

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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Agenda Number:
Prepared on: 3-8-05
Department Name: Public Health Department
Department No.: 041
Agenda Date: 03-22-05
Placement: Departmental
Estimate Time: 20 minutes
Continued Item: Yes
If Yes, date from: 02-22-05

TO: Board of Supervisors

FROM: Elliot Schulman, M.D., M.P.H., Health Officer, Director, Public Health Department

STAFF CONTACT: Dan Reid, HIV/AIDS Program Administrator ext. 5421

SUBJECT: Report on the Disease Prevention and Demonstration Project

Recommendation(s):

That the Board of Supervisors:

- A) Receive and file a report from the Public Health Department regarding SB 1159, known as the Disease Prevention and Demonstration Project.
- B) Direct Public Health Department staff to monitor support from pharmacies, law enforcement and the community for this Project and to report back to the Board of Supervisors within ninety (90) days.

Alignment with Board Strategic Plan:

The recommendation is primarily aligned with:

Goal No. II. A Safe and Healthy Community in Which to Live, Work, and Visit.

Goal No. VII. A Community that Fosters the Safety and Well-Being of Families and Children.

Executive Summary and Discussion:

In September of 2004, Governor Schwarzenegger signed into law Senate Bill 1159 (Vasconcellos), creating the Disease Prevention Demonstration Project (DPDP). Governor Schwarzenegger stated when he signed the legislation:

I am signing Senate Bill 1159 enacting the Disease Prevention Demonstration Project to evaluate the long-term desirability of authorizing pharmacists to sell or furnish ten (10) or fewer sterile needles and syringes, without a prescription. This pilot program, in conjunction with the Needle Exchange Program (NEP), is an attempt to reduce the incidence of blood-borne infections, including Human Immunodeficiency Virus (HIV), Hepatitis C (HCV) and Hepatitis B virus (HBV) related to injection drug use.

The intent of this legislation is to prevent the spread of blood-borne diseases among injection drug users (IDUs), their sexual and needle sharing partners, and their children. Until the passage of this legislation, California was one of the few States that had not adopted similar programs.

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This legislation, subject to authorization by a county or city, creates the Disease Prevention Demonstration Project. This project is in effect from January 1, 2005 through December 31, 2010. In addition, this project will:

- Allow licensed pharmacies that are registered with the Public Health Department (PHD) to furnish (distribute or sell) up to 10 syringes (needles) without a prescription and to provide information on the safe disposal of used syringes.
- Authorize a person to possess up to 10 syringes with proof of acquisition from an approved provider (pharmacist or physician).
- Remove the requirement of identity and record keeping of nonprescription sales of syringes from the pharmacies by the State Department of Health Services.
- Require the Department of Health Services to evaluate the efficacy of the project and to submit this evaluation report to the Governor and Legislature by January 15, 2010.
- Makes it unlawful and subject to fines and/or imprisonment (up to 6 months) to dispose of syringes in certain specified locations (i.e. playgrounds, beaches, parks or any school with the exception of higher learning institutes).

SB 1159 required the concurrent passage of SB 1362 (Figueroa), also signed by the Governor in July 2004. SB 1362 allows for the establishment of a local household syringe disposal site with the appropriate amendment of the County Solid Waste Plan. Currently the County Public Works Department, in collaboration with the Public Health Department, operates a small-scale voluntary household syringe disposal program. The County's existing syringe disposal program does not have the capacity to provide free syringe disposal containers or to accept additional syringes for disposal. If the County intends to implement a local Disease Prevention Demonstration Project, additional disposal sites and capacity would be required. For further information on the required Project components, see the attached staff report (Attachment A).

There are approximately 165 licensed pharmacies in Santa Barbara County; some of these are not retail facilities (such as the Public Health Department County Pharmacy) and would not participate in this project. The Public Health Department is working in collaboration with the Santa Barbara Pharmacists Association and sent a brief survey to local pharmacies to gauge interest in developing a local Disease Prevention Demonstration Project. Over 100 surveys were mailed to local pharmacies and two positive responses were received in total.

Public Health Department Staff provided a brief presentation to the local Santa Barbara Pharmaceutical Association meeting held on February 17, 2005. Many of the pharmacists present expressed their concern about potential disruption of services for their existing customers from those accessing the Disease Prevention Demonstration Project and potential liability associated with syringe collection and disposal. The Association members appointed their current President as the point of contact for further discussions and County staff is following up with additional discussions.

In subsequent conversations with the Corporate Office of the Rite Aid Pharmacy, the chain is in support of the DPDP for all nine (9) Santa Barbara County locations. The pharmacy chain is working with other jurisdictions on establishing a local DPDP. However, Rite Aid has further indicated that they do not wish to become a collection site for used syringes.

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Mandates and Service Levels:

This is a non-mandated program. The legislation allows for the County Board of Supervisors to authorize a local Disease Prevention Demonstration Project. Participation by pharmacies is voluntary.

The Disease Prevention Demonstration Project is being implemented in two counties in California, Contra Costa and Yuba. Both have just begun implementation. Contra Costa County's project was authorized by a Board Order and Yuba County's project was authorized by a Board Resolution. Twenty other counties are currently in the process of evaluating interest for authorizing a local DPDP.

These recommendations do not increase existing service levels for the County.

