# REPORT TO COUNCIL
# City of Sacramento

**16**

**915 I Street, Sacramento, CA 95814-2604**
**www. CityofSacramento.org**

**Staff Report**
**September 5, 2006**

**Honorable Mayor and**
**Members of the City Council**

**Title: Ordinance: The Adoption of a Disease Prevention Demonstration Project**

**Location/Council District:** Citywide

**Recommendation:** Adopt the **Ordinance** adding Chapter 9.10 to the Sacramento City Code (SCC) relating to the creation and adoption of a Disease Prevention Demonstration Project

**Contact:** Patti Bisharat, Director of Governmental Affairs, (916) 808-5704

**Presenters:** Patti Bisharat, Director of Government Affairs

**Department:** City Manager's Office

**Division:** Governmental Affairs

**Organization No:** 0310

**Description/Analysis**

**Issue:** The issue before the Mayor and Council is the approval of the attached ordinance which would authorize the creation and adoption of a DPDP. The project would allow licensed pharmacies in the city limits to sell up to 10 hypodermic needles to persons of the age of 18 or older without a prescription. It would also require, that pharmacies provide written information or verbal counseling on how to: access drug treatment, access testing and treatment for HIV and hepatitis C, and safely dispose of sharps waste. Finally, pharmacies would be required to provide for the safe disposal of needles and syringes via onsite container, the sales of containers, or the sale of mail back containers.

**Policy Considerations:** The creation and adoption of a DPDP, or needle purchase program, by the City would be one tool to help reduce the use of unclean needles by IV drug users. There are a number of other services provided by the County to this population.

According to the Sacramento County Public Health Department, studies have shown that access to clean needles for IV drug users decrease the spread of HIV, Hepatitis C, and other blood borne diseases. They also show that jurisdictions which have changed the law with regard to the need for a

prescription to purchase syringes have experienced a decrease in accidental occupational needle sticks to law enforcement officers, have not seen an increase in improperly discarded syringes, and have not seen an increase IV drug use.

**Environmental Considerations:** None.

**Rationale for Recommendation:** On August 8, 2006, at the request of Councilmember Tretheway, staff brought forward to the Mayor and Council a discussion paper on the DPDP for its consideration of an ordinance that would authorize this project. At the meeting, the Mayor and Council directed staff to move forward in drafting an ordinance that would authorize this project. For this reason, staff has brought forward the ordinance for the Council's approval and adoption.

**Financial Considerations:** None.

**Emerging Small Business Development (ESBD):** None.

Approved by: Patti Bisharat
Patti Bisharat
Director of Government Affairs

Recommendation Approved:

for Patti Bisharat
Ray Kerridge
City Manager

**Table of Contents:**


| | | |
|---|---|---|
| | Report | pg. 1 |
| **Attachments** | | |
| 1 | Background | pg. 3 |
| 2 | Ordinance | pg. 5 |

**Attachment 1**

## Background

On August 8, 2006, the Mayor and Council directed staff to draft an ordinance to authorize a disease prevention demonstration project, which includes a needle purchase program.

The ordinance before the Council reflects the senate bill language that authorizes the program. The ordinance outlines the responsibilities of the County Health Department and the participating pharmacies.

County Health Department Responsibilities

1. Creating and maintaining a registry of pharmacies located within the physical boundaries of the City of Sacramento desiring to participate in the Local Disease Prevention Demonstration Project. The registry will include:

A. Contact name and related information for each pharmacy.

B. Certification in the form of an attestation by an individual authorized to sign on behalf of each pharmacy that at the time of the furnishing or sale of hypodermic needles or syringes pursuant to this provision, the pharmacy will provide customers with written or oral information on all the following: (i) how to access drug treatment; (ii) how to access testing and treatment for HIV and hepatitis C; and (iii) how to safely dispose of sharps waste.

2. Making available to the pharmacies, written information on: (i) how to access drug treatment; (ii) how to access testing and treatment for HIV and hepatitis C; and (iii) how to safely dispose of "sharps waste," so that such information may be provided or reproduced to be provided by the pharmacy at the time of furnishing or sale of nonprescription hypodermic needles or syringes. ("Sharps waste means hypodermic needles, syringes and lancets for purposes of this chapter.)

Participating Pharmacies Responsibilities

1. Register with the County of Sacramento Health Department by providing a contact name and related information.

2. Certify in the form of an attestation that it will provide, at the time of furnishing or sale of hypodermic needles pursuant to this provision, written information or verbal counseling on all of the following: (i) how to access drug treatment; (ii) how to access testing and treatment for HIV and hepatitis C; and (iii) how to safely dispose of "sharps waste."

3. Store hypodermic needles and syringes so that they are available only to

authorized personnel, and not openly available to customers.

