

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

|   |  |                                    |   |  |  |
|---|--|------------------------------------|---|--|--|
| (1) DEPARTMENT<br>Health Agency/Public<br>Health Department   |  | (2) MEETING DATE<br>March 28, 2006 |   | (3) CONTACT/PHONE<br>Greg Thomas, (805) 781-5519 |  |
| (4) SUBJECT<br>Presentation of Syringe Access Implementation Plan   |  |                                    |   |  |  |
| (5) SUMMARY OF REQUEST<br>On March 7, 2006 the Board of Supervisors authorized the Health Agency to develop a local Disease Prevention Demonstration Project (DPDP) as authorized by SB 1159, allowing pharmacists to sell 10 or fewer hypodermic needles or syringes. The board also authorized legal status for the development of a program that exchanges used syringes and needles for clean syringes and needles as authorized by AB 547. The Board directed Health Agency staff to develop an implementation plan in consultation with County law enforcement staff. The plan addresses concerns posed to the Health Officer by a representative of law enforcement, items mandated by SB 1159 and AB 547 and tasks needed to implement the programs. Representatives of law enforcement reviewed the implementation plan. |  |                                    |   |  |  |
| (6) RECOMMENDED ACTION<br>It is recommended that the Board approve the Health Agency's syringe access implementation plan.  |  |                                    |   |  |  |
| (7) FUNDING SOURCE(S)<br>N/A  |  | (8) CURRENT YEAR COST<br>None      |   | (9) ANNUAL COST<br>None                          |  |
| (10) BUDGETED?<br><input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A<br><input type="checkbox"/> NO   |  |                                    |   |  |  |
| (11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): Public Health staff met with the San Luis Obispo Criminal Justice Administrators in September 2005 and met on March 15, 2006 with a designated representative of a subcommittee of this association to discuss law enforcement concerns regarding implementation strategies. The Public Health Department and the Drug and Alcohol Services programs of the Health Agency are collaborating on these projects.   |  |                                    |   |  |  |
| (12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many?<br><input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____  |  |                                    |   |  |  |
| (13) SUPERVISOR DISTRICT(S)<br>1st, 2nd, 3rd, 4th, 5th, <u>All</u>  |  |                                    | (14) LOCATION MAP<br><input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A  |  |  |
| (15) AGENDA PLACEMENT<br><input type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____)<br><input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Board Business (Time Est. _____)  |  |                                    | (16) EXECUTED DOCUMENTS<br><input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies)<br><input type="checkbox"/> Ordinances (Orig + 4 copies) <input checked="" type="checkbox"/> N/A |  |  |
| (17) NEED EXTRA EXECUTED COPIES?<br><input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A  |  |                                    | (18) APPROPRIATION TRANSFER REQUIRED?<br><input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A  |  |  |

(19) ADMINISTRATIVE OFFICE REVIEW

*OK Don Bushkin*  
*It is anticipated that 40 hours of staff time will be required to implement this plan.*

*3/28/06*



# County of San Luis Obispo • Public Health Department

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Gregory Thomas, M.D., M.P.H.  
County Health Officer  
Public Health Director

TO: Board of Supervisors

FROM: Gregory Thomas, M.D., M.P.H., Health Officer, Public Health Administrator

DATE: 3/28/06

SUBJECT: Presentation of syringe access implementation plan

## **Recommendation**

It is recommended that the Board approve the Health Agency's syringe access implementation plan.

## **Discussion**

On March 7, 2006 the Board of Supervisors authorized the Health Agency to develop a local Disease Prevention Demonstration Project (DPDP) as authorized by SB 1159, allowing pharmacists to sell ten (10) or fewer hypodermic needles or syringes. The Board also authorized legal status for the development of a program that exchanges used syringes and needles for clean syringes and needles as authorized by AB 547. At that meeting the Board directed Health Agency staff to develop an implementation plan in consultation with County law enforcement staff.

The attached syringe access implementation plan addresses concerns posed to the Health Officer by a representative of law enforcement, items mandated by SB 1159 and AB 547 and tasks needed to implement the programs. Representatives of law enforcement reviewed the implementation plan.

## **Other Agency Involvement/Impact**

Public Health staff met with the San Luis Obispo Criminal Justice Administrators in September 2005 and met on March 15, 2006 with a designated representative of a subcommittee of this association to discuss law enforcement concerns regarding implementation strategies. These concerns have been addressed, although there is not full concurrence. The Public Health Department and the Drug and Alcohol Services programs of the Health Agency are collaborating on these projects.