Fiscal and Facilities Impacts:

There are no fiscal or facilities impact associated with the adoption of staff's recommendations.

If your Board wishes to authorize this Project in the future based on community interest, support from law enforcement agencies and pharmacies, there will be an anticipated increase in service provision and the full costs and other impacts to implement a local Project are currently under study. Our analysis of impacts, including a fiscal review, will be included with our follow up reporting.

Special Instructions:

Please send a copy of the minute order to PHD Contracts Unit, 300 North San Antonio Road, Building 8, Santa Barbara, CA 93110. **Attention: Dawn McGrew (805) 681-5205.**

Concurrence: Not applicable

Endorsement for Needle Exchange Programs from Other Groups:

Rite Aid Pharmacies in Santa Barbara County

Attachment A

Attachment A

Staff Report on the Disease Prevention and Demonstration Project SB 1159 (Vasconcellos)

General Provisions

The bill establishes the ability for local counties and cities to participate in a Disease Prevention and Demonstration Project (DPDP). The Project requires collaboration between local pharmacies, law enforcement and the local health jurisdiction to furnish nonprescription syringes intended to prevent the spread of blood-borne pathogens such as HIV and HCV. The Project is in effect if SB 1362 (Figueroa)¹ is also chaptered; SB 1362 was signed by the Governor in July 2004 and allows for the establishment of safe disposal sites for contaminated needles if adopted into the local Solid Waste Plan.

Public Health Department Component

1. Register participating pharmacies and maintain an accurate listing.
2. Make written information that may be provided to participating pharmacies orally or in writing concerning:
 - how to access drug treatment
 - how to access testing and treatment for HIV and HCV
 - how to safely dispose of used syringes

Pharmacy Component

1. Authorizes a licensed pharmacist that is registered with the Public Health Department to furnish up to 10 syringes to a person 18 years of age or older, for human use, without a prescription.
2. Requires participating pharmacies to:
 - Register with the local Public Health Department.
 - Provide the syringe purchaser with written information or verbal counseling on access to drug treatment, testing and treatment for HIV and HCV, and how to safely dispose of used syringes.
 - Store syringes so that they are unavailable except to authorized personnel.
 - Provide for a means of safe disposal of used syringes by either:
 - ✓ providing an on-site safe syringe collection and disposal site, or
 - ✓ furnishing or making available mail-back syringe disposal containers, or
 - ✓ furnishing or making available personal syringe disposal containers.

This legislation removes the requirement for detailed records of non-prescription sales and obtaining the identification/address of the person that received the syringe(s).

Consumer Component

1. Allows a person 18 years or older to obtain and possess up to 10 syringes from a participating pharmacy (or medical provider) without a prescription from January 1, 2005 through December 31, 2010.
2. Exempts syringes that have been properly containerized for proper disposal from paraphernalia statutes. This exemption does not sunset.

¹ SB 1362 – Household Hypodermic Needle Disposal

This piece of legislation pertains to the proper disposal of solid waste and does the following:

- Redefines syringes (“sharps”) as household hazardous waste rather than medical waste
- Allows for the establishment of a local syringe (household hazardous waste) collection program or designated collection location.

Attachment A

3. Makes it unlawful and subject to fines and/or imprisonment (up to 6 months) to dispose of syringes in certain specified locations (i.e. playgrounds, beaches, parks or any school with the exception of higher learning institutes).

California Department of Health Services Component

1. Convene an advisory panel as specified.
2. Evaluate, in conjunction with the specified advisory panel, the efficacy of the project and report to the Governor and Legislature on or before Jan 15, 2010. The evaluation shall include the project's effect upon:
 - Injecting Drug User (IDU) syringe sharing
 - Disease rates attributable to syringe sharing
 - Needle stick injuries to law enforcement officers and waste management staff
 - Crime (especially drug crime) in the vicinity of the participating pharmacies
 - Disposal (proper and improper) of used syringes
 - Rates of injection of illegal drugs

Research

Two studies of a more established program in the State of Connecticut² provided the following information concerning pre-passage of legislation (pre 1992) and post-passage:

- IDUs reporting sharing syringes decreased by 40% after passage (52% to 31% of those reporting sharing syringes)
- IDUs reporting purchasing of syringes increased from 28% to 74% (no information was available on any existing Syringe Exchange Programs (SEPs) or if syringes were available without charge at other facilities).
- Needlestick injuries decreased 66% from 6 in 1007 drug-related arrests to 2 in 1032 drug-related arrests.
- Nonprescription pharmacy sales of syringes increased as 83% of pharmacies participated in the voluntary program.

Another study in the American Journal of Public Health (May 2001) compared rates of IDU and HIV among IDUs. Ninety six (96) cities were studied: Thirty six (36) cities did not require a prescription for sale of syringes. Of these cities, there was no statistically significant difference in the prevalence of IDUs, however the HIV rate in this population was twice as high (13.8% vs. 6.7%) in those cities that prohibited sales of syringes without a prescription.

² Groseclose SL, et al (1995). "Impact of Increased Legal Access to Needles and Syringes on Practices of Injecting Drug Users and Police Officers- Connecticut, 1992-1993." *Journal of Acquired Immune Deficiency Syndromes and Human Retrovirology*. Vol 10. Pages 82-86.