

SENATE, No. 463

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1996

By Senator LIPMAN

1 AN ACT establishing a demonstration needle and syringe exchange
2 program in the Department of Health.

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

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7 1. The Legislature finds and declares that:

8 a. Nationally, 32% of adult and adolescent AIDS cases are related
9 to injection drug use and 60% of all children with AIDS are born to
10 women who contracted AIDS through injected drug use or through
11 sex with an injection drug user;

12 b. In contrast, New Jersey, with the fifth highest number of AIDS
13 cases of any state in the nation, attributes 54% of reported cases
14 among adults and adolescents to injection drug use, well above the
15 national average;

16 c. It is estimated that 50% of injection drug users in New Jersey
17 cities have AIDS or HIV;

18 d. Women represent 11% of the AIDS cases nationwide, while in
19 New Jersey they represent 23%, with approximately 60% of the
20 women with AIDS or HIV being current or past users of injection
21 drugs;

22 e. New Jersey has the third highest number of pediatric AIDS cases
23 of any state with an overwhelming majority, 95%, resulting from
24 perinatal transmission from mother to fetus; and

25 f. The established link between injection drug use and HIV in New
26 Jersey and the findings of the United States General Accounting Office
27 in its report on needle exchange programs that the risk of becoming
28 HIV infected or transmitting the virus to others is diminished if needle
29 sharing is reduced, has prompted the Department of Health, the
30 Governor's Advisory Council on AIDS, the Medical Society of New
31 Jersey and several nonprofit organizations serving people with HIV to
32 express public support for a needle exchange program in New Jersey.

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34 2. a. The Commissioner of Health shall establish a demonstration
35 needle and syringe exchange program. The purpose of the program is
36 to reduce the spread of AIDS and HIV infection, as those terms are
37 defined pursuant to section 1 of P.L.1989, c.303 (C.26:5C-5), by

- 1 encouraging injection drug users to exchange used needles and
2 syringes for sterile ones and by discouraging the sharing of injection
3 equipment.
- 4 b. The commissioner shall solicit proposals for demonstration
5 projects from State-funded or nonprofit organizations providing drug
6 treatment or AIDS services.
- 7 c. Demonstration projects shall be selected based on the following
8 criteria:
- 9 (1) Incidence of injection drug use in the service area;
10 (2) Incidence of AIDS and HIV infection in the service area; and
11 (3) Availability of drug treatment services in the service area.
- 12 d. A demonstration project shall not be funded unless the
13 municipality in which the project is to be located has approved the
14 project by a resolution of the municipal governing body. The
15 municipality shall provide a certified copy of the resolution to the
16 Department of Health.
- 17
- 18 3. The program shall:
- 19 a. provide free and anonymous exchange of needles and syringes
20 and provide that a program participant shall receive an equal number
21 of needles and syringes for those returned;
- 22 b. require all needles and syringes distributed to be marked and
23 checked for return rates;
- 24 c. provide education on the transmission and prevention of AIDS
25 and HIV infection; and
- 26 d. provide assistance in obtaining drug abuse treatment, counseling
27 and education.
- 28
- 29 4. The program shall monitor and evaluate:
- 30 a. return rates of needles and syringes distributed;
- 31 b. behavioral changes of program participants, particularly with
32 respect to needle sharing;
- 33 c. the program's impact on the incidence of injection drug use, the
34 frequency of injection and the rate of increase of new injection drug
35 users; and
- 36 d. program participation rates, including the number of participants
37 who enter drug abuse treatment as a result of the program and the
38 status of their treatment.
- 39
- 40 5. The Commissioner of Health shall submit a report 18 months
41 after the implementation of the demonstration program to the
42 Governor, the Governor's Advisory Council on AIDS and the
43 chairmen of the Senate and General Assembly standing reference
44 committees on health on the effectiveness of the demonstration
45 program.

1 rates, including the number of participants who enter drug abuse
2 treatment as a result of the program and the status of their treatment.

3 The bill also provides that an exchange under the program shall not
4 constitute an offense pursuant to N.J.S.2C:36-2 (use of drug
5 paraphernalia), N.J.S.2C:36-3 (distribution of drug paraphernalia),
6 N.J.S.2C:36-6 (distribution of hypodermic syringe or needle) or
7 section 6 of P.L.1980, c.133 (C.24:21-51) (distribution of hypodermic
8 syringe or needle) for participants, employees or volunteers of the
9 program.

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14 Establishes demonstration needle and syringe exchange program
15 through DOH.