 4b, 4c, 4d, 4e, or 4f prior to the employee's initial assignment to a workplace where the employee may be routinely exposed to a hazardous substance or harmful physical agent and the employer has failed to provide the information required under section 182.653, subdivision 4b, 4c, 4d, 4e, or 4f after a request pursuant to section 182.654, subdivision 10 within a reasonable period of time, but not to exceed 24 hours, of the request.

Nothing in this subdivision shall give a technically qualified individual who elects to participate in the training required under section 182.653, subdivisions 4b, 4c, or 4f, the right to refuse to work as provided under this subdivision because his or her employer has failed to provide a training program required under those subdivisions.

Sec. 5. EFFECTIVE DATES.

The provisions of section 1 which provide that Minnesota Statutes, section 182.653, subdivision 4b, does not apply to any nonpublic school or any school district before January 1, 1985 shall be effective the day following enactment. All other provisions of this bill shall be effective August 1, 1984.

Approved April 23, 1984

CHAPTER 432 — S.F.No. 1477

An act relating to workers' compensation; clarifying the law concerning ridesharing; providing for miscellaneous changes in the workers' compensation process; amending Minnesota Statutes 1982, sections 176.135, by adding a subdivision; 176.231, subdivision 1; 176.241, subdivisions 1 and 3, and by adding subdivisions; 176.271, subdivision 2; 176.351, by adding a subdivision; Minnesota Statutes 1983 Supplement, sections 79.34, subdivision 1; 176.041, subdivision 1; 176.101, subdivisions 3a, 3b, 3e, 3g, 3i, 3j, 3l, 3m, 3o, 3q, 3r, and 3t; 176.102, subdivisions 3a and 9; 176.103, subdivision 3, and by adding a subdivision; 176.104, subdivisions 1 and 2; 176.129, subdivisions 3, 4, and by adding a subdivision; 176.135, subdivision 1; 176.136; 176.138; 176.183, subdivision 1; 176.221, subdivisions 1, 3, and by adding a subdivision; 176.231, subdivision 9; 176.241, subdivision 2; 176.242,

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