
By: **Prince George's County Delegation**
Introduced and read first time: February 9, 1998
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 24, 1998

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County - AIDS Prevention Sterile Needle and Syringe**
3 **Exchange Program**
4 **PG 416-98**

5 FOR the purpose of authorizing Prince George's County to establish an AIDS
6 Prevention Sterile Needle and Syringe Exchange Program in the Prince
7 George's County Health Department under certain circumstances; specifying
8 the duties and responsibilities of the Director of the Program; requiring the
9 County Executive of Prince George's County or the County Executive's designee
10 to appoint an advisory committee for the Program; specifying the membership,
11 duties, and responsibilities of the advisory committee; requiring the local health
12 officer for Prince George's County to collect certain data and develop and
13 implement a plan for evaluating the Program; providing certain immunities for
14 certain persons; restricting the disclosure or release of certain Program
15 information; defining certain terms; and generally relating to authorizing
16 Prince George's County to establish an AIDS Prevention Sterile Needle and
17 Syringe Exchange Program in the Prince George's County Health Department.

18 BY adding to
19 Article - Health - General
20 Section 24-901 through 24-909 to be under the new subtitle "Subtitle 9. Prince
21 George's County AIDS Prevention Sterile Needle and Syringe Exchange
22 Program"
23 Annotated Code of Maryland
24 (1996 Replacement Volume and 1997 Supplement)

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

3 **Article - Health - General**

4 SUBTITLE 9. PRINCE GEORGE'S COUNTY AIDS PREVENTION STERILE NEEDLE AND
5 SYRINGE EXCHANGE PROGRAM.

6 24-901.

7 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 (B) "HIV" MEANS THE HUMAN IMMUNODEFICIENCY VIRUS THAT CAUSES
10 ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS).

11 (C) "PARTICIPANT" MEANS AN INDIVIDUAL WHO HAS REGISTERED WITH THE
12 PROGRAM.

13 (D) "PROGRAM" MEANS THE PRINCE GEORGE'S COUNTY AIDS PREVENTION
14 STERILE NEEDLE AND SYRINGE EXCHANGE PROGRAM.

15 (E) "RESIDUE" MEANS THE DRIED REMAINS OF A CONTROLLED DANGEROUS
16 SUBSTANCE ATTACHED TO OR CONTAINED WITHIN A HYPODERMIC NEEDLE OR
17 SYRINGE.

18 24-902.

19 (A) AN AIDS PREVENTION STERILE NEEDLE AND SYRINGE EXCHANGE
20 PROGRAM MAY BE ESTABLISHED IN THE PRINCE GEORGE'S COUNTY HEALTH
21 DEPARTMENT, SUBJECT TO THE PROVISIONS OF THIS SUBTITLE.

22 (B) IF ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION, THE
23 PROGRAM SHALL:

24 (1) PROVIDE FOR THE ONE-FOR-ONE EXCHANGE BY PARTICIPANTS OF
25 USED HYPODERMIC NEEDLES AND SYRINGES FOR STERILE HYPODERMIC NEEDLES
26 AND SYRINGES; AND

27 (2) OPERATE IN ACCORDANCE WITH THE PROCEDURES APPROVED,
28 WITH THE ADVICE OF THE ADVISORY COMMITTEE, BY THE LOCAL HEALTH OFFICER
29 FOR PRINCE GEORGE'S COUNTY.

30 24-903.

31 THE PROGRAM SHALL:

32 (1) BE DESIGNED AND MAINTAINED TO PROVIDE MAXIMUM SECURITY
33 OF EXCHANGE LOCATIONS AND EQUIPMENT, INCLUDING SECURITY MEASURES
34 THAT MAY BE REQUIRED TO CONTROL THE USE AND DISPERSAL OF HYPODERMIC

1 NEEDLES AND SYRINGES AND SECURITY MEASURES THAT ALLOW FOR A FULL
2 ACCOUNTING OF THE NUMBER OF HYPODERMIC NEEDLES AND SYRINGES IN
3 CIRCULATION AND THE NUMBER OF HYPODERMIC NEEDLES AND SYRINGES IN
4 STORAGE;

5 (2) BE OPERATED TO ALLOW PARTICIPANTS TO EXCHANGE USED
6 HYPODERMIC NEEDLES AND SYRINGES AT ANY EXCHANGE LOCATION, IF MORE
7 THAN ONE LOCATION IS AVAILABLE;

8 (3) INCLUDE APPROPRIATE LEVELS OF STAFF EXPERTISE IN WORKING
9 WITH INJECTING DRUG USERS AND ADEQUATE STAFF TRAINING IN PROVIDING
10 COMMUNITY REFERRALS, COUNSELING, AND PREVENTIVE EDUCATION;

