

(A) EXCEPT AS PROVIDED IN THIS SECTION, A MANUFACTURER, DISTRIBUTOR, OR EMPLOYER SHALL NOT BE REQUIRED BY THIS PART TO DISCLOSE ANY INFORMATION WHICH, UNDER STATE OR FEDERAL LAW QUALIFIES AS A TRADE SECRET OR CONFIDENTIAL BUSINESS INFORMATION.

(B) EXCEPT FOR A HAZARDOUS CHEMICAL WHICH IS A CARCINOGEN, A TERATOGEN, OR A SUBSTANCE INDUCING ABORTION OR STERILITY, A CHEMICAL MANUFACTURER OR EMPLOYER MAY WITHHOLD THE SPECIFIC CHEMICAL IDENTITY, INCLUDING THE CHEMICAL NAME AND OTHER SPECIFIC IDENTIFICATION OF A HAZARDOUS CHEMICAL, FROM THE MATERIAL SAFETY DATA SHEET AND CHEMICAL INFORMATION LIST, PROVIDED THAT:

(1) THE CLAIM THAT THE INFORMATION WITHHELD IS A TRADE SECRET CAN BE SUPPORTED;

(2) INFORMATION CONTAINED IN THE MATERIAL SAFETY DATA SHEET CONCERNING THE PROPERTIES AND EFFECTS OF THE HAZARDOUS CHEMICAL IS DISCLOSED;

(3) THE MATERIAL SAFETY DATA SHEET AND THE CHEMICAL INFORMATION LIST INDICATE THAT THE SPECIFIC CHEMICAL IDENTITY IS BEING WITHHELD AS A TRADE SECRET; AND

(4) THE SPECIFIC CHEMICAL IDENTITY IS MADE AVAILABLE TO HEALTH PROFESSIONALS IN ACCORDANCE WITH THIS SECTION.

(C) IF A TREATING PHYSICIAN, PHYSICIAN'S ASSISTANT, OR NURSE DETERMINES THAT A MEDICAL EMERGENCY EXISTS AND THE SPECIFIC CHEMICAL IDENTITY OF A HAZARDOUS CHEMICAL IS NECESSARY FOR EMERGENCY OR FIRST AID TREATMENT, THE MANUFACTURER OR EMPLOYER SHALL IMMEDIATELY DISCLOSE THE SPECIFIC CHEMICAL IDENTITY OF A TRADE SECRET CHEMICAL TO THAT TREATING PHYSICIAN OR NURSE, REGARDLESS OF THE EXISTENCE OF A WRITTEN STATEMENT OF NEED OR A CONFIDENTIALITY AGREEMENT. THE MANUFACTURER OR EMPLOYER MAY REQUIRE A WRITTEN STATEMENT OF NEED AND CONFIDENTIALITY AGREEMENT, IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTIONS (D) AND (E) OF THIS SECTION, AS SOON AS CIRCUMSTANCES PERMIT.

(D) IN NONEMERGENCY SITUATIONS, A MANUFACTURER OR EMPLOYER SHALL, UPON REQUEST, DISCLOSE A SPECIFIC CHEMICAL IDENTITY, OTHERWISE PERMITTED TO BE WITHHELD UNDER THIS SECTION, TO A PHYSICIAN, REGISTERED NURSE, PHYSICIAN'S ASSISTANT, INDUSTRIAL HYGIENIST, TOXICOLOGIST, OR EPIDEMIOLOGIST PROVIDING MEDICAL OR OTHER OCCUPATIONAL HEALTH SERVICES TO AN EXPOSED EMPLOYEE IF:

(1) THE REQUEST IS IN WRITING;

(2) THE REQUEST DESCRIBES WITH REASONABLE DETAIL 1 OR MORE OF THE FOLLOWING OCCUPATIONAL HEALTH NEEDS FOR THE INFORMATION:

(I) TO ASSESS THE HAZARD OF THE CHEMICAL TO WHICH AN EMPLOYEE WILL BE EXPOSED;

(II) TO CONDUCT OR ASSESS SAMPLING OF THE WORK PLACE ATMOSPHERE TO DETERMINE EMPLOYEE EXPOSURE LEVELS;