## **Financial Considerations**

As stated in the March 7, 2006 board letter, there are minimal staffing costs associated with the implementation of the Demonstration Project. Approximately two hours per month would be needed to maintain a list of registered pharmacies, providing referral information to those

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pharmacies and providing data to support the evaluation of the project. No new staff will be required for the project. This item will have no General Fund impact.

There are also minimal County staffing costs associated with authorizing clean needle and syringe exchange programs as the program will be operated by Gatehelp Inc., a local Community Based Organization (CBO). Five hours of staff time annually will be required to gather information for the annual community evaluation of the programs.

It is expected that the Memoranda of Understanding with pharmacists who wish to participate and Gatehelp, Inc. to institute the programs delineated above can be accomplished within 30 days.

### **Results**

The State Office of AIDS has created an evaluation advisory panel for the Demonstration Project that provides guidance for those local health jurisdictions interested in participating in various aspects of the evaluation. San Luis Obispo County will participate in this evaluation process. The Health Agency will report to the State and to the San Luis Obispo County Board of Supervisors on the status of this project. This will include actions to inform and enroll participating pharmacies, inform law enforcement and other agencies of implementation status, the number of participating pharmacies, and other pertinent information in order to evaluate the impact of the Project. It is expected that at least two pharmacies will choose to participate in the Disease Prevention Demonstration Project.

The Public Health Officer will report annually to the Board of Supervisors at an open meeting detailing the status of syringe exchange programs, including relevant statistics on blood-borne infections associated with needle sharing activity. Law enforcement, administrators of alcohol and drug treatment programs, other stakeholders, and the public shall be afforded ample opportunity to comment at this annual meeting.

The overall goal of these programs is the reduction of HIV and hepatitis incidence in San Luis Obispo County. This will be enhanced by the decrease of syringe/needle sharing and an increase in proper disposal of used syringes/needles.

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**San Luis Obispo County Public Health Department  
Syringe Access Implementation Plan  
March 17, 2006**

*TS*

| Who  | Tasks  | Date Completed |
|--|--|----------------|
| <b>Develop implementation plan</b>                                     |  |                |
| Marsha   | <ul style="list-style-type: none"> <li>• Research SB 1159 pharmacy programs and syringe exchange programs in other counties</li> </ul>   |                |
| Dr Thomas  | <ul style="list-style-type: none"> <li>• Meet with Law Enforcement to determine options for implementing plan</li> </ul>   |                |
| Marsha Bollinger   | <ul style="list-style-type: none"> <li>• Research syringe disposal options               <ol style="list-style-type: none"> <li>1. Contact Waste Management programs for input on best syringe disposal plan</li> <li>2. Look at cost of syringe disposal with local vendors</li> <li>3. Research cost of small sharps containers.</li> </ol> </li> </ul>  |                |
| Marsha Bollinger, Dr Thomas  | <ul style="list-style-type: none"> <li>• Contact pharmacies that have expressed an interest in being a part of the DPDP and address the following issues:               <ol style="list-style-type: none"> <li>1. Willingness to accept used needles</li> <li>2. Price of needles</li> <li>3. Willingness to give syringe purchasers receipt and sharps container</li> <li>4. Number of needle purchases per day per buyer not to exceed 10</li> <li>5. Discuss details of MOU</li> <li>6. Not selling needles to anyone under age 18</li> </ol> </li> </ul>   |                |
| Jason Wells  | <ul style="list-style-type: none"> <li>• Meet with syringe exchange staff to develop syringe exchange procedures and MOU's regarding:               <ol style="list-style-type: none"> <li>1. Preventing drug dealing in the vicinity of the SEP</li> <li>2. Advertisement of program – health message</li> <li>3. Collecting data on exchanges</li> <li>4. Giving exchangers receipt</li> <li>5. Determine where SEP will be located</li> <li>6. Relationship with law enforcement</li> <li>7. Educating parolees and probationers (who are ordered not to possess drug paraphernalia) that accessing exchange services is an illegal activity</li> <li>8. Exchanging one used needle for every clean needle</li> <li>9. Provision of disease prevention information</li> </ol> </li> </ul> |                |
| <b>Develop educational materials and pharmacy registration process</b> |  |                |
| Health Agency staff  | <ul style="list-style-type: none"> <li>• Develop protocols/procedures for pharmacies wanting to apply to DPDP registry. Include implementation plan and evaluation of the program</li> </ul>   |                |
| Health Agency staff  | <ul style="list-style-type: none"> <li>• Develop an MOU with pharmacies –consult with County Counsel on MOU</li> </ul>   |                |