11 (4) PROVIDE FOR THE DISSEMINATION OF OTHER PREVENTIVE MEANS
12 FOR CURTAILING THE SPREAD OF THE HIV INFECTION;

13 (5) PROVIDE REFERRALS TO DRUG COUNSELING AND TREATMENT
14 SERVICES, ~~AND FOLLOW UP TO THOSE REFERRALS TO ASSURE THAT PARTICIPANTS~~
15 ~~RECEIVE THE TREATMENT THEY DESIRE;~~

16 (6) EDUCATE INJECTING DRUG USERS ON THE DANGERS OF
17 CONTRACTING THE HIV INFECTION OR THE HEPATITIS B VIRUS THROUGH
18 NEEDLE-SHARING PRACTICES AND UNSAFE SEXUAL BEHAVIORS;

19 (7) INCLUDE POLICIES AND PROCEDURES FOR THE SCREENING OF
20 APPLICANTS TO THE PROGRAM IN ORDER TO PRECLUDE NONINJECTING DRUG
21 USERS FROM PARTICIPATING IN THE PROGRAM;

22 (8) ESTABLISH PROCEDURES FOR IDENTIFYING PROGRAM
23 PARTICIPANTS THAT ARE CONSISTENT WITH THE CONFIDENTIALITY PROVISIONS OF
24 THIS SUBTITLE; AND

25 (9) ESTABLISH A METHOD OF IDENTIFICATION AND AUTHORIZATION
26 FOR PROGRAM STAFF MEMBERS WHO HAVE ACCESS TO HYPODERMIC NEEDLES,
27 SYRINGES, OR PROGRAM RECORDS.

28 24-904.

29 (A) THE COUNTY EXECUTIVE OF PRINCE GEORGE'S COUNTY OR THE COUNTY
30 EXECUTIVE'S DESIGNEE SHALL APPOINT AN ADVISORY COMMITTEE FOR THE
31 PROGRAM.

32 (B) THE ADVISORY COMMITTEE SHALL CONSIST OF:

33 (1) TWO REPRESENTATIVES FROM ACADEMIA WHO SPECIALIZE IN
34 PUBLIC HEALTH ISSUES;

35 (2) ONE REPRESENTATIVE FROM LAW ENFORCEMENT, NOMINATED BY
36 THE SECRETARY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
37 SERVICES;

1 (3) ONE REPRESENTATIVE OF THE PRINCE GEORGE'S COUNTY POLICE
2 DEPARTMENT;

3 (4) ONE REPRESENTATIVE FROM THE DEPARTMENT OF HEALTH AND
4 MENTAL HYGIENE, NOMINATED BY THE SECRETARY OF HEALTH AND MENTAL
5 HYGIENE;

6 (5) ONE REPRESENTATIVE OF A PRINCE GEORGE'S COUNTY COMMUNITY
7 GROUP;

8 (6) ONE REPRESENTATIVE OF AN AIDS ADVOCACY GROUP;

9 (7) ONE DRUG ABUSE TREATMENT COUNSELOR;

10 (8) ONE RECOVERING INJECTING DRUG USER; AND

11 (9) UP TO THREE OTHER INDIVIDUALS WHOM THE COUNTY EXECUTIVE
12 OF PRINCE GEORGE'S COUNTY OR THE COUNTY EXECUTIVE'S DESIGNEE
13 DETERMINES TO BE APPROPRIATE FOR APPOINTMENT TO THE ADVISORY
14 COMMITTEE.

15 (C) THE ADVISORY COMMITTEE SHALL:

16 (1) PROVIDE ADVICE TO THE LOCAL HEALTH OFFICER FOR PRINCE
17 GEORGE'S COUNTY AND THE PROGRAM DIRECTOR ON DEVELOPING:

18 (I) PROGRAM OPERATING PROCEDURES FOR THE FURNISHING,
19 IDENTIFYING, AND ONE-FOR-ONE EXCHANGE OF HYPODERMIC NEEDLES AND
20 SYRINGES TO INJECTING DRUG USERS;

21 (II) A PLAN FOR COMMUNITY OUTREACH AND EDUCATION;

22 (III) A PROTOCOL FOR REFERRING PROGRAM PARTICIPANTS TO
23 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 LOCAL HEALTH OFFICER FOR PRINCE GEORGE'S
27 COUNTY FOR THE APPROVAL OR DISAPPROVAL OF:

