

# ENROLLMENT(S)

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COUNCIL OF THE DISTRICT OF COLUMBIA

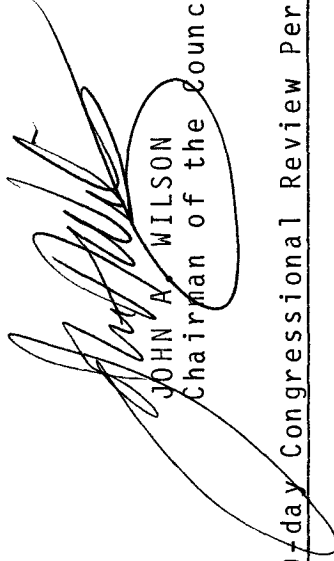
NOTICE

D.C. LAW 9-164

"Prevention of Transmission of the Human Immunodeficiency Virus Temporary Amendment Act of 1992".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 9-541 on first and second readings, June 23, 1992, and July 7, 1992, respectively. Following the signature of the Mayor on July 21, 1992, this legislation was assigned Act No. 9-259, published in the July 31, 1992, edition of the D.C. Register, (Vol. 39 page 5708) and transmitted to Congress on July 23, 1992 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 9-164, effective September 29, 1992.



JOHN A. WILSON  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July 23,24,27,28,29,30,31

August 3,4,5,6,7,10,11,12

September 8,9,10,11,14,15,16,17,18,21,22,23,24,25,28

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 21, 1992

To amend, on a temporary basis, the Drug Paraphernalia Act of 1982 to provide an exemption for hypodermic syringes and needles which are distributed by the Commission of Public Health as part of a defined needle exchange program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Prevention of Transmission of the Human Immunodeficiency Virus Temporary Amendment Act of 1992".

Sec. 2. The Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4-149; D.C. Code §33-601 *et seq*), is amended by adding a new section 4a to read as follows:

Note,  
Section  
33-601

"Sec. 4a. (a) The Mayor is authorized to establish within the Department of Human Services, a Needle Exchange Program which may provide clean hypodermic needles and syringes to intravenous substance abusers who have been admitted into or are awaiting admission into a program of treatment for substance abuse addiction and who have been provided with a medical examination, counseling on substance abuse addiction, and counseling and information on the Human Immunodeficiency Virus ("HIV").

"(b) The Needle Exchange Program authorized by subsection (a) of this section shall be operated by the Commission of Public Health in the Department of Human Services. Only qualified medical officers, registered nurses, and counselors specifically designated by the Commissioner of Public Health shall be authorized to distribute hypodermic needles and syringes in the program.

"(c) The Commissioner of Public Health shall provide all persons participating in the Needle Exchange Program authorized by subsection (a) of this section with a written statement of the person's participation in the program, signed by the Commissioner of Public Health, or the Commissioner's designee. No person participating in the program shall be required to carry such a statement.

"(d) Notwithstanding the provisions of section 4 of this act or section 410 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Code § 33-550), it shall not be unlawful for any person who is participating in the Needle Exchange Program authorized by subsection (a) of this section to possess, or for any person authorized by subsection (b) of this section

to deliver any hypodermic syringe or needle distributed as part of the program.

"(e) Neither the District of Columbia nor its officers or employees shall be liable for any injury or damage resulting from use of or contact with any needle distributed as part of the Needle Exchange Program authorized by subsection (a) of this section.

"(f) All needles and syringes distributed by the Commission of Public Health as part of the Needle Exchange Program shall be made identifiable through the use of permanent markings, or color coding, or any other method determined by the Commissioner to be effective in identifying the needles and syringes.

