

[First Reprint]

SENATE, No. 3065

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED OCTOBER 22, 2020

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator NIA H. GILL

District 34 (Essex and Passaic)

SYNOPSIS

Permits syringes and related supplies to be exchanged via postal mail.

CURRENT VERSION OF TEXT

As reported by the Senate Health, Human Services and Senior Citizens Committee on March 9, 2021, with amendments.



(Sponsorship Updated As Of: 3/9/2021)

1 AN ACT concerning sterile syringe programs and amending
2 P.L.2006, c.99.

3

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

6

7 1. Section 4 of P.L.2006, c.99 (C.26:5C-28) is amended to read
8 as follows:

9 4. a. In accordance with the provisions of section 3 of
10 P.L.2006, c.99 (C.26:5C-27), a municipality may establish or
11 authorize establishment of a sterile syringe access program that is
12 approved by the commissioner to provide for the exchange of
13 hypodermic syringes and needles.

14 (1) A municipality that establishes a sterile syringe access
15 program, at a fixed location or through a mobile access component,
16 may operate the program directly or contract with one or more of
17 the following entities to operate the program: a hospital or other
18 health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1
19 et seq.), a federally qualified health center, a public health agency, a
20 substance abuse treatment program, an AIDS service organization,
21 or another nonprofit entity designated by the municipality. These
22 entities shall also be authorized to contract directly with the
23 commissioner in any municipality in which the governing body has
24 authorized the operation of sterile syringe access programs by
25 ordinance pursuant to paragraph (2) of this subsection. The
26 municipality or entity under contract shall implement the sterile
27 syringe access program in consultation with a federally qualified
28 health center and the New Jersey Office on Minority and
29 Multicultural Health in the Department of Health, and in a
30 culturally competent manner.

31 (2) Pursuant to paragraph (2) of subsection a. of section 3 of
32 P.L.2006, c.99 (C.26:5C-27), a municipality whose governing body
33 has authorized the operation of sterile syringe access programs
34 within the municipality may require within the authorizing
35 ordinance that an entity as described in paragraph (1) of this
36 subsection obtain approval from the municipality, in a manner
37 prescribed by the authorizing ordinance, to operate a sterile syringe
38 access program prior to obtaining approval from the commissioner
39 to operate such a program, or may permit the entity to obtain
40 approval to operate such a program by application directly to the
41 commissioner without obtaining prior approval from the
42 municipality.

43 (3) Two or more municipalities may jointly establish or
44 authorize establishment of a sterile syringe access program that

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:

¹Senate SHH committee amendments adopted March 9, 2021.

1 operates within those municipalities pursuant to adoption of an
2 ordinance by each participating municipality pursuant to this
3 section.

4 b. A sterile syringe access program shall comply with the
5 following requirements:

6 (1) Sterile syringes and needles shall be provided at no cost to
7 consumers 18 years of age and older;

8 (2) Program staff shall be trained and regularly supervised in:
9 harm reduction; substance use disorder, medical and social service
10 referrals; and infection control procedures, including universal
11 precautions and needle stick injury protocol; and programs shall
12 maintain records of staff and volunteer training and of hepatitis C
13 and tuberculosis screening provided to volunteers and staff;

14 (3) The program shall offer information about HIV, hepatitis C
15 and other bloodborne pathogens and prevention materials at no cost
16 to consumers, and shall seek to educate all consumers about safe
17 and proper disposal of needles and syringes;

18 (4) The program shall provide information and referrals to
19 consumers, including HIV testing options, access to medication-
20 assisted substance use disorder treatment programs and other
21 substance use disorder treatment programs, and available health and
22 social service options relevant to the consumer's needs. The
23 program shall encourage consumers to receive an HIV test, and
24 shall, when appropriate, develop an individualized substance use
25 disorder treatment plan for each participating consumer;

26 (5) The program shall screen out consumers under 18 years of
27 age from access to syringes and needles, and shall refer them to
28 substance use disorder treatment and other appropriate programs for
29 youth;

30 (6) The program shall develop a plan for the handling and
31 disposal of used syringes and needles in accordance with
32 requirements set forth at N.J.A.C.7:26-3A.1 et seq. for regulated
33 medical waste disposal pursuant to the "Comprehensive Regulated
34 Medical Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et
35 al.), and shall also develop and maintain protocols for post-
36 exposure treatment;

37 (7) (a) The program may obtain a standing order, pursuant to
38 the "Overdose Prevention Act," P.L.2013, c.46 (C.24:6J-1 et seq.),
39 authorizing program staff to carry and dispense naloxone
40 hydrochloride or another opioid antidote to consumers and the
41 family members and friends thereof;

42 (b) The program shall provide overdose prevention information
43 to consumers, the family members and friends thereof, and other
44 persons associated therewith, as appropriate, in accordance with the
45 provisions of section 5 of the "Overdose Prevention Act," P.L.2013,
46 c.46 (C.24:6J-5);

47 (8) The program shall maintain the confidentiality of consumers
48 by the use of confidential identifiers, which shall consist of the first

1 two letters of the first name of the consumer's mother and the two-
2 digit day of birth and two-digit year of birth of the consumer, or by
3 the use of such other uniform Statewide mechanism as may be
4 approved by the commissioner for this purpose;

5 (9) The program shall provide a uniform identification card that
6 has been approved by the commissioner to consumers and to staff
7 and volunteers involved in transporting, exchanging or possessing
8 syringes and needles, or shall provide for such other uniform
9 Statewide means of identification as may be approved by the
10 commissioner for this purpose;

11 (10) The program shall provide consumers at the time of
12 enrollment with a schedule of program operation hours and
13 locations, in addition to information about prevention and harm
14 reduction and substance use disorder treatment services; and

15 (11) The program shall establish and implement accurate data
16 collection methods and procedures as required by the commissioner
17 for the purpose of evaluating the sterile syringe access programs,
18 including the monitoring and evaluation on a quarterly basis of:

19 (a) sterile syringe access program participation rates, including
20 the number of consumers who enter substance use disorder
21 treatment programs and the status of their treatment;

22 (b) the effectiveness of the sterile syringe access programs in
23 meeting their objectives, including, but not limited to, return rates
24 of syringes and needles distributed to consumers and the impact of
25 the sterile syringe access programs on intravenous drug use; and

26 (c) the number and type of referrals provided by the sterile
27 syringe access programs and the specific actions taken by the sterile
28 syringe access programs on behalf of each consumer.

29 c. ¹Consistent with federal law and notwithstanding any
30 provision of State law to the contrary, a sterile syringe access
31 program and its consumers may exchange syringes and other related
32 supplies, as determined by the commissioner, via postal mail.

33 d.¹ A municipality may terminate a sterile syringe access
34 program established or authorized pursuant to this act, which is
35 operating within that municipality, if its governing body approves
36 such an action by ordinance, in which case the municipality shall
37 notify the commissioner of its action in a manner prescribed by
38 regulation of the commissioner.

39 ¹d. To the extent permitted under federal law, and subject to the
40 requirements of federal law, notwithstanding any provision of State
41 law to the contrary, a sterile syringe access program and its
42 consumers may exchange syringes and other related supplies, as
43 determined by the commissioner, via postal mail.¹

44 (cf: P.L.2017, c.131, s.104)

45
46 2. This act shall take effect immediately.