
The Solano County Board of Supervisors ordains as follows:

Section 1. Chapter 13.1 and Sections 13.1-10 to 13.1-50 are added to read as follows:

Chapter 13.1
LOCAL DISEASE PREVENTION DEMONSTRATION PROJECT

Sec. 13.1-10. Purpose

The Board of Supervisors finds and declares the following:

(a) The sharing of syringes is the leading source of AIDS in women and children and is also the leading cause of the transmission of hepatitis C.

(b) Medical evidence has established that providing clean syringes to injection drug users prevents the transmission of HIV and other blood borne infections while not increasing drug use.

(c) Based on this medical data, the U.S. Department of Health and Human Services advises all health care workers to counsel patients who continue to use injection drugs to use a new sterile syringe each time they prepare and inject drugs. In addition, the American Medical Association approved a resolution on June 14, 2000 "to strongly support the ability of physicians to prescribe syringes and needles to patients with injection drug addiction." (AMA House of Delegates Resolution 416. Physician Prescription of Needles to Addicted Patients.)

(d) California Business and Professions Code sections 4145 and 4147 and Health and Safety Code section 11364 have been amended, and Health and Safety Code section 121285 et seq. has been added, to allow pharmacists participating in a local Disease Prevention Demonstration Project to sell or furnish 10 or fewer hypodermic needles or syringes at any one time to a person 18 years of age or older without a prescription during the period of January 1, 2005 and December 31, 2010.

(e) Upon implementation of the Disease Prevention Demonstration Project in Solano County, no person in Solano County who possesses 10 or fewer needles or syringes for
personal use obtained from an authorized source in compliance with Health and Safety Code section 121285 shall be subject to prosecution under Health and Safety Code section 11364, subdivision (a).

(f) The State Department of Health Services, in conjunction with an advisory panel, will evaluate the effects of allowing the sale of hypodermic needles or syringes without prescription and will submit a report to the Governor and Legislators by January 15, 2010.

Sec. 13.1-20. Local Disease Prevention Demonstration Project

Solano County Public Health shall initiate a Local Disease Prevention Project satisfying the requirements for such a program as set forth in Health and Safety Code section 121285 et seq. Solano County Public Health shall be responsible for the following:

(a) Creating and maintaining a registry for pharmacies located within the physical boundaries of Solano County desiring to participate in the Disease Prevention Demonstration Project. The registry shall include:

(1) Contact name and related information for each pharmacy.

(2) Certification in the form of an attestation by an individual authorized to sign on behalf of the pharmacy that at the time of furnishing or sale of hypodermic needles or syringes, the pharmacy will provide customers with written or oral information on all of the following:

(A) How to access drug treatment.

(B) How to access testing and treatment for HIV and hepatitis C.

(C) How to safely dispose of sharps waste.

(3) Registration information may be included in a resource directory for use by consumers and providers.

(4) Solano County Public Health shall make available to participating pharmacies written information that may be provided or reproduced to be provided in writing or orally by the pharmacy at the time of furnishing or the sale of nonprescription hypodermic needles or syringes including information on how to access drug treatment; how to access testing and treatment for HIV and hepatitis C and how to dispose of sharps wastes.

(5) Solano Public Health shall pass regulations as it deems necessary to implement the Disease Prevention Demonstration Project.

(6) Solano County Public Health’s obligations under these sections are subject to budgetary and fiscal provisions.

(7) Under the provisions of the Health and Safety Code sections 11364 and 121285 et seq., the Local Disease Prevention Demonstration Project shall terminate on December 31, 2010.
Sec. 13.1-30. Limitation of liability

By adopting this Chapter, the County of Solano is assuming an undertaking only to promote the general welfare. The County is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such a breach proximately caused injury.

Sec. 13.1-40. Severability

Any portion of this ordinance deemed invalid or unenforceable shall be severed from the remainder which shall remain in full force and effect.

Sec. 13.1-50. Expiration date

This ordinance shall expire on December 31, 2010.

Section 2. This ordinance shall take effect thirty (30) days after its passage.

Section 3. A summary of this ordinance shall be published once within fifteen (15) days after its adoption, in the Fairfield Daily Republic, a newspaper of general circulation in Solano County.

Passed and adopted by the Solano County Board of Supervisors on September 27, 2005 by the following vote:

AYES: SUPERVISORS Kromm, Vasquez, Chairwoman Kondylis

NOES: SUPERVISORS Reagan

EXCUSED: SUPERVISORS Silva

ATTEST:
MICHAEL D. JOHNSON, Clerk
Solano County Board of Supervisors

By: Patty Giffenden, Chief Deputy Clerk

Introduced: September 6, 2005
Adopted: September 27, 2005
Effective: October 28, 2005