2004-2005
FRESNO COUNTY GRAND JURY

INTERIM REPORT
#6

FAYE
JUN 28 2005
BY D.M.A

NEEDLE AND SYRINGE EXCHANGE AND PURCHASE PROGRAMS

Introduction

Fresno has the highest number of illegal injection drug users per capita in the United States. The sharing and reuse of needles and syringes are well-established causes for the spread of HIV/AIDS and Hepatitis C. In recent years, Hepatitis C has become the most common blood borne infection in the United States and one of the most important causes of chronic liver disease. A current study by the Fresno County Department of Community Health reveals a very high number of intravenous drug users with Hepatitis C in the County. In September 2004, the County Alcohol and Drug Advisory Board recommended that the Board of Supervisors approve a proclamation in support of AB2871 that dealt with legalization of needle and syringe exchanges. The Board of Supervisors unanimously approved the motion. AB2871 did not become law. California has two other laws permitting cities and counties to establish needle and syringe exchange and purchase programs; and the County needs to establish them. The Community Health Committee of the 2004/2005 Fresno County Grand Jury interviewed members of the Fresno medical community and County Health Services. Also reviewed were local, state, and national publications on the topic.

Findings

A. A recent national study (Journal of Urban Health, 2004) stated "Fresno has the highest number of users of illegal injection drugs per capita of any large U.S. metropolitan area":

   - Indicating 173 users per 10,000 Fresno residents compared to a 96 city median of 60 users per 10,0000 residents
   - Implying Fresno County has approximately 14,700 users at risk for HIV/AIDS and/or Hepatitis C if dirty needles and syringes are shared (based on an extrapolation from a U.S. Census 2003 population estimate).

B. Nationwide, according to the Centers for Disease Control and Prevention (CDC), 15% of HIV/AIDS cases and an estimated 60% of Hepatitis C cases are associated with intravenous drug use.

C. In California each year, according to the California Department of Health and CDC estimates, the sharing of dirty needles and syringes is associated with:

   - Over 1,000 people infected with HIV
   - Over 3,000 new Hepatitis C infections reported.

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D. In Fresno County, according to the Department of Community Health:

- 25% of AIDS cases from February 1983, to March 31, 2005, involved intravenous drug users (IDUs)
- In preliminary data from a current ongoing study of IDUs, 90% tested positive for Hepatitis C.

E. The numbers cited in B, C and D above do not reflect the hundreds of additional transmitted infections from drug injectors to others.

F. Reputable published investigations concur that clean needle and syringe exchange programs:

- Reduce incidence and transmission of HIV/AIDS among IDUs, their sexual partners, and their children
- Reduce incidence of Hepatitis C among IDUs
- Encourage drug users to enter detoxification and drug treatment programs
- Do not increase rates of drug use, drug injection, or crime.
- Reduce the number of circulating and discarded contaminated needles and syringes in a community.

G. Costs to the County compared to the estimated $1 cost per distributed syringe are:

- $200,000 to treat one HIV/AIDS infected person for a lifetime
- $15,000 - $20,000 annual expense for treatment of one patient with Hepatitis C; and an additional $300,000 for a liver transplant.

H. The Fresno County Alcohol and Advisory Board, in a resolution supporting AB2871 dated Sept 1, 2004, acknowledged the importance of a clean needle and syringe exchange program.

I. The following state, local and national organizations advocate the use of needle and syringe programs:

- UCSF Fresno Medical Education Program
- Fresno-Madera Medical Society
- California Medical Association
- California Nurses Association
- School of Public Health of the University of California

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- American Medical Association
- Centers for Disease Control and Prevention.

J. A volunteer "underground tolerated" needle exchange program has been functioning in Fresno County for ten years:

- Reaches approximately 500-600 intravenous drug users each week
- Receives 4,000-5,000 dirty needles and syringes for disposal in biohazard containers each week
- Has limited funds and cannot advertise
- Only meets at one site a week for one hour.

K. California State laws allow localities to legalize needle exchanges and purchases:

- AB136 (effective Jan. 1, 2000) protects local entities, their agents, and employees from criminal prosecution for distributing syringes as part of a needle exchange program authorized pursuant to the declaration of a local emergency due to existence of a critical public health crises which, once adopted, can be regularly renewed on the Board of Supervisors "consent calendar"
- SB1159 (effective Jan. 1, 2005) allows cities and counties to authorize pharmacies within their borders to sell ten or fewer hypodermic needles or syringes at any one time to a person 18 years of age or older, as long as the pharmacist agrees to certain conditions, including providing information on drug treatment and disease control, participating in a program to insure safe disposal of used syringes, and registering with the approval of local governments.

L. Charitable foundations and a State agency have funded legal needle exchange programs:

- The Comer Foundation
- Syringe Access Fund supported by Levi Strauss Foundation and Tides Foundation
- California State Office of AIDS.

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Conclusions

A. Fresno County has a large number of intravenous drug users who are at risk for acquiring HIV and, especially, Hepatitis C infections.

B. Needle and syringe exchange and purchase programs are an important public health measure and a cost effective way to reduce the spread of HIV/ AIDS and Hepatitis C.

C. Needle and syringe exchange programs do not encourage the use of illegal drugs and do not enhance criminal activity.

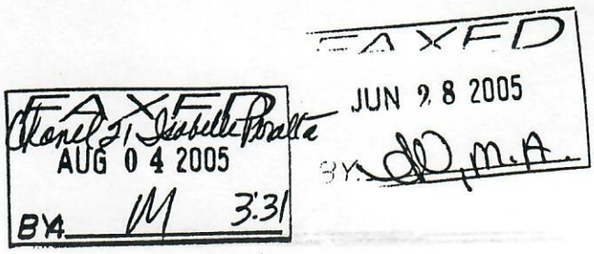
D. California State laws AB136 and SB1159 permit localities to legalize needle exchange and purchase programs.

E. A legal needle and syringe exchange program in Fresno County will:

- Be eligible to receive funding from charitable foundations
- Be able to establish several needle and syringe exchange sites with reasonable hours of operation
- Reach more intravenous drug users
- Reduce haphazard elimination of contaminated needles
- Reduce incidence of HIV/AIDS and Hepatitis C in Fresno County.

Recommendations

The 2004/2005 Fresno County Grand Jury recommends that The County of Fresno:

1. Establish needle and syringe exchange and purchase programs in accordance with State laws AB136 and SB1159.

2. Establish a relationship with one or more charitable organizations that fund legal needle and syringe exchange programs.