

# **Safer Needles In Healthcare Workplaces Act**

CHAPTER 7 OF THE ACTS OF 2006

*as amended by*

2014, c. 32, s. 154



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CHAPTER 7 OF THE ACTS OF 2006  
amended 2014, c. 32, s. 154

**An Act Respecting  
Safer Needles in Healthcare Workplaces**

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**Short title**

**1** This Act may be cited as the *Safer Needles In Healthcare Workplaces Act*. 2006, c. 7, s. 1.

**Interpretation**

**2** In this Act,

(a) “employee” means a person employed in a healthcare workplace and includes a dependent contractor;

(b) “employer” means a person who employs an employee or contracts for the services of an employee and includes a contractor or sub-contractor;

(c) “healthcare workplace” means

(i) a health authority under the *Health Authorities Act*,

(ii) a nursing home, a home for the aged, a residential care facility licensed by the Minister under the *Homes for Special Care Act* or any other long-term-care facility where the residents are subsidized by the Minister,

(iii) a place where emergency health services or home care services are provided by or contracted for by the Minister, and

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- (iv) any other place prescribed by the regulations;
- (d) “Minister” means the Minister of Health;
- (e) “safety-engineered needle” means
  - (i) a shielded needle device,
  - (ii) a retractable needle system,
  - (iii) a needleless device, or
  - (iv) a needle reduced device,

that is commercially available and approved as a medical device by Health Canada. 2006, c. 7, s. 2; 2014, c. 32, s. 154.

### Act binds Crown

3 This Act binds Her Majesty in right of the Province. 2006, c. 7, s. 3.

### Use of safety-engineered needles

4 (1) Subject to subsection (2), every employer shall ensure that when hollow-bore or intravenous needles are used in a healthcare workplace that employees use only safety-engineered needles.

(2) An employer may allow an employee to use a needle that is not a safety-engineered needle if

- (a) the employer in consultation with the joint health and safety committee and the health and safety representative, if any, can demonstrate that a safety-engineered needle
  - (i) poses more risk of harm than another needle to a patient, client, resident or employee, or
  - (ii) may impair the effectiveness of the treatment of a patient, client or resident;
- (b) a needle device is pre-filled with a biological or antibiotic product that is present in the Province on the day that this Act comes into force;
- (c) there is a public-health emergency under the *Health Protection Act* or a state of emergency or state of local emergency under the *Emergency Measures Act*;
- (d) a needle is stockpiled for use in an emergency referred to in clause (c) and is present in the Province when this Act comes into force; or
- (e) a national program, including a blood-collection program and a vaccination program that requires the approval of Health Canada to use a safety-engineered needle has not yet received approval of Health Canada, until such time as approval by Health Canada is obtained. 2006, c. 7, s. 4.

**Compliance plans**

**5 (1)** Upon the coming into force of this Act, every employer shall, in consultation with its joint health and safety committee and the health and safety representative, if any, develop a phased-in compliance plan.

**(2)** The development and implementation of a compliance plan must not exceed one year unless an exemption is granted by the Governor in Council. 2006, c. 7, s. 5.

**Instruction and training**

**6 (1)** Every employer shall ensure that any employees who are required to use a safety-engineered needle, or may come into accidental parenteral contact with a safety-engineered needle, receive and participate in such instruction and training as may be developed and implemented by the employer.

**(2)** At least annually, every employer shall, in consultation with its joint health and safety representative, if any, for a healthcare workplace, review the training and instruction provided to employees and the employees' familiarity with the instruction and training. 2006, c. 7, s. 6.

**Offence and penalties**

**7** Every employer who fails to comply with this Act or the regulations is guilty of an offence and liable upon summary conviction

(a) in the case of an individual, to a fine of not more than twenty-five thousand dollars or imprisonment for a term of not more than twelve months, or both; and

(b) in the case of a corporation, to a fine of not more than two hundred and fifty thousand dollars. 2006, c. 7, s. 7.

**Offences by employees or agents**

**8** In a prosecution for an offence under this Act, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused, whether or not the employee or agent is identified, unless the accused establishes that the offence was committed without the knowledge or consent of the accused. 2006, c. 7, s. 8.

**Acts or omissions of managers**

**9 (1)** In a prosecution against an employer under this Act or the regulations, the act or omission of a manager, a superintendent or another person who exercises management functions for the employer is deemed to be the act or omission of the employer.

**(2)** Notwithstanding subsection (1), the act or omission of a manager, a superintendent or another person who exercises management functions for the employer is not the act or omission of the employer if it is proven that the employer

- (a) took every precaution reasonable in the circumstances to ensure that the act or omission would not occur;
- (b) did not have actual knowledge of, or could not reasonably have known of, the act or omission; and
- (c) did not expressly or impliedly consent to the act or omission. 2006, c. 7, s. 9.

**Limitation period for prosecution**

**10** No prosecution under this Act may be commenced more than two years after the day upon which the offence was committed. 2006, c. 7, s. 10.

**Regulations**

**11 (1)** The Governor in Council may make regulations

- (a) prescribing a workplace or class of workplace as a healthcare workplace;
- (b) exempting a workplace or class of workplace from being a healthcare workplace;
- (c) exempting an employer from the requirement to use safety-engineered needles;
- (d) respecting the reporting requirements of employers of healthcare workplaces with respect to the use of needles;
- (e) defining any word or expression used but not defined in this Act;
- (f) further defining any word or expression defined in this Act;
- (g) respecting any matter the Governor in Council determines necessary or advisable to carry out effectively the intent and purpose of this Act.

**(2)** The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*. 2006, c. 7, s. 11.

**Effective date**

**12** This Act has effect on and after January 1, 2007. 2006, c. 7, s. 12.