§ 1399-tt. Regulations. The commissioner shall make regulations, under this article, governing the use of sharps in health care for the purpose of: preventing sharps injuries, reducing exposure incidents, and promoting the use of safer technologies which include engineered sharps injury protections. Dentists licensed in this state, under title eight of the education law, shall be exempt from the regulations under this article. Regulations under this article shall prohibit the use of sharps that do not incorporate engineered sharps injury protections. The regulations may provide exceptions permitting the use of sharps without engineered sharps injury protections under circumstances where:

(a) appropriate engineered sharps are not available in the market;

(b) the use of sharps without engineered sharps injury protections is essential to the performance of a specific medical procedure; or

(c) based on objective product evaluation, sharps with engineered injury protections are not more effective in preventing exposure incidents than sharps without engineered injury protections.