

SYRINGE EXCHANGE PROGRAM CERTIFICATION ASSEMBLY BILL 604 (SKINNER, STATUTES OF 2011)

The use of shared injection equipment is the leading cause of hepatitis C infection in California, and the second most common means of contracting HIV and hepatitis B. Syringe exchange programs (SEPs) are a highly cost-effective component of a comprehensive HIV and hepatitis control strategy. California law permits local governments to authorize SEPs, and there are currently 36 authorized programs in the state. [Assembly Bill \(AB\) 604](#) (Skinner, Chapter 744, Statutes of 2011) allows the California Department of Health, Office of AIDS (OA) to also authorize SEPs, a process which OA will term “certification” to distinguish its program from local authorization. Local governments retain the authority to authorize SEPs and set local standards.

Key Provisions of AB 604 for OA

Starting January 1, 2012 until January 1, 2019, OA may establish a program that allows entities to apply directly to OA to provide syringe exchange services.

- OA SEP authorization will last two years and be made after consultation with local health officers (LHOs), local law enforcement officials, local neighborhood associations, and after a 90-day public comment period.
- OA is required to send a written and email notice to the chief of police, the sheriff, or both, as appropriate, of the jurisdiction in which the SEP will operate.
- Following authorization, an SEP will be listed on a directory of addresses and contact information for OA-authorized SEPs on the OA Web site.
- Before the end of the two-year authorization period, OA may reauthorize the SEP in consultation with the LHO and local law enforcement officials.
- OA is required to develop regulations for the program.

Note: Regulations will be available for public comment on February 1, 2013. The draft regulations will be posted on the Web site of the California Department of Public Health, Office of Regulations at <http://www.cdph.ca.gov/services/DPOPP/regs/Pages/ProposedRegulations1.aspx>.

Key Considerations for Local Health Departments

- Currently authorized SEPs maintain their status and do not need to apply to the state for re-authorization.
- Counties and cities maintain the authority to authorize SEPs if they choose.



- AB 604 changes requirements for LHOs who must report to city or county government on locally-authorized SEPs by requiring the report to be made every two years, rather than on an annual basis.

Key Considerations for Local Law Enforcement and Existing SEPs

- AB 604 specifies that SEP staff and volunteers not be subject to criminal prosecution for possession of needles and syringes acquired from an authorized SEP.

Requirements for New SEP Applicants

AB 604 requires applicant agencies to meet these minimum standards:

- The agency must provide, directly or through referral, all of the following services consistent with state standards:
 - Drug abuse treatment services.
 - HIV or viral hepatitis screening.
 - Hepatitis A and hepatitis B vaccination.
 - Screening for sexually transmitted infections.
 - Housing services for the homeless, for victims of domestic violence, or other similar housing services.
 - Services related to provision of education and materials for the reduction of sexual risk behaviors, including, but not limited to, the distribution of condoms.
- The agency must have the capacity to commence needle and syringe exchange services within three months of authorization.
- The agency must have adequate funding to do all of the following at reasonably projected program participation levels:
 - Provide needles and syringe exchange services for all of its participants.
 - Provide HIV and viral hepatitis prevention education services for all its participants.
 - Provide for the safe recovery and disposal of used syringes and sharps waste.
- The agency must have a plan and capacity to collect and evaluative data in order to assess program impact, including, but not limited to:
 - The number of individuals served.
 - The number of syringes distributed, recovered, and disposed of.
 - The number and types of referrals to drug treatment and other services.

Related Information

- [AB 604 \(Skinner, Chapter 733, Statutes of 2011\) Full Text.](#)
- [Governor Brown's Signing Message for AB 604.](#)
- OA's Letter: [CDPH AUTHORIZATION OF SEPs, AB 604 \(SKINNER\) AND INFORMATION ON RELATED LEGISLATION.](#) (November 1, 2011)
- [Syringe access information from OA.](#)
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