REPORT TO COUNCIL
City of Sacramento

20

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

Staff Report
January 23, 2007

Honorable Mayor and
Members of the City Council

Title: Ordinance: An Ordinance Authorizing Needle Exchange Programs

Location/Council District: Citywide

Recommendation: Adopt the **Ordinance** amending Chapter 9.10 and adding section 9.10.100 to the Sacramento City Code (SCC) authorizing clean needle and syringe exchange programs.

Contact: Yvette Rincon, Legislative Analyst, (916) 808-5827

Presenters: Patti Bisharat, Director of Governmental Affairs, (916) 808-8197

Department: City Manager's Office

Division: Governmental Affairs

Organization No: 0310

Description/Analysis

Issue: Councilmember Sheedy requested staff bring forward for consideration for the Law & Legislation Committee the issue of an ordinance that would authorize needle exchange programs in the City. On October 3, 2006, the Law and Legislation Committee directed staff to proceed in drafting an ordinance and forwarded it on to the City Council for adoption.

In 2005, AB 547 was enacted, which allows cities and counties to authorize needle exchange programs within their jurisdiction. In addition, the law requires the City consult with the State Department of Health Services before authorizing the program, which staff has already done. It also requires the health officer to report annually to the Council on the status of the needle exchange program including, but not limited to, relevant statistics on blood-borne infections associated with needle sharing activity. Finally, the law requires that, on an annual basis, local public health officials, law enforcement, and all stakeholders are given the opportunity to comment on needle exchange programs.

Policy Considerations: If the Mayor and Council approves the ordinance, it would allow agencies that are interested in administering needle exchange

programs to do so legally. It would also give these agencies the legal authorization needed to pursue grant funding.

The proposed ordinance is a broad ordinance, as requested by the Law and Legislation Committee, and recommended by subject matter experts. It authorizes needle exchange programs in the City, requires an annual report by the health officer on the status of the program, and designates the County Health Officer as the administrator of the program. Staff has also included language that would require agencies interested in administering a needle exchange program to notify the health officer before implementing the program and to report on a quarterly basis program statistics to the Health Officer. The statistics will include, but not be limited to, the number of needles exchanged, the number of referrals for other services, and the number of law enforcement incidents. Staff believes that requiring agencies to report program statistics will assist the Health Officer with the annual reporting requirement and make the report more meaningful. It will also give Council an understanding of the performance and progress of the program. In addition, the notification requirement will assist the Health Officer in identifying the participating agencies and be in a better position to share informational resources with these agencies.

Staff is also recommending that an oversight group be established to oversee the first year of implementation of the program. This group would problem solve any issues that may arise. The oversight group would include a core of staff from City law enforcement, Neighborhood Services, Governmental Affairs, and the County Health Department. If issues should arise in a certain neighborhood or community, staff would invite representatives from that area to meet with the group to discuss and problem solve the issues.

Environmental Considerations: None.

Commission/Committee Action: On October 3, 2006, the Law and Legislation Committee directed staff to draft on ordinance that would authorize needle exchange programs in the city. The Committee also directed staff to draft a broad ordinance that would allow for the most flexibility to needle exchange programs.

Rationale for Recommendation: Staff is recommending the City Council adopt an ordinance authorizing needle exchange programs because studies indicate that such programs have been proven to reduce the spread of blood borne diseases within communities.

Financial Considerations: None.

Emerging Small Business Development (ESBD): None.

Respectfully Submitted by: _____
Yvette Rincon, Legislative Analyst

Approved by: _____
Patti Bisharat
for Director of Governmental Affairs

Recommendation Approved:

for _____
Ray Kerridge
City Manager

Table of Contents:

	Report	pg. 1
Attachments		
1	Background	pg. 4
2	Ordinance	pg. 6

ATTACHMENT 1

Background Information

Needle exchange programs have been around for many years and studies indicate that needle exchange programs reduce the number of needles on the streets, reduce the number of needle sticks of public safety officers, and do not increase drug use in the community.

