

[Second Reprint]

SENATE, No. 1266

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED FEBRUARY 8, 2016

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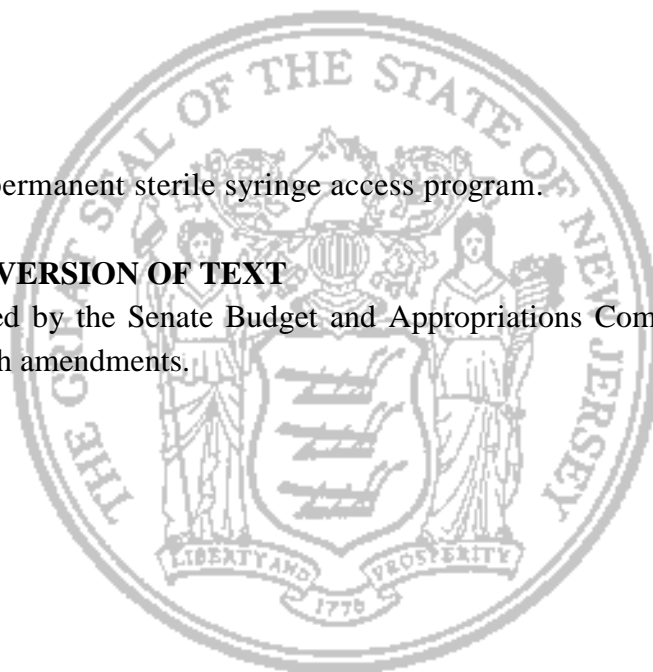
Senators Weinberg, Allen, Cunningham, Ruiz, Assemblymen Johnson, Diegnan, Assemblywoman Tucker, Assemblymen Giblin, Green and Coughlin

SYNOPSIS

Establishes permanent sterile syringe access program.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on June 23, 2016, with amendments.



(Sponsorship Updated As Of: 7/1/2016)

1 AN ACT concerning sterile syringe access programs, amending
2 P.L.2006, c.99 ² [and making an appropriation]².

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 2 of P.L.2006, c.99 (C.26:5C-26) is amended to read
8 as follows:

9 2. The Legislature finds and declares that:

10 a. **[New Jersey, in comparison with other states nationwide,**
11 **has the highest rate of cumulative AIDS cases among women, the**
12 **third highest rate of cumulative pediatric AIDS cases, the fifth**
13 **highest adult HIV rate, and a rate of injection-related HIV infection**
14 **that is almost twice the national average]** Injection drug use is one
15 of the most common methods of transmission of HIV, hepatitis C,
16 and other bloodborne pathogens;

17 b. About one in every three persons living with HIV or AIDS is
18 female;

19 c. More than a million people in the United States are frequent
20 intravenous drug users at a cost to society in health care, lost
21 productivity, accidents, and crime of more than \$50 billion
22 annually;

23 d. Sterile syringe access programs have been proven effective
24 in reducing the spread of HIV, hepatitis C, and other bloodborne
25 pathogens without increasing drug abuse or other adverse social
26 impacts; **[yet New Jersey remains the only State nationwide that**
27 **provides no access to sterile syringes in order to prevent the spread**
28 **of disease;]**

29 e. Every scientific, medical, and professional agency or
30 organization that has studied this issue, including the federal
31 Centers for Disease Control and Prevention, the American Medical
32 Association, the American Public Health Association, the National
33 Academy of Sciences, the National Institutes of Health Consensus
34 Panel, the American Academy of Pediatrics, and the United States
35 Conference of Mayors, has found sterile syringe access programs to
36 be effective in reducing the transmission of HIV; and

37 f. Sterile syringe access programs are designed to prevent the
38 spread of HIV, hepatitis C, and other bloodborne pathogens, and to
39 provide a bridge to drug abuse treatment and other social services
40 for drug users; and it is in the public interest to **[encourage the**
41 **development of]** establish such programs in this State in accordance
42 with statutory guidelines designed to ensure the safety of consumers

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹**Senate SHH committee amendments adopted June 6, 2016.**

²**Senate SBA committee amendments adopted June 23, 2016.**

1 who use these programs, the health care workers who operate them,
2 and the members of the general public.