|                     |   |          |
|---------------------|---|----------|
| Health Agency staff | <ul style="list-style-type: none"> <li>• Develop pharmacy registration form</li> </ul>  |          |
| Health Agency staff | <ul style="list-style-type: none"> <li>• Send letter to all pharmacies re SB 1159</li> </ul>  |          |
| Health Agency staff | <ul style="list-style-type: none"> <li>• Get feedback from interested pharmacists on draft brochure</li> </ul>  | 15<br>10 |
|                     |   |          |
|                     | <b>Communicate with interested parties</b>  |          |
| Health Agency staff | <ul style="list-style-type: none"> <li>• Send letter to law enforcement re law, implementation of program, issues of concern</li> </ul>   |          |
| Health Agency staff | <ul style="list-style-type: none"> <li>• Contact the California Department of Health Services (CDHS) per H&amp;S code Section 121349.1</li> </ul>   |          |
|                     | <ul style="list-style-type: none"> <li>• Select Health Agency contact person for pharmacies, law enforcement and the SEP</li> </ul>   |          |
|                     | <b>Register pharmacies</b>  |          |
| Public Health staff | <ul style="list-style-type: none"> <li>• Health Officer to sign MOU with participating pharmacies</li> <li>• Maintain list of participating pharmacies, place on website of Health Agency</li> </ul>  |          |
|                     | <b>Syringe Disposal plan implemented</b>  |          |
| Public Health staff | <ul style="list-style-type: none"> <li>• Portable sharps containers available at pharmacies and SEP</li> <li>• IWMA Household Hazardous Waste sharps disposal options</li> <li>• Explore expanded sharps disposal drop off sites</li> </ul> |          |
|                     | <b>Review implementation plan and adjust</b>  |          |

Questions from Law Enforcement regarding the implementation of a  
Syringe Exchange Program and pharmacies selling syringes in  
San Luis Obispo County.

Responses from Public Health – March 16, 2006

**1. How often can people buy 10 syringes?**

*The pharmacy Memorandum of Understanding (MOU) with the County will contain language restricting pharmacies from selling to an individual to no more than once a day. From a public health, disease prevention point of view limiting needle availability is why IDUs share needles thus leading to the transmission of HIV and Hep C. Research has shown that limiting needle availability does not lead to less drug use.*

**2. What about people dealing drugs around the SEP site?**

*There is nothing to prevent police from observing the area around the Syringe Exchange Program (SEP) for money exchanging hands for needles or other items. Public Health will place in an MOU with the local SEP that they have rules prohibiting the buying or selling of drugs in the area around the SEP.*

**3. Will equal numbers of used syringes be exchanged for clean ones?**

*Yes, this will be done at the SEP sites.*

**4. What kind of advertisement will the SEP be doing and can we make sure it doesn't put drug use in a positive light?**

*SEPs place a value on disease prevention and harm reduction and any advertisements will reflect that point of view.*

**5. Will syringe buyers and exchangers have to show I.D. to use the services of a SEP or pharmacy? Asking for an ID or expecting to show ID would be a major disincentive for the IDUs coming in. The MOU with pharmacies will include that they ask for an ID if there was a question of the participant being 18 or older.**

**6. What can pharmacies charge for needles?**

*That's up to the pharmacy but they can be expected to cover costs and recover a profit.*

**7. What is the grant we spoke of at the board meeting?**

*There are actually two grants that were referred to at the Board meeting. One is a County Preventive Health Grant that was approved by the County Board of Supervisors in FY05-06 to fund the Gryphon Society in starting a SEP if SEPs became legal in the County. The second is State HIV Prevention funds allocated through San Luis Obispo County HIV Prevention, Advocacy and Care Consortium for FY 05-06 to Drug and Alcohol Services. The Consortium feels that syringe exchange is an important HIV prevention strategy and voted to fund Drug and Alcohol Services if they agreed to help a community agency set up a SEP using these funds. The funds help pay for staff expenses and supplies such as sharps containers but not syringes.*