28 (I) THE PROGRAM OPERATING PROCEDURES FOR THE
29 FURNISHING AND ONE-FOR-ONE EXCHANGE OF HYPODERMIC NEEDLES AND
30 SYRINGES TO INJECTING DRUG USERS;

31 (II) THE COMMUNITY OUTREACH AND EDUCATION PLAN;

32 (III) THE PROTOCOL FOR REFERRING PROGRAM PARTICIPANTS TO
33 SUBSTANCE ABUSE TREATMENT AND REHABILITATION; AND

34 (IV) THE PLAN FOR EVALUATING THE PROGRAM; AND

1 (3) MAKE RECOMMENDATIONS TO THE PROGRAM DIRECTOR OR THE
2 LOCAL HEALTH OFFICER FOR PRINCE GEORGE'S COUNTY REGARDING ANY ASPECT
3 OF PROGRAM PROCEDURES, OPERATION, OR EVALUATION.

4 24-905.

5 (A) THE LOCAL HEALTH OFFICER FOR PRINCE GEORGE'S COUNTY SHALL
6 APPOINT A DIRECTOR FOR THE PROGRAM.

7 (B) WITH THE ADVICE OF THE ADVISORY COMMITTEE, THE DIRECTOR SHALL
8 DEVELOP:

9 (1) PROGRAM OPERATING PROCEDURES FOR THE FURNISHING,
10 IDENTIFYING, AND ONE-FOR-ONE EXCHANGE OF HYPODERMIC NEEDLES AND
11 SYRINGES TO INJECTING DRUG USERS;

12 (2) A COMMUNITY OUTREACH AND EDUCATION PROGRAM; AND

13 (3) A PROTOCOL FOR REFERRING PROGRAM PARTICIPANTS TO
14 SUBSTANCE ABUSE TREATMENT AND REHABILITATION.

15 (C) THE DIRECTOR SHALL SUBMIT THE OPERATING PROCEDURES, THE PLAN
16 FOR A COMMUNITY OUTREACH AND EDUCATION PROGRAM, AND THE SUBSTANCE
17 ABUSE TREATMENT REFERRAL PROTOCOL TO THE LOCAL HEALTH OFFICER FOR
18 PRINCE GEORGE'S COUNTY FOR APPROVAL PRIOR TO IMPLEMENTATION.

19 24-906.

20 (A) THE LOCAL HEALTH OFFICER FOR PRINCE GEORGE'S COUNTY SHALL
21 INCLUDE IN THE PROGRAM OPERATING PROCEDURES MEASURES TO COLLECT THE
22 FOLLOWING DATA:

23 (1) THE NUMBER OF PARTICIPANTS SERVED BY THE PROGRAM;

24 (2) THE LENGTH OF TIME A PARTICIPANT IS SERVED BY THE PROGRAM;

25 (3) DEMOGRAPHIC PROFILES OF PARTICIPANTS SERVED BY THE
26 PROGRAM THAT INCLUDE:

27 (I) AGE;

28 (II) SEX;

29 (III) RACE;

30 (IV) OCCUPATION;

31 (V) ZIP CODE OF RESIDENCE;

32 (VI) TYPES OF DRUGS USED;

1 (VII) LENGTH OF DRUG USE; AND

2 (VIII) FREQUENCY OF INJECTION;

3 (4) THE NUMBER OF HYPODERMIC NEEDLES AND SYRINGES
4 EXCHANGED; AND

5 (5) THE NUMBER OF PARTICIPANTS ENTERING DRUG COUNSELING AND
6 TREATMENT.

7 (B) WITH THE ADVICE OF THE ADVISORY COMMITTEE, THE LOCAL HEALTH
8 OFFICER FOR PRINCE GEORGE'S COUNTY SHALL DEVELOP AND IMPLEMENT A PLAN
9 FOR PROGRAM EVALUATION AS APPROPRIATE BASED ON THE PREVAILING
10 KNOWLEDGE AT THE TIME. THE PLAN MAY INCLUDE:

11 (1) REPORTED CHANGES IN THE LEVEL OF DRUG USE AMONG PROGRAM
12 PARTICIPANTS;

13 (2) REPORTED CHANGES IN THE LEVEL OF NEEDLE-SHARING AMONG
14 PROGRAM PARTICIPANTS;

15 (3) REPORTED CHANGES IN THE USE OF CONDOMS AMONG PROGRAM
16 PARTICIPANTS; AND

17 (4) THE ADVISABILITY OF CONTINUING THE PROGRAM.

18 24-907.