3 (cf: P.L.2006, c.99, s.2)

4

5 2. Section 3 of P.L.2006, c.99 (C.26:5C-27) is amended to read
6 as follows:

7 3. The Commissioner of Health shall establish a
8 **【demonstration】** program to permit **【up to six municipalities】** a
9 municipality to operate a sterile syringe access program in
10 accordance with the provisions of **【this act. For the purposes of the**
11 **demonstration program, the】** P.L.2006, c.99 (C.26:5C-25 et seq.),
12 as amended by P.L. , c. (pending before the Legislature as this
13 bill). The commissioner shall prescribe by regulation requirements
14 for a municipality to establish, or otherwise authorize the operation
15 within that municipality of, a sterile syringe access program to
16 provide for the exchange of hypodermic syringes and needles in
17 accordance with the provisions of P.L.2006, c.99 (C.26:5C-25 et
18 seq.) , and consistent with the rules adopted at N.J.A.C.8:63-1.1 et
19 seq., effective April 9, 2007.

20 a. The commissioner shall:

21 (1) request an application, to be submitted on a form and in a
22 manner to be prescribed by the commissioner, from any
23 municipality that seeks to establish a sterile syringe access program,
24 or from other entities authorized to operate a sterile syringe access
25 program within that municipality as provided in paragraph (2) of
26 subsection a. of section 4 of P.L.2006, c.99 (C.26:5C-28) , as
27 amended by P.L. , c. (pending before the Legislature as this
28 bill);

29 (2) approve those applications that meet the requirements
30 established by regulation of the commissioner and contract with the
31 municipalities or entities whose applications are approved to
32 establish a sterile syringe access program as provided in paragraph
33 (2) of subsection a. of section 4 of P.L.2006, c.99 (C.26:5C-28) , as
34 amended by P.L. , c. (pending before the Legislature as this
35 bill), to operate a sterile syringe access program in any municipality
36 in which the governing body has authorized the operation of sterile
37 syringe access programs within that municipality by ordinance;

38 (3) support and facilitate, to the maximum extent practicable,
39 the linkage of sterile syringe access programs to: (a) health care
40 facilities and programs that may provide appropriate health care
41 services, including mental health services, medication-assisted drug
42 treatment services, and other substance abuse treatment services to
43 consumers participating in a sterile syringe access program; and (b)
44 housing assistance programs, career and employment-related
45 counseling programs, and education counseling programs that may
46 provide appropriate ancillary support services to consumers
47 participating in a sterile syringe access program;

1 (4) provide for the adoption of a uniform identification card or
2 other uniform Statewide means of identification for consumers,
3 staff, and volunteers of a sterile syringe access program pursuant to
4 paragraph (9) of subsection b. of section 4 of P.L.2006,
5 c.99 (C.26:5C-28) , as amended by P.L. , c. (pending before the
6 Legislature as this bill); and

7 (5) maintain a record of the data reported to the commissioner
8 by sterile syringe access programs pursuant to paragraph (11) of
9 subsection b. of section 4 of P.L.2006, c.99 (C.26:5C-28) , as
10 amended by P.L. , c. (pending before the Legislature as this
11 bill).

12 b. The commissioner shall be authorized to accept funding as
13 may be made available from the private sector to effectuate the
14 purposes of P.L.2006, c.99 (C.26:5C-25 et seq.) , as amended by
15 P.L. , c. (pending before the Legislature as this bill).

16 (cf: P.L.2015, c.10, s.4)

17

18 3. Section 5 of P.L.2006, c.99 (C.26:5C-29) is amended to read
19 as follows:

20 5. a. (1) The Commissioner of Health **【and Senior Services】**
21 shall report to the Governor and, pursuant to section 2 of P.L.1991,
22 164 (C.52:14-19.1), the Legislature, no later than one year after the
23 effective date of P.L.2006, c.99 (C.26:5C-25 et seq.) and biennially
24 thereafter, on the status of sterile syringe access programs
25 established pursuant to sections 3 and 4 of P.L.2006, c.99 (C.26:5C-
26 27 and C.26:5C-28), as amended by P.L. , c. (pending before
27 the Legislature as this bill), and shall include in that report the data
28 provided to the commissioner by each sterile syringe access
29 program pursuant to paragraph (11) of subsection b. of section 4 of
30 P.L.2006, c.99 (C.26:5C-28) , as amended by P.L. ,
31 c. (pending before the Legislature as this bill).

