

FINAL STATEMENT OF REASONS

The information contained in the Initial Statement of Reasons (ISOR) at the time of Public Notice remains unchanged. The ISOR is hereby incorporated by reference in the Final Statement of Reasons.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF FEBRUARY 1, 2013 THROUGH MARCH 22, 2013.

This regulation (DPH-11-021) was made available to the public from February 1, 2013 through March 22, 2013, ending at 5:00 p.m. A public hearing was held on March 22, 2013 from 2:00 p.m. to 4:00 p.m., in Training Room C at 1500 Capitol Avenue, Sacramento, California. The public hearing and public comment period produced comments from those noted below.

List of Commenters during Initial 45-day Proceeding

Written testimony (WT) and oral testimony (OT)

1. (OT) (WT) Hilary McQuie, Harm Reduction Coalition
2. (WT) Amy Sibiga, Megan's Living Well
3. (OT) Glenn Backes, Drug Policy Alliance

Summary of comments and responses

Note: The first digit of the number designation identifies the Commenter as listed above. The digit(s) after the decimal point indicate the identified comment from that commenter.

1.1 Commenter supports adoption of the proposed regulations.

Response: The Department appreciates the indication of support for adoption of the proposed regulations.

2.1 Commenter raises general questions and concerns.

Response: The Department is moving forward with the proposed regulations for the reasons stated in the Initial Statement of Reasons.

3.1 Commenter supports adoption of the proposed regulations.

Response: The Department appreciates the indication of support for adoption of the proposed regulations.

ADDITIONAL COMMENT PERIODS

The text as initially noticed to the public was not modified, therefore, no additional comment period was held.

INCORPORATION BY REFERENCE

In accordance with the California Code of Regulations (CCR), Title 1, Section 20(c)(1), the Department in the proposed amendment 17 CCR Section 7012(a)(1) makes reference to the U.S. Public Health Service recommendations published in the Centers for Disease Control and Prevention's (CDC's) *HIV Prevention Bulletin: Medical Advice for Persons who Inject Illicit Drugs*, May 9, 1997. The Department is incorporating by reference this document for the following reasons: 1) it would be cumbersome, unduly expensive, or otherwise impractical to publish the document in the CCR; 2) the document is available upon request; and 3) the document is reasonably available to the affected public from the CDC's website or internet search by title.

ALTERNATIVES DETERMINATION

In accordance with Government Code Section 11346.9(a)(4), the Department has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective as and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Specifically there are no other alternatives as in 2011 Assembly Bill 604 (Skinner, Chapter 744) was enacted into law and provided that the Department may authorize, under certain conditions, entities to provide syringe exchange services upon application to the Department. Governor Edmund G. Brown Jr., in his sign message, directed the Department to "issue regulations to clarify the [SEP certification] application process and criteria."

IMPOSITION OF LOCAL MANDATE

The Department has determined that the regulation would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by part 7 (commencing with Section 17500) of division 4 of the Government Code, nor are there any other nondiscretionary costs imposed.

IMPACT ON BUSINESS

The Department has determined that the regulations would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Department projects that these proposed regulatory actions will not have a significant adverse economic impact on business. Based on a study by Hrishikesh K. Belani and Peter A. Muennig, *Cost Effectiveness of Needle and Syringe Exchange for the Prevention of HIV in New York City*, 2008, the authors calculated that between four and seven HIV infections would be averted by SEPs which served 1,000 clients each year. The prevention of new HIV infections via SEPs will have a positive impact on an

overly burdened California health care system. According to the CDC *Fact Sheet Series: State and Local Policies Regarding IDUs' Access to Sterile Syringes*, December, 2005, information on syringe disposal SEPs provide an important way for injection drug users (IDUs) to safely dispose of used syringes. IDUs report a distinct preference for SEPs compared to other safe disposal methods, because they receive sterile syringes in exchange for used syringes. SEPs enhance the protection of environmental health and compliance with waste disposal laws and ordinances.