4. Provide one or more of the following options to provide for the safe disposal of hypodermic needles and syringes: (A) an onsite safe hypodermic needle and syringe collection and disposal program; (B) furnish or make available for purchase, mail-back sharps disposal containers authorized by the United States Postal Service that meet applicable state and federal requirements, and provide tracking forms to verify destruction at a certified disposal facility; or (C) furnish or make available for purchase, personal sharps disposal containers that meet state and federal standards for disposal of medical waste.

# ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

**AN ORDINANCE ADDING CHAPTER 9.10 TO THE SACRAMENTO CITY CODE, RELATING TO THE CREATION AND ADOPTION OF A DISEASE PREVENTION DEMONSTRATION PROJECT**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

Chapter 9.10 of the Sacramento City Code is hereby added as follows:

**Section 9.10.010 Findings.**

The Council of the City of Sacramento finds and declares the following:

1. Pursuant to authorization by a city or county, Business and Professions Code section 4145 allows a pharmacist to furnish or sell ten (10) or fewer hypodermic needles or syringes to a person for human use, provided the pharmacist works for a pharmacy registered for the Disease Prevention Demonstration Project and provided the pharmacy complies with the provisions of Health and Safety Code section 121285. c

2. The Sacramento County Department of Health and Human Services, with the support of pharmacies in the community, is able to administer the Disease Prevention Demonstration Project within the physical boundaries of the City of Sacramento.

3. Pursuant to charter amendments, in 1956-1957, the City and County Health Departments merged and in 1957 the City and County of Sacramento entered into an agreement implementing the merger. The agreement appoints the County Health Officer as the Health Officer of the City, effective February 1, 1957 and transfers all functions of the City Health Department (with limited inapplicable exceptions) to the County Health Department.

**Section 9.10.020 Local Disease Prevention Demonstration Project - Health Department Requirements**

Within the physical boundaries of the City, there is established a Local Disease Prevention Project satisfying the requirements for such a program as set forth in Section 121285 of the Health and Safety Code. The County of Sacramento Health Department serving as Health Officer for the City of Sacramento shall be responsible for the following:

1. Creating and maintaining a registry of pharmacies located within the City of Sacramento desiring to participate in the Local Disease Prevention Demonstration Project. The registry will include:

A. Contact name and related information for each pharmacy.

B. Certification in the form of an attestation by an individual authorized to sign on behalf of each pharmacy that at the time of the furnishing or sale of hypodermic needles or syringes pursuant to this provision, the pharmacy will provide customers with written or oral information on all the following: (a) how to access drug treatment; (b) how to access testing and treatment for HIV and hepatitis C; and (c) how to safely dispose of sharps waste.

2. Making available to the pharmacies, written information on: (a) how to access drug treatment; (b) how to access testing and treatment for HIV and hepatitis C; and (c) how to safely dispose of "sharps waste," so that such information may be provided or reproduced to be provided by the pharmacy at the time of furnishing or sale of nonprescription hypodermic needles or syringes. (For purposes of this chapter, "sharps waste" means hypodermic needles, syringes and lancets.)

**Section 9.10.030 Local Disease Prevention Demonstration Project - Pharmacy Requirements**

In order to furnish or sell nonprescription hypodermic needles or syringes as part of the Disease Prevention Demonstration Project within the City of Sacramento, a pharmacy shall do all of the following:

1. Register with the County of Sacramento Health Department by providing a contact name and related information.

2. Certify in the form of an attestation that it will provide, at the time of furnishing or sale of hypodermic needles pursuant to this provision, written information or verbal counseling on all of the following: (a) how to access drug treatment; (b) how to access testing and treatment for HIV and hepatitis C; and (c) how to safely dispose of "sharps waste."

3. Store hypodermic needles and syringes so that they are available only to authorized personnel, and not openly available to customers.

4. Provide one or more of the following options to provide for the safe disposal of hypodermic needles and syringes: (a) an onsite safe hypodermic needle and syringe collection and disposal program; (b) furnish or make available for purchase, mail-back sharps disposal containers authorized by the United States Postal Service that meet applicable state and federal requirements, and provide tracking forms to verify destruction at a certified disposal facility; or (c) furnish or make available for purchase,

personal sharps disposal containers that meet state and federal standards for disposal of medical waste.

**Section 9.10.040 Effective Dates**
This provision will expire on December 31, 2010 unless extended pursuant to state law and authorized by the City of Sacramento.

DATE PASSED FOR PUBLICATION:
DATE ENACTED:
DATE EFFECTIVE:

_____

Adopted by the City of Sacramento City Council on by the following vote:

Ayes:

Noes:

Abstain:

Absent:

_____
MAYOR

Attest:

_____
City Clerk

Passed for Publication:
Published:
Effective: