

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**2000 Legislative Session**

Bill No. CB-9-2000

Chapter No. \_\_\_\_\_

Proposed and Presented by Council Member Hendershot

Introduced by \_\_\_\_\_

Co-Sponsors \_\_\_\_\_

Date of Introduction \_\_\_\_\_

**BILL**

AN ACT concerning

AIDS Prevention Program

For the purpose of establishing the AIDS Prevention Sterile Needle and Syringe Exchange Program; establishing an advisory committee; providing for the operation of the program; and providing for the appointment of a director for the program.

BY adding:

SUBTITLE 12. HEALTH.

Sections 12-201, 12-202, 12-203, 12-204,

12-205, 12-206, and 12-207

The Prince George's County Code

(1995 Edition, 1998 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 12-201, 12-202, 12-203, 12-204, 12-205, 12-206, and 12-207 of the Prince George's County Code be and the same are hereby added:

**SUBTITLE 12. HEALTH.**

**DIVISION 9. AIDS PREVENTION PROGRAM.**

**Sec. 12-201. Definitions.**

(a) In this Division, the following words have the meanings indicated.

(1) **HIV:** The human immunodeficiency virus that causes acquired immune deficiency syndrome (AIDS)

(2) **Participant:** An individual who has registered with the Program.

(3) **Program:** The Prince George's County AIDS Prevention Sterile Needle and Syringe Exchange Program.

(4) **Residue:** The dried remains of a controlled dangerous substance attached to or contained within a hypodermic needle or syringe.

**Sec. 12-202. Program authorized.**

(a) An AIDS Prevention Sterile Needle and Syringe Exchange Program is hereby established in the Prince George's County Health Department, subject to the provisions of this Division. 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 of the advisory committee, by the local Health Officer and the Board of Health.

**Sec. 12-203. Design, maintenance and purpose.**

The Program shall:

(a) Be designed and maintained to provide maximum security of exchange locations and equipment, including security measures that may be required to control the use and dispersal of hypodermic needles and syringes and security measures that allow for a full accounting of the number of hypodermic needles and syringes in circulation and the number of hypodermic needles and syringes in storage;

(b) Be operated to allow participants to exchange used hypodermic needles and syringes at any exchange location, if more than one location is available;

(c) Include appropriate levels of staff expertise in working with injecting drug users and adequate staff training in providing community referrals, counseling, and preventive education;

(d) Provide for the dissemination of other preventive means for curtailing the spread of the HIV infection;

(e) Provide referrals to drug counseling and treatment services;

(f) Educate injecting drug users on the dangers of contracting the HIV infection or the Hepatitis B Virus through needle-sharing practices and unsafe sexual behaviors;

(g) Include policies and procedures for the screening of applicants to the Program in order to preclude noninjecting drug users from participating in the Program.

1       (h) Establish procedures for identifying Program participants that are consistent with the  
 2       confidentiality provisions of this Division; and

3       (i) Establish a method of identification and authorization for Program staff members who  
 4       have access to hypodermic needles, syringes, or Program records.

5       **Sec. 12-204. Advisory committee.**

6       (a) The County Executive shall appoint an advisory committee for the Program.

7       (b) The advisory committee shall consist of:

8           (1) Two representatives from academia who specialize in public health issues;

9           (2) One representative from law enforcement, nominated by the Secretary of the

10       Department of Public Safety and Correctional Services;

11           (3) One representative of the Prince George's County Police Department;

12           (4) One representative from the Department of Health and Mental Hygiene,

13       nominated by the Secretary of Health and Mental Hygiene;

14           (5) One representative of a Prince George's County community group;

15           (6) One representative of an AIDS advocacy group;

16           (7) One drug abuse treatment counselor;

17           (8) One recovering injecting drug user; and

18           (9) Up to three additional individuals.

19       (c) The advisory committee shall:

20           (1) Provide advice to the Health Officer and the Program Director on developing:

21               (A) Program operating procedures for the furnishing, identifying, and one-for-  
 22       one exchange of hypodermic needles and syringes to injecting drug users;

23               (B) A plan for community outreach and education;

24               (C) A protocol for referring Program participants to substance abuse treatment  
 25       and rehabilitation; and

26               (D) A plan for evaluating the Program;

27           (2) Before the Program begins operating, review and make a recommendation to the  
 28       Health Officer and the Board of Health for the approval of:

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

(B) The community outreach and education plan;

(C) The protocol for referring Program participants to substance abuse treatment and rehabilitation; and

(D) The plan for evaluating the Program; and

(3) Make recommendations to the Program Director and the Health Officer regarding any aspect of Program procedures, operation, or evaluation.

**Sec. 12-205. Director.**

(a) The Health Officer shall appoint a Director for the Program.

(b) With the advice of the advisory committee, the Director shall develop:

(1) Program operating procedures for the furnishing, identifying, 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 referring Program participants to substance abuse treatment and rehabilitation.

(c) The Director shall submit the operating procedures, the plan for a community outreach and education program, and the substance abuse treatment referral protocol to the Health Officer and the Board of Health for approval prior to implementation.

**Sec. 12-206. Duties of Health Officer; data collection and Program evaluation.**

(a) The Health Officer shall include in the 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:

(A) Age;

(B) Sex;

(C) Race;

(D) Occupation;

(E) Zip code of residence;

(F) Types of drugs used;

(G) Length of drug use; and

(H) Frequency of injection;

1           (4) The number of hypodermic needles and syringes exchanged; and

2           (5) The number of participants entering drug counseling and treatment.

3           (b) With the advice of the advisory committee, the Health Officer shall develop and  
 4 implement a plan for Program evaluation as appropriate based on the prevailing knowledge at the  
 5 time. The plan may include:

6           (1) Reported changes in the level of drug use among Program participants;

7           (2) Reported changes in the level of needle-sharing among Program participants;

8           (3) Reported changes in the use of condoms among Program participants; and

9           (4) The advisability of continuing the Program.

10 **Sec. 12-207. Identification of participants; confidentiality of information.**

11           (a) Each Program participant shall be issued an identification card with an identification  
 12 number. The identification number shall be cross-indexed to a confidential record containing  
 13 pertinent data on the participant.

14           (b) Any information obtained by the Program that would identify Program participants,  
 15 including Program records, is:

16           (1) Confidential;

17           (2) Not open to public inspection or disclosure; and

18           (3) Not discoverable in any criminal or civil proceeding.

19           (c) Notwithstanding the provisions of subsection (b) of this section, on the written consent  
 20 of a Program participant, information obtained by the Program that identifies the Program  
 21 participant may be released or disclosed to a person or agency participating in the Program. If a  
 22 Program participant raises the issue of participation in the Program either as a subject matter or  
 23 legal defense in an administrative, civil, or criminal proceeding, the Program participant waives  
 24 the confidentiality as to identity provided under subsection (b)(1) of this section.

25           SECTION 2. BE IT FURTHER ENACTED that prior to commencing operations of the  
 26 program, the recommendations of the Advisory Committee delineated in Section 24-904, Health-  
 27 General Article, Annotated Code of Maryland, shall be subject to the approval of the County  
 28 Council sitting as the Board of Health.

29           SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)  
 30 calendar days after it becomes law

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Dorothy F. Bailey  
Chair

ATTEST:

\_\_\_\_\_  
Joyce T. Sweeney  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Wayne K. Curry  
County Executive

KEY:  
Underscoring indicates language added to existing law.