19 (A) (1) EACH PROGRAM PARTICIPANT SHALL BE ISSUED AN
20 IDENTIFICATION CARD WITH AN IDENTIFICATION NUMBER.

21 (2) THE IDENTIFICATION NUMBER SHALL BE CROSS-INDEXED TO A
22 CONFIDENTIAL RECORD CONTAINING PERTINENT DATA ON THE PARTICIPANT.

23 (B) ANY INFORMATION OBTAINED BY THE PROGRAM THAT WOULD IDENTIFY
24 PROGRAM PARTICIPANTS, INCLUDING PROGRAM RECORDS, IS:

25 (1) CONFIDENTIAL;

26 (2) NOT OPEN TO PUBLIC INSPECTION OR DISCLOSURE; AND

27 (3) NOT DISCOVERABLE IN ANY CRIMINAL OR CIVIL PROCEEDING.

28 (C) (1) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (B) OF THIS
29 SECTION, ON THE WRITTEN CONSENT OF A PROGRAM PARTICIPANT, INFORMATION
30 OBTAINED BY THE PROGRAM THAT IDENTIFIES THE PROGRAM PARTICIPANT MAY BE
31 RELEASED OR DISCLOSED TO A PERSON OR AGENCY PARTICIPATING IN THE
32 PROGRAM.

33 (2) IN ADDITION TO THE PROVISIONS OF PARAGRAPH (1) OF THIS
34 SUBSECTION, IF A PROGRAM PARTICIPANT RAISES THE ISSUE OF PARTICIPATION IN

1 THE PROGRAM EITHER AS A SUBJECT MATTER OR LEGAL DEFENSE IN AN
2 ADMINISTRATIVE, CIVIL, OR CRIMINAL PROCEEDING, THE PROGRAM PARTICIPANT
3 WAIVES THE CONFIDENTIALITY AS TO IDENTITY PROVIDED UNDER SUBSECTION
4 (B)(1) OF THIS SECTION.

5 24-908.

6 (A) NO PROGRAM STAFF MEMBER OR PROGRAM PARTICIPANT MAY BE FOUND
7 GUILTY OF VIOLATING ARTICLE 27, § 287, § 287A, OR § 288 OF THE CODE FOR
8 POSSESSING OR DISTRIBUTING CONTROLLED PARAPHERNALIA OR DRUG
9 PARAPHERNALIA WHENEVER THE POSSESSION OR DISTRIBUTION OF THE
10 CONTROLLED PARAPHERNALIA OR DRUG PARAPHERNALIA IS A DIRECT RESULT OF
11 THE EMPLOYEE'S OR PARTICIPANT'S ACTIVITIES IN CONNECTION WITH THE WORK
12 OF THE PROGRAM AUTHORIZED UNDER THIS SUBTITLE.

13 (B) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A) OF THIS
14 SECTION, A PROGRAM STAFF MEMBER OR PROGRAM PARTICIPANT IS NOT IMMUNE
15 FROM CRIMINAL PROSECUTION FOR:

16 (1) THE REDISTRIBUTION OF HYPODERMIC NEEDLES OR SYRINGES IN
17 ANY FORM;

18 (2) ANY ACTIVITIES NOT AUTHORIZED OR APPROVED BY THE PROGRAM;
19 OR

20 (3) THE POSSESSION OR DISTRIBUTION OF CONTROLLED
21 PARAPHERNALIA OR DRUG PARAPHERNALIA OR ANY OTHER UNLAWFUL ACTIVITY
22 OUTSIDE OF THE PRINCE GEORGE'S COUNTY LIMITS.

23 24-909.

24 EXCEPT FOR VIOLATIONS OF ANY LAWS THAT COULD ARISE FROM RESIDUE
25 ATTACHED TO OR CONTAINED WITHIN HYPODERMIC NEEDLES OR SYRINGES BEING
26 RETURNED OR ALREADY RETURNED TO THE PROGRAM, NOTHING IN THIS SUBTITLE
27 PROVIDES IMMUNITY TO A PROGRAM STAFF MEMBER OR PROGRAM PARTICIPANT
28 FROM CRIMINAL PROSECUTION FOR A VIOLATION OF ANY LAW PROHIBITING OR
29 REGULATING THE USE, POSSESSION, DISPENSING, DISTRIBUTION, OR PROMOTION
30 OF CONTROLLED DANGEROUS SUBSTANCES, DANGEROUS DRUGS, DETRIMENTAL
31 DRUGS, OR HARMFUL DRUGS OR ANY CONSPIRACY OR ATTEMPT TO COMMIT ANY OF
32 THOSE OFFENSES.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 July 1, 1998.