"(g) The Mayor shall issue an annual evaluative report on the Needle Exchange Program. The report shall address the following components:

"(1) Number of Program participants served daily;

"(2) Demographics of program participants, including age, sex, ethnicity, address or neighborhood of residence, education, and occupation;

"(3) Impact of program on behaviors which put the individual at risk for HIV transmission;

"(4) Number of materials distributed, including needles, bleach kits, alcohol swabs, and educational materials;

"(5) Impact of program on incidence of HIV infection in the District. In determining this, the Mayor shall take into account the following factors:

"(A) Estimates of the HIV infection rate in the District at start of program as compared to the rate at the end of the program year;

"(B) Estimates of the HIV infection rate among intravenous drug users in the District at start of program as compared to the rate at the end of the program year;

"(C) Number of HIV-positive mothers giving birth in the District at the start of the program as compared to the number at the end of the program year;

"(D) Estimates of the HIV infection rate among newborns in the District at start of program as compared to the rate at the end of the program year; and

"(6) Costs of the program versus direct and indirect costs of HIV infection and Acquired Immunodeficiency Syndrome ("AIDS") in the District.

"(h) Data on program participants shall be obtained through pre- or post-admittance interviews. The interviews shall be used to obtain the following information:

"(1) Reasons for participating in program;

"(2) Drug use history, including type of drug used, frequency of use, method of ingestion, length of time drugs used, and frequency of needle sharing;

"(3) Sexual behavior and history, including the participant's self-described sexual identity, number of sexual partners in the past 30 days or 6 months, number of sexual partners who were also intravenous drug users, frequency of condom use, and number of times sex was used in exchange for money or drugs;

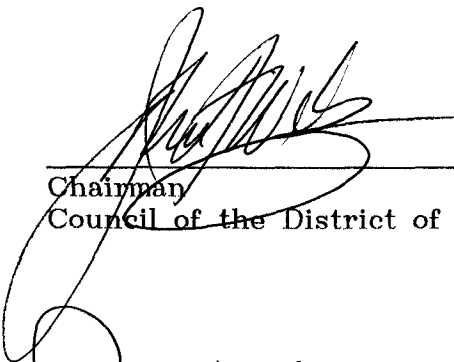
"(4) Health assessment, including whether the participant has been tested for HIV infection and whether the results were negative or positive;

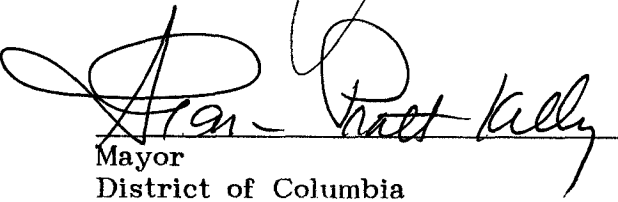
"(5) Impact of program on the participant's behavior and attitudes, including any increase or decrease in drug use or needle sharing, changes in high-risk sexual behaviors, or willingness to follow through with drug treatments.

"(i) The Mayor shall explore the feasibility of establishing a system to test used needles and syringes received by the Commission of Public Health for HIV antibody contamination. The Mayor shall prepare a feasibility report on needle and syringe testing and shall submit this report to the Council for review no later than 120 days after the effective date of the Prevention of Transmission of the Human Immunodeficiency Virus Emergency Amendment Act of 1992. If the report finds that needle and syringe testing would be beneficial and feasible to implement, such a system shall be incorporated into the program."

Sec. 3. (a) This act shall take effect after a 30 day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code §1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

(b) This act shall expire on the 225th day of its having taken effect.

  
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Chairman  
Council of the District of Columbia

  
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Mayor  
District of Columbia

APPROVED: July 21, 1992



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Nine

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 9-541

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 6-23-92

VOICE VOTE: Approved

Recorded vote on request

Absent: Wilson and Mason

ROLL CALL VOTE - RESULT

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and rows for CHMN. WILSON, BRAZIL, CRAWFORD, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, ROLARK, SMITH, JR., THOMAS, SR.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date July 8, 1992

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 7-7-92

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE - RESULT

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and rows for CHMN. WILSON, BRAZIL, CRAWFORD, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, ROLARK, SMITH, JR., THOMAS, SR.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date July 8, 1992

Item on Consent Calendar

ACTION & DATE:

VOICE VOTE:

Recorded vote on request

Absent:

ROLL CALL VOTE - RESULT

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and rows for CHMN. WILSON, BRAZIL, CRAWFORD, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, ROLARK, SMITH, JR., THOMAS, SR.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date