

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Community Health Agency

SUBMITTAL DATE: April 16, 2003

SUBJECT: Position on Sale and Disposal of Hypodermic Needles

RECOMMENDED MOTION: That the Board of Supervisors support legislation and direct the Executive Office to and the Board's Sacramento representative to further the Board's position regarding legislation which promotes the sale of hypodermic needles by licensed pharmacists and increases the criminal penalty for improper disposal of hypodermic needles.

BACKGROUND: It is estimated that there are 12,000 injected drug users living in Riverside County. Many who are regularly sharing needles with others to inject drugs are sexually active and having babies, increasing the chance of transmission of blood borne infections such as hepatitis C, hepatitis B and HIV. Sharing of needles to inject drugs is a significant means of transmission of hepatitis C and HIV. In Riverside County, 60% of hepatitis C and 23% of AIDS case can be attributed to needle sharing.

Support of proposed legislation that seeks to reduce these numbers by authorizing a licensed pharmacist to sell hypodermic needles or syringes to a person without a prescription, increases the criminal penalty for improper disposal of hypodermic needles and syringes, provides opportunities to educate injected drug users, and provides for safe syringe disposal that will promote the public health of Riverside County.

Gary M. Feldman, MD
Director

CR:bw

FINANCIAL DATA:

CURRENT YEAR COST: \$ n/a
NET COUNTY COST: \$ n/a

ANNUAL COST: \$ n/a
IN CURRENT BUDGET: n/a
BUDGET ADJUSTMENT: n/a

SOURCE OF FUNDS: n/a

C.E.O. RECOMMENDATIONS: Board Policy

County Executive Officer Signature:

COUNCIL OF SUPERVISORS
DATE FILED BY
EXECUTIVE OFFICE

Department Recommendation: Consent Policy
Per Executive Office: Consent Policy

LEGISLATIVE ANALYSIS

April 17, 2003

- I. **SUBJECT OF PROPOSAL:** Authorize a licensed pharmacist to sell hypodermic needles or syringes for human use without a prescription from a physician.
- II. **DESCRIPTION OF PROBLEM TO BE ADDRESSED:** It is estimated that there are 12,000 injected drug users living in Riverside County. Many needle users who are regularly sharing needles with others to inject drugs are sexually active and having babies. Sharing of needles to inject drugs is the primary means of transmission of hepatitis C and HIV. In Riverside County, 60% of hepatitis C and 23% of HIV/AIDS cases can be attributed to needle sharing.
- III. **BILL:** Currently, Senate Bill 774, introduced by Senator Vasconcellos promotes the sale of hypodermic needles by licensed pharmacists and increases the criminal penalty for improper disposal of hypodermic needles.
- IV. **INTENT OF PROPOSED LEGISLATION**
- Authorize a licensed pharmacist to sell up to 30 hypodermic needles or syringes to a person without a prescription.
 - Authorize a person to possess up to 30 hypodermic needles if acquired through authorized source.
 - Increase the criminal penalty for improper disposal of hypodermic needles and syringes in certain cases.
 - Provide information regarding safe disposal of syringes to each purchaser including information about criminal penalties for improper disposal.
 - Provide information about prevention testing and treatment of substance abuse, including the availability of substance abuse treatment and a telephone number to call for assistance.
 - Provide information on the transmission of blood-borne diseases, including information about the prevention, testing and treatment of HIV and hepatitis C.
 - Provide one or more of the following safe syringe disposal programs:
 1. An on-site safe disposal program.
 2. Make available for purchase mail-back sharps disposal packages with prepaid postage, an approved sharps container, and tracking forms.
 3. Make available for purchase or furnish personal sharps disposal containers and refer purchasers to local authorized home-generated sharps consolidation points or to local medical waste generators that accept home-generated medical sharps waste for disposal.
 4. Report the number of syringes sold per month and the number of sales transactions for syringe and needles sold without a prescription per month to the local health officer.
 5. Requires the local public health officer to be available to consult with pharmacies on sales and disposal of syringes and needles and other specified activities.
- V. **FISCAL EFFECT (IF ANY):** None to county.
- VI. **SUPPORT AND OPPOSITION**
- Previous legislation on the same issue has been supported by:** Center for Policy Reform (co-source), California Nurses Association (co-source), California Pharmacists Association (co-source), San Francisco AIDS Foundation, (co-source), AIDS Healthcare Foundation (co-source), AIDS Project Los Angeles (co-source), California Medical Association (co-source), California Retailers Association (co-source), California Conference of Local Health Officers, County Health Executives Association of California (CHEAC)
- Previous legislation on the same issue has been opposed by:** California Narcotics Officers Association, California Police Chiefs Association, California Peace Officers Association, Committee on Moral Concerns
- VII. **REQUIRED CODE CHANGES:** Amend Section 4140, 4142, 4145, and 4147 of and to repeal Section 4146 of the Business and Professions Code and amend Sections 11364 and 11364.5 of the Health and Safety Code relating to hypodermic needles and syringes.
- VIII. **CONTACT PERSON:** Victoria Jauregui Burns, Chief, HIV/AIDS Program, (909) 358-5307