

SENATE BILL No. 441

By Committee on Public Health and Welfare

2-8

1 AN ACT enacting the biological laboratory accident transparency act;
2 requiring institutions and organizations to report accidents and near-
3 miss accidents at high-risk biological laboratories.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) Sections 1 through 3, and amendments thereto, shall be
7 known and may be cited as the biological laboratory accident transparency
8 act.

9 (b) This act shall apply to institutions and organizations that have
10 substantial control over or run a high-risk biological laboratory.

11 Sec. 2. As used in this act:

12 (a) "High-risk biological laboratory" means a commercial or research
13 facility that:

14 (1) Engages in research involving human pathogens or that grows or
15 manipulates any pathogens listed in the NIAID list of priority and
16 emergency infectious diseases; or

17 (2) runs as a biosafety level 3 or 4 or an animal biosafety level 3 or 4
18 laboratory or a similar biosafety level site.

19 (b) "NIAID" means the national institute of allergy and infectious
20 diseases.

21 (c) "Laboratory accident" means an event that leads to injury or
22 human exposure to a pathogen, a loss of containment or where an event
23 may have done so, including an event where:

24 (1) Skin is broken by a needle, bite or any other source;

25 (2) any other injury causes harm or damage to an individual;

26 (3) a spill kit is needed or used;

27 (4) a biosafety containment failure involving biosafety cabinets or
28 equipment occurs;

29 (5) any specimens that could be infectious, including lab animals, are
30 missing, stolen or lost; or

31 (6) infections or seropositives are detected.

32 (d) "Near miss" means an event where it is determined not to qualify
33 as a laboratory accident but could reasonably have qualified.

34 (e) "Non-conformities" means all other incidents where a safety
35 procedure was not followed.

36 Sec. 3. (a) (1) Institutions and organizations shall publicly report any

1 laboratory accident or near-miss event that occurs in any high-risk
2 biological laboratory in a summary format.

3 (2) Institutions and organizations may publicly report any laboratory
4 accident or near-miss accident that occurs at:

5 (A) A site that only stores tissues not known to carry pathogens;

6 (B) clinical facilities that only engage in diagnostic testing or
7 treatment; or

8 (C) a biosafety level 1 or 2 or an animal biosafety level 1 or 2
9 laboratory.

10 (3) In order to foster a culture of safety, institutions and organizations
11 are encouraged, but not required, to report non-conformities.

12 (4) Reporting made under this section shall not replace or exclude
13 any other reporting required for public health or any other legal purpose.

14 (b) Reporting of accidents required by this section shall:

15 (1) Contain a list of all accidents in the immediately preceding 10
16 years, except that no reporting shall be required prior to July 1, 2022;

17 (2) be updated with events not later than one week after they occur;

18 (3) be in a format that is human-readable and machine-readable, such
19 as a spreadsheet;

20 (4) (A) if an institution or organization maintains a website, be
21 accessible and clearly linked on such website; or

22 (B) if an institution or organization does not maintain a website:

23 (i) Be recorded in a separate publicly accessible database, if the data
24 is available in a similarly timely manner and the database used is publicly
25 noted and linked to by the laboratory; or

26 (ii) be provided by the institution or organization within two business
27 days after a request for a copy of such report is made to the institution or
28 organization; and

29 (5) be submitted each quarter to the office of the assistant secretary
30 for preparedness and response, or such office's federal designee.

31 (c) (1) Each accident report shall contain:

32 (A) The date the accident occurred;

33 (B) the date of the report;

34 (C) the laboratory or site where the accident occurred;

35 (D) a short description of the accident;

36 (E) a listing of any pathogen or strain or other materials involved;

37 (F) the number of individuals affected, and the injury or infection
38 status of such persons;

39 (G) a summary of any suspected or known secondary exposures; and

40 (H) the type and size of the laboratory and the approximate number of
41 person-hours spent in the laboratory each year.

42 (2) Accident reports shall not be required to contain any information
43 that:

1 (A) Identifies non-public security measures or otherwise harms the
2 security of the laboratory;

3 (B) contains personally identifiable information of any individual; or

4 (C) otherwise violates state or federal law.

5 (d) Any failure to follow the reporting requirements of this section,
6 including delayed reporting, or changes to update an event report with
7 additional information shall be noted in the report.

8 (e) (1) No employer shall discharge, demote, harass, retaliate or take
9 any other adverse action against an employee because of such employee's
10 acts made in good faith under this act, including an employee who publicly
11 discloses information withheld from an accident report that is required by
12 this act or assists with investigations into violations of this act.

13 (2) Any employer who violates the provisions of this subsection:

14 (A) Shall be liable for damages for any loss of wages, actual damages
15 and other benefits;

16 (B) shall be ordered to reinstate any employee discharged for acts
17 taken in good faith by the employee in furtherance of an action under this
18 act; and

19 (C) may be enjoined from further violations of this section and
20 ordered to provide other appropriate relief.

21 Sec. 4. This act shall take effect and be in force from and after its
22 publication in the statute book.