Staff has consulted with the State Department of Health Services Office of Aids and the Harm Reduction Coalition on the direction that the City should consider when implementing a needle exchange program. These experts have recommended that the City moved forward with the option to authorize needle exchange programs and allow for the most flexibility to service providers in administering these programs by adopting a broad ordinance with little or no specific program components.

What are other Jurisdictions Doing?

Santa Barbara County began its needle exchange program in 2000. It does not provide funding for the program but does dispose of the used needles for the program providers. The non-profit that administers the program does so with private funds.

In Mendocino County a non-profit administers the needle exchange program with a budget of $100,000 and 1.5 FTE and volunteers. The County of Mendocino does not provide funding to the program but does dispose of the used needles for the program. The program is primarily funded with grants.

Santa Clara County operates the needle exchange program itself with a budget of $400,000 and four staff. The county administers the program via a mobile unit.

Contra Costa County provides partial funding ($60,000) to a non-profit that provides needle exchange and other services in four locations throughout the county.

The City of Los Angeles provides supportive funding to seven different organizations that provide syringe exchange in outdoor locations throughout the city.

The City of Berkeley provides $50,000/yr in funding to a local non-profit syringe exchange program.

Marin County's needle exchange program has been in operation since 1993, and was authorized by the county in 2001. The county does not provide funding for the program.

In July 2006, the City of San Diego re-authorized its needle exchange program under AB 547. The program was established November 2001. It is a one-for-one exchange with a 50 syringe limit per visit. The program is mobile and visits two different sites once a week. The City has a facilitation committee that is made up of city staff, police staff, treatment providers, and community members. This committee makes

recommendations on guidelines for the operation of the program. The City may soon be considering an ordinance that would establish the process for choosing and approving exchange sites within the community.

City of Sacramento Public Safety Positions

The City's Police and Fire Departments are both neutral on the City authorizing needle exchange programs. The City's Police Union is "less opposed" to the authorization of needle exchange programs. Finally, the Fire Union "supports in concept" the authorization of needle exchange programs. Both the Fire and Police Unions would like to see a traditional one-for-one exchange program.

Date Adopted

AMENDING CHAPTER 9.10 TO RETITLE THE CHAPTER AND TO ADD SECTION 9.10.100 AUTHORIZING THE CREATION OF A CLEAN NEEDLE AND SYRINGE EXCHANGE PROJECT

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

SECTION 1. Chapter 9.10 of the Sacramento City is retitled to read as follows:

Chapter 9.10

Needle and Syringe Sale and Exchange Programs.

SECTION 2. Section 9.10.100 is added to the Sacramento City Code to read as follows:

Section 9.10.100 Clean Needle and Syringe Exchange Project.

A. Pursuant to California Health and Safety Code sections 121349 through 121349.3, in consultation with the State Department of Health Services and as part of a network of comprehensive services to combat the spread of HIV and blood-borne hepatitis infection among injection drug users, the city council authorizes a clean needle and exchange program.

B. The County of Sacramento Health Officer, as Health Officer for the City of Sacramento, shall administer the program.

C. The City Manager and his or her designee are authorized to enter any agreements for operation of the program.

D. A provider interested in administering a clean needle and syringe exchange program in the city shall notify the County Health Officer before beginning the program and shall comply with any program rules and regulations established by the County Health Officer for administration of the program. A provider shall also report to the Health Officer, on a quarterly basis, statistics that include but need not be limited to: the number of needles exchanged, the number of referrals made for other services, and the number of law enforcement incidents related to the project.

E. Within one year of the effective date of the ordinance enacting this section, and annually thereafter, the city council shall hold a meeting at which the County of Sacramento Health Officer, as the Health Officer for the City of Sacramento, shall

present a report detailing the status of the Project, including but not limited to, relevant statistics on blood-borne infections associated with needle sharing activity.