

# Agenda Report

**TO:** CITY COUNCIL

**DATE:** September 27, 1999

**FROM:** City Manager

**SUBJECT: SUPPORT FOR ASSEMBLY BILL 136 (MAZZONI) – AN ACT TO AMEND SECTION 11364.7 OF THE HEALTH AND SAFETY CODE, RELATING TO GOVERNMENT EMPLOYEE PROTECTION IN NEEDLE EXCHANGE PROGRAMS**

## RECOMMENDATION

It is recommended that the City Council authorize the Mayor to send a letter to the Governor *supporting* Assembly Bill 136 (Mazzoni) – protection of governmental employees and their agents when distributing needles and syringes.

## BACKGROUND

Existing law makes it a misdemeanor to provide or transfer needles (syringes) when one reasonably should know that the syringes will be used to inject a controlled substance. AB 136 (Mazzoni) protects local entities, their agents and employees from criminal prosecution for distributing syringes as part of a needle exchange program authorized pursuant to the declaration of a local emergency. Significant evidence exists that needle exchange programs are effective in the reduction of communicable disease, including HIV/AIDS. It is prudent to pass legislation that protects government employees who may participate in a needle exchange program.

The scientific, medical and service communities generally agree that needle exchange programs: 1) help reduce HIV/AIDS transmission; 2) promote recovery and provide opportunities for education and services referral for hard to reach populations; and 3) improve health status and community safety. Because needle exchange has been a highly contested issue, it has been the subject of a tremendous amount of research and study over the past several years. Nearly every established medical, scientific, and legal body to study the issue concurs that improved access to sterile syringes reduces the spread of infectious diseases. Approximately 50% of new HIV infections nationwide occur among intravenous drug users (IDUs), their sexual partners and offspring. The U.S. National Commission on AIDS stated that, "Legal sanctions on injection equipment do not reduce illicit drug use, but they do increase the sharing of injection equipment and hence the spread of AIDS."

As of June 30, 1999, The cumulative reported cases of HIV/AIDS in Pasadena is 593. In 1998, 30 new cases were reported, and the case fatality rate was 20%. Treatment of a typical AIDS case is estimated to cost \$120,000 and is largely uninsured. Implementation of needle exchange programs would greatly reduce future costs by preventing transmission of HIV through shared needles.

Public opinion is also in favor of needle exchange programs. An August, 1999 Field Institute Survey asked the question, "Do you favor or oppose needle exchange programs, which offer clean needles to intravenous drug users in exchange for used needles, to help stop the spread of AIDS and HIV infection?" Overall, across California, 69% of the public state they are in favor of such programs. In Los Angeles County, 72% are in favor of needle exchange.

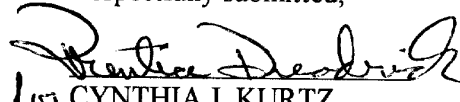
To invoke the protection from misdemeanor charges, the City of Pasadena would have to declare a local emergency due to the existence of a critical local public health crisis. The local emergency would have to be renewed every 14 to 21 days. This could be accomplished by placing the item on the City Council Agenda Consent Calendar. Public Health Department staff and members of local health agencies agree that the risk of HIV/AIDS to IDUs constitutes just such an emergency.

**In addition to the numerous public health, medical and HIV organizations that support AB 136, statewide law enforcement organizations have recently changed their position from "oppose" to "support". Already, San Francisco, Los Angeles, Oakland, Santa Cruz, and Berkely have declared "states of local emergency" prior to passage of this legislation. The bill is pending the Governor's signature.**


#### FISCAL IMPACT

Passage of this legislation has no fiscal impact.

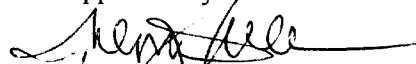
Respectfully submitted,

  
for CYNTHIA J. KURTZ  
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