

HOUSE BILL 354

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CF SB 263

By: **Delegate Anderson (By Request – Baltimore City Administration) and Delegates Clippinger, Glenn, Haynes, McHale, McIntosh, Mitchell, Oaks, B. Robinson, Stukes, Tarrant, and M. Washington**

Introduced and read first time: January 22, 2014
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 5, 2014

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – AIDS Prevention Sterile Needle and Syringe Exchange**
3 **Program**

4 FOR the purpose of repealing a requirement that the AIDS Prevention Sterile Needle
5 and Syringe Exchange Pilot Program in Baltimore City provide for the exchange
6 of used hypodermic needles and syringes for sterile hypodermic needles and
7 syringes on a “one-for-one” basis; altering a requirement that the Program’s
8 oversight committee provide advice to the Commissioner of Health and the
9 Program Director on developing Program operating procedures for the exchange
10 of hypodermic needles and syringes in a certain manner; repealing as obsolete a
11 certain date by which the Director for the Program, with the advice and
12 approval of a certain committee, is required to develop certain operating
13 procedures; altering a requirement that Program operating procedures be
14 developed to provide for the exchange of hypodermic needles and syringes to
15 injecting users in a certain manner; requiring the Baltimore City Health
16 Department, on or before a certain date each year, to report to the oversight
17 committee, the Governor, and the General Assembly on the number of
18 hypodermic needles and syringes exchanged as part of the Program; and
19 generally relating to AIDS prevention and the use of hypodermic needles and
20 syringes in Baltimore City.

21 BY repealing and reenacting, with amendments,
22 Article – Health – General

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 24-802, ~~24-804(c), and~~ 24-805(b), and 24-806
2 Annotated Code of Maryland
3 (2009 Replacement Volume and 2013 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article – Health – General**

7 24-802.

8 (a) There is an AIDS Prevention Sterile Needle and Syringe Exchange Pilot
9 Program in the Baltimore City Health Department.

10 (b) The Program shall:

11 (1) Provide for the [one-for-one] exchange by participants of used
12 hypodermic needles and syringes for sterile hypodermic needles and syringes; and

13 (2) Operate in accordance with the procedures approved, with the
14 advice and approval of the oversight committee, by the Commissioner of Health.

15 24-804.

16 (c) The oversight committee shall:

17 (1) Provide advice to the Commissioner of Health and the Program
18 Director on developing:

19 (i) Program operating procedures for the furnishing and
20 [one-for-one] exchange of hypodermic needles and syringes to injecting drug users;

21 (ii) A plan for community outreach and education;

22 (iii) A protocol for providing a linkage for Program participants
23 to substance abuse treatment and rehabilitation; and

24 (iv) A plan for evaluating the Program;

25 (2) Before the Program begins operating, review and make a
26 recommendation to the Commissioner of Health for the approval or disapproval of:

27 (i) The Program operating procedures for the furnishing and
28 one-for-one exchange of hypodermic needles and syringes to injecting drug users;

29 (ii) The community outreach and education plan;

1 (iii) The protocol for providing a linkage for Program
2 participants to substance abuse treatment and rehabilitation; and

3 (iv) The plan for evaluating the Program; and

4 (3) Provide ongoing oversight of the Program and make
5 recommendations to the Program Director or the Commissioner of Health regarding
6 any aspect of Program procedures, operation, or evaluation.

7 24-805.

8 (b) [On or before July 1, 1994, with] **WITH** the advice and approval of the
9 oversight committee, the Director shall develop:

10 (1) Program operating procedures for the furnishing and
11 **[one-for-one]** exchange of hypodermic needles and syringes to injecting drug users;

12 (2) A community outreach and education program; and

13 (3) A protocol for providing a linkage for Program participants to
14 substance abuse treatment and rehabilitation.

15 24-806.

16 (a) The Baltimore City Health Department shall include in its Program
17 operating procedures measures to collect the following data:

18 (1) The number of participants served by the Program;

19 (2) The length of time a participant is served by the Program;

20 (3) Demographic profiles of participants served by the Program that
21 include:

22 (i) Age;

23 (ii) Sex;

24 (iii) Race;

25 (iv) Occupation;

26 (v) Zip code of residence;

27 (vi) Types of drugs used;

28 (vii) Length of drug use; and

1 (viii) Frequency of injection;

2 (4) The number of hypodermic needles and syringes exchanged;

3 (5) The number of participants entering drug counseling and
4 treatment; and

5 (6) The number of referrals made by the Program for drug counseling
6 and treatment.

7 (b) With the advice and approval of the oversight committee, the Baltimore
8 City Health Department shall develop and implement a plan for Program evaluation
9 that shall include the following issues:

10 (1) The prevalence of HIV among Program participants;

11 (2) Changes in the level of drug use among Program participants;

12 (3) Changes in the level of needle-sharing among Program
13 participants;

14 (4) Changes in the use of condoms among Program participants;

15 (5) The status of treatment and recovery for Program participants who
16 entered drug treatment programs;

17 (6) The impact of the Program on risk behaviors for the transmission
18 of the HIV infection, the hepatitis B virus, and other life-threatening blood-borne
19 diseases among injecting drug users;

20 (7) The cost-effectiveness of the Program versus the direct and
21 indirect costs of the HIV infection in terms of medical treatment and other services
22 normally required by HIV-infected individuals;

23 (8) The strengths and weaknesses of the Program; and

24 (9) The advisability of continuing the Program.

25 (c) As part of its plans for data collection and Program evaluation described
26 under subsections (a) and (b) of this section, the Baltimore City Health Department
27 shall develop and implement a methodology:

28 (1) For identifying Program hypodermic needles and syringes, such as
29 through the use of bar coding or any other method approved by the oversight
30 committee; and

1 (2) To perform HIV antibody testing on the residue left in a sample of
2 hypodermic needles and syringes returned to the Program.

3 **(D) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE BALTIMORE**
4 **CITY HEALTH DEPARTMENT SHALL REPORT TO THE OVERSIGHT COMMITTEE,**
5 **THE GOVERNOR, AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE**
6 **GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON THE NUMBER OF**
7 **HYPODERMIC NEEDLES AND SYRINGES EXCHANGED AS PART OF THE PROGRAM.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.