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**8. Will parolees and probationers have access to syringes at either program? Require that a form be signed by each client affirming that by purchasing or exchanging syringes they are not violating any terms of probation, parole or court order**

*People buying syringes or exchanging them won't be asked what their law enforcement status is. It is presumed that court orders would prohibit parolees from carrying paraphernalia. These court orders would supersede the new law regarding paraphernalia. The SEP will include information that possession of any syringes/needles is an illegal activity if possession of any paraphernalia is outlawed in an individual's court order or terms of probation or parole.*

**9. Could needles be sold with an individual sharps container?**

*Yes. Our plan is to have pharmacies give sharps containers, purchased with HIV prevention funds, to purchasers of syringes.*

**10. How will Public Health get data for the annual report and how will law enforcement report to Public Health issues of concern?**

*Data collection will be part of the MOU with pharmacies registering with DPDP. Additionally we will be asking the local SEP to collect data on numbers of needles exchanged, numbers of individuals, participant demographics, etc. We will designate a person a Public Health that can be contacted about Public Health issues of concern.*

**11. Where will the SEP be located?**

*We don't know at this time but will ask the SEP to agree to notify law enforcement where they are located before they open. The SEP may begin as a mobile exchange conducted by outreach workers.*

**12. Why is this necessary?**

*The March 7, 2006 Board letter described the number of reported cases of HIV(324). There have also been 530 reported AIDS cases and 1496 cases of Hepatitis C reported in San Luis Obispo County. There are innumerable studies that demonstrate reduction of HIV and Hep C disease transmission where syringe exchange and pharmacy syringe sales are available.*

**13. Require intervention and drug counseling for every exchange or purchase transaction.**

*Educational material and opportunities for linkage to drug counseling will be provided. The "bridge" to counseling and to the goal of abstinence from illicit drug use only works when trust has developed.*

**14. Statistics from other California Counties(from Undersheriff Bolts)**

*It is important to distinguish between the two programs before the BOS and look at what is currently taking place in other counties in California.*

*SB 1159 - DISEASE PREVENTION DEMONSTRATION PROJECT (DPDP) - Requires BOS resolution to authorize Health Agency to develop and implement a program to allow pharmacists to sell 10 or fewer needles or syringes at any one time to a person 18 or older without a prescription. Sunsets 12/31/10. Does not address how often purchases can be made OR require safe disposition of needles/syringes. 14 counties participating (according to County Health Agency and as attributed to State Office of AIDS) at this time:*

Alameda  
Contra Costa  
Humboldt  
Los Angeles  
Marin  
San Francisco  
San Mateo  
Santa Barbara  
Santa Clara  
Santa Cruz  
\*Solano  
Sonoma  
\*Yolo  
\*Yuba

\* Indicates counties that are not participating in syringe/needle exchange program per AB 547 (see below).

AB 547 - SYRINGE/NEEDLE EXCHANGE PROGRAMS - Allows counties and cities to authorize exchange programs, requires approval from Health Officer and BOS and requires comment from local government, local public health officials and law enforcement on an annual basis. Although it is mentioned in the board letter that accompanied this hearing item that 37 California counties have these programs, per Marsha Bollinger the correct figure is that there are 37 exchange programs reported to be operating in California in 20 counties, and 7 of these programs are operating in 6 counties that have not authorized them pursuant to the new law. Thus, a more accurate statement would be that BOS in 14 California counties have authorized syringe needle exchange programs pursuant to AB 547, or the older law, which is similar to 547 but requires a declaration of a local emergency due to the existence of a critical local public health crisis. Programs exist as follows:

Counties with authorized programs (number in parenthesis indicates number of programs within this county if more than 1)

Alameda (3)  
Contra Costa  
Humboldt (6)  
Los Angeles (7)  
Marin  
Mendocino  
Monterey  
San Francisco (3)  
San Mateo (2)  
Santa Barbara  
Santa Clara

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*Santa Cruz  
Sonoma  
Ventura*

*Total of 30 authorized programs in 14 counties*

*Counties with unauthorized programs*

*Fresno  
Lake  
Orange  
Placer  
Sacramento  
San Diego (2)*

*Total of 7 unauthorized programs in 6 counties*

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