32 (2) For the purpose of each biennial report pursuant to
33 paragraph (1) of this subsection, the commissioner shall:

34 (a) consult with local law enforcement authorities regarding the
35 impact of the sterile syringe access programs on the rate and
36 volume of crime in the affected municipalities and include that
37 information in the report; and

38 (b) seek to obtain data from public safety and emergency
39 medical services providers Statewide regarding the incidence and
40 location of needle stick injuries to their personnel and include that
41 information in the report.

42 b. **【**The commissioner shall report to the Governor and,
43 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the
44 Legislature, no later than six months after the date that the initial
45 sterile syringe access program, which is approved by the
46 commissioner pursuant to section 3 of P.L.2006, c.99 (C.26:5C-27),
47 commences its operations, and shall include in that report:

1 (1) an assessment of whether an adequate number of drug abuse
2 treatment program slots is available to meet the treatment needs of
3 persons who have been referred to drug abuse treatment programs
4 by sterile syringe access programs pursuant to paragraph (4) of
5 subsection b. of section 4 of P.L.2006, c.99 (C.26:5C-28); and

6 (2) a recommendation for such appropriation as the
7 commissioner determines necessary to ensure the provision of an
8 adequate number of drug abuse treatment program slots for those
9 persons.】 (Deleted by amendment, P.L. , c.) (pending before
10 the Legislature as this bill)

11 c. The commissioner shall 【contract with an entity that is
12 independent of the department to】 prepare a detailed analysis of the
13 sterile syringe access programs, and 【to】 report on the results of
14 that analysis to the Governor, the Governor's Advisory Council on
15 HIV/AIDS and Related Blood-Borne Pathogens, and, pursuant to
16 section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature 【, no
17 later than 24 months after the adoption of regulations required
18 pursuant to subsection b. of section 7 of P.L.2006, c.99 (C.26:5C-
19 31) and】 annually 【thereafter】. The analysis shall include, but not
20 be limited to:

21 (1) any increase or decrease in the spread of HIV, hepatitis C
22 and other 【blood-borne】 bloodborne pathogens that may be
23 transmitted by the use of contaminated syringes and needles;

24 (2) the number of exchanged syringes and needles and an
25 evaluation of the disposal of syringes and needles that are not
26 returned by consumers;

27 (3) the number of consumers participating in the sterile syringe
28 access programs and an assessment of their reasons for participating
29 in the programs;

30 (4) the number of consumers in the sterile syringe access
31 programs who participated in drug abuse treatment programs; and

32 (5) the number of consumers in the sterile syringe access
33 programs who benefited from counseling and referrals to programs
34 and entities that are relevant to their health, housing, social service,
35 employment and other needs.

36 d. 【Within 90 days after receipt of the third report pursuant to
37 subsection c. of this section, the commissioner shall submit to the
38 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
39 19.1), the Legislature, on a day when both Houses of the
40 Legislature are meeting in the course of a regular or special session,
41 the commissioner's recommendations regarding whether or not to
42 continue the demonstration program established pursuant to this act.
43 The commissioner's recommendations shall be effective unless the
44 Legislature passes a concurrent resolution overriding the
45 commissioner's recommendations no later than the 45th day after its
46 receipt of those recommendations.】 (Deleted by amendment,
47 P.L. , c.) (pending before the Legislature as this bill

48 (cf: P.L.2015, c.10, s.6)

1 4. Section 8 of P.L.2006, c.99 (C.2C:36-6a) is amended to read
2 as follows:

3 8. The possession of a hypodermic syringe or needle by a
4 consumer who participates in, or an employee or volunteer of, a
5 sterile syringe access program established pursuant to sections 3
6 and 4 of P.L.2006, c.99 (C.26:5C-27 and C.26:5C-28), as amended
7 by P.L. , c. (pending before the Legislature as this bill), shall not
8 constitute an offense pursuant to N.J.S.2C:36-1 et seq. This
9 provision shall extend to a hypodermic syringe or needle that
10 contains a residual amount of a controlled dangerous substance or
11 controlled substance analog.

12 (cf: P.L.2006, c.99, s.8)

13

14 ¹**[5.** There is appropriated from the General Fund to the
15 Department of Health **and Senior Services]** the sum of \$95,000 to
16 effectuate the provisions of this act.**]**¹

17

18 ²**[¹5. (New section) There is appropriated from the General**
19 **Fund to the Department of Health the sum of \$95,000 to effectuate**
20 **the provisions of this act.**¹**]**²

21

22 ²**[6.] 5.**² This act shall take effect immediately.