

Chapter 396

(House Bill 354)

AN ACT concerning

Baltimore City – AIDS Prevention Sterile Needle and Syringe Exchange Program

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

BY repealing and reenacting, with amendments,
 Article – Health – General
 Section 24–802, ~~24–804(c), and 24–805(b)~~, and 24–806
 Annotated Code of Maryland
 (2009 Replacement Volume and 2013 Supplement)

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

Article – Health – General

24–802.

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

(b) The Program shall:

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

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

24-804.

(c) The oversight committee shall:

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

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

(ii) A plan for community outreach and education;

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

(iv) A plan for evaluating the Program;

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

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

(ii) The community outreach and education plan;

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

(iv) The plan for evaluating the Program; and

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

24-805.

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

- (1) Program operating procedures for the furnishing and [one-for-one] exchange of hypodermic needles and syringes to injecting drug users;
- (2) A community outreach and education program; and
- (3) A protocol for providing a linkage for Program participants to substance abuse treatment and rehabilitation.

24-806.

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

- (1) The number of participants served by the Program;
- (2) The length of time a participant is served by the Program;
- (3) Demographic profiles of participants served by the Program that include:
 - (i) Age;
 - (ii) Sex;
 - (iii) Race;
 - (iv) Occupation;
 - (v) Zip code of residence;
 - (vi) Types of drugs used;
 - (vii) Length of drug use; and
 - (viii) Frequency of injection;
- (4) The number of hypodermic needles and syringes exchanged;
- (5) The number of participants entering drug counseling and treatment; and
- (6) The number of referrals made by the Program for drug counseling and treatment.

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

- (1) The prevalence of HIV among Program participants;
- (2) Changes in the level of drug use among Program participants;
- (3) Changes in the level of needle-sharing among Program participants;
- (4) Changes in the use of condoms among Program participants;
- (5) The status of treatment and recovery for Program participants who entered drug treatment programs;
- (6) The impact of the Program on risk behaviors for the transmission of the HIV infection, the hepatitis B virus, and other life-threatening blood-borne diseases among injecting drug users;
- (7) The cost-effectiveness of the Program versus the direct and indirect costs of the HIV infection in terms of medical treatment and other services normally required by HIV-infected individuals;
- (8) The strengths and weaknesses of the Program; and
- (9) The advisability of continuing the Program.

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

- (1) For identifying Program hypodermic needles and syringes, such as through the use of bar coding or any other method approved by the oversight committee; and
- (2) To perform HIV antibody testing on the residue left in a sample of hypodermic needles and syringes returned to the Program.

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

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

Approved by the Governor, May 5, 2014.