

ASSEMBLY, No. 4901

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED OCTOBER 29, 2020

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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
45 operates within those municipalities pursuant to adoption of an

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.

1 ordinance by each participating municipality pursuant to this
2 section.

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

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

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

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

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

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

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

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

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

46 (8) The program shall maintain the confidentiality of consumers
47 by the use of confidential identifiers, which shall consist of the first
48 two letters of the first name of the consumer's mother and the two-

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

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

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

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

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

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

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

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

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

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

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40 2. This act shall take effect immediately.

41

42 STATEMENT

43

44 This bill permits syringes and related supplies to be exchanged
45 via postal mail.

46 Under the bill, a sterile syringe access program and its
47 consumers may exchange syringes and other related supplies, as
48 determined by the Commissioner of Health, via postal mail.