

## RULES AND REGULATIONS

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# ARTICLE II

## Syringe Services Programs Approval and Reporting



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Rules and Regulations

ARTICLE II           SYRINGE SERVICES PROGRAMS APPROVAL AND REPORTING

201.   PURPOSES

The Allegheny County Health Department finds the sharing of intravenous injection equipment among people who inject drugs (PWID) a threat to public health. Sharing injection equipment is a significant factor in the transmission of infectious diseases, including HIV and Hepatitis B and C. Syringe services programs are designed to prevent the spread of HIV, Hepatitis B and C, and other bloodborne pathogens by providing sterile injection equipment, biohazard containers, and other supplies. They also represent a significant opportunity to connect PWID to appropriate medical care and treatment. Syringe services programs operate under a philosophy of harm reduction, which honors the dignity of those who use drugs or are living with a substance use disorder, reduces the negative consequences of injection drug use, and provides a stigma-free environment for people who inject drugs by providing the care they desire and need. Programs can also act as trusted sources for other harm reduction services, allowing syringe services programs to act as a bridge to initiatives designed to prevent overdoses and overdose deaths as well as to social support services.

202.   STATEMENT OF POLICY

The regulation of syringe services programs is necessary to assure that the distribution of sterile injection equipment and biohazard containers is carried out in a manner consistent with the goal of preventing infectious disease transmission among PWID, and to encourage the provision of the greatest number of harm reduction services possible. Such services will improve the health, safety and welfare of the community.

203.   EFFECTIVE DATE

The provisions of this Article will become effective ten days after the enactment date of an ordinance of Allegheny County approving its provisions.

204.   DEFINITIONS

“Biohazard Containers” shall mean limited access, puncture-proof receptacles to be used for the safe storage of used hypodermic needles or sharps waste.

“Board of Health” shall mean the Allegheny County Board of Health.

“Department” shall mean the Allegheny County Health Department.

“Director” shall mean the Director of the Allegheny County Health Department or their authorized representative.

“Emergency Opioid Antagonist” shall mean a drug approved by the United States Food and Drug Administration for the complete or partial reversal of an opioid overdose, including, but not limited to, intramuscular, nasal, and autoinjector formulations.

“Harm Reduction Services” shall mean programs or practices that aim to reduce the negative health and social impacts of substance use. Examples of harm reduction services include but are not limited to: infectious disease screenings; vaccinations; education about overdose prevention; wound care; emergency opioid antagonist distribution and education; and referrals to health and social services.

“Injection Equipment” shall mean materials involved in injecting drugs including, but not limited to, syringes, hypodermic needles, cotton, water, and alcohol wipes.

“Medications for Addiction Treatment” shall mean drugs approved by the United States Food and Drug Administration for the treatment of substance use disorders or the use of such drug, in combination with counseling and behavioral therapies, to provide a “whole-patient” approach to the treatment of substance use disorders and any concomitant conditions associated with it.

“Overdose” shall mean an acute condition, including, but not limited to, physical illness, coma, mania, hysteria, seizure, cardiac arrest, cessation of breathing, or death, which reasonably appears to be the result of consumption or use of a controlled substance, or another substance with which a controlled substance was combined, and that a layperson would reasonably believe requires medical assistance.

"Program Participant" shall mean any individual receiving services, materials, or referrals from a syringe services program.

"Program Location" shall mean the specific, fixed address at which a syringe services program provides any materials or services to any program participant(s), including, but not limited to, a building, tents, outdoor tables, or mobile vehicles.

“Key Individuals” shall mean individual(s) with actual authority and responsibility for the operations of the syringe services programs and that serves as the contact for communication with the Department.

Syringe Services Program” shall mean a program where unused, sterile hypodermic needles, syringes, and other supplies are distributed and collected for safe disposal. These programs may

also provide additional harm reduction services, either through direct access or referral, that are intended to lessen the adverse consequences of drug use and protect public health and safety.

“Person” shall mean any natural person, corporation, partnership or association.

“Post-exposure Prophylaxis (PEP)” shall mean antiretroviral drugs approved by the United States Food and Drug Administration for the prevention of HIV infection after a possible exposure to HIV.

“Pre-exposure Prophylaxis (PrEP)” shall mean drugs approved by the United States Food and Drug Administration for the prevention of HIV infection in individuals at risk for exposure from sexual activity or injection drug use.

“Secondary Exchange” shall mean a practice through which persons distribute unused injection equipment and other supplies obtained from an approved syringe services program to PWID who are unable to travel to the program location, and who may also collect used hypodermic needles, syringes, and other supplies from PWID for safe disposal.

"Sharps Waste" shall mean used injection equipment.

“Wound Care” shall mean treatment of the symptoms of skin and soft tissue infections that may result from injection drug use.

## 205. SYRINGE SERVICES PROGRAM REQUIREMENTS

### 205.1 Application and Approval Process

- A. The Department shall devise an application process for persons proposing to establish a syringe services program in Allegheny County, Pennsylvania. Applications, including proof of approval of the proposed program location by resolution or ordinance from the municipality in which the program is proposed to operate, are to be submitted to the Department and the Director will present completed applications to the Board of Health for review and final determination of approval.
- B. Following Board of Health approval, the Department shall forward written copies of all materials pertaining to approved ~~proposals~~ applications to the County Executive and County Council, and to the Mayor and Council or, if applicable, Commissioners of each municipality where a syringe service program is proposed.
- C. Persons wishing to create and operate a syringe services program shall submit to the Director a completed application that includes the following information:
  - i. Written statements of their intent to promulgate such a program, including a rationale for the necessity for the program;

- ii. The names, position titles, and contact information of key individual(s);
  - iii. The intended program location(s), days and hours of operations, and staffing. The description of staffing shall include number of staff, titles of positions, and descriptions of their functions;
  - iv. A protocol for the safe and secure disposal of sharps waste and related supplies;
  - v. Proof of approval of the proposed program location by resolution or ordinance from the municipality in which the program is proposed to be located;
  - vi. As applicable, a description of proposed additional harm reduction services to be provided directly by the program; and
  - vii. If known, the names of community organizations the program plans to offer as referrals to participants for additional medical and social services.
- D. No syringe services program shall operate in any location until the address of the program location is specifically approved by resolution or ordinance from the proposed site's municipality and the Board of Health. Program locations in operation with the approval of the Allegheny County Health Department as of January 1, 2023 shall not require additional approval by the Department or the municipality in which they are located.

#### 205.2 Operations and Services

- A. The Department shall devise application guidance for syringe services programs. The Department shall, at a minimum, make such materials available via print materials and on its website.
- B. Syringe services programs shall institute a registration process for program participants for the purpose of records or data collection. Such registration shall be voluntary, non-contingent, and non-coercive.
- C. Syringe services programs shall maintain the anonymity of all program participants. Information obtained by a syringe services program that might directly or indirectly identify a program participant, including program records, shall be kept confidential. Documentation of registration and encounters with participants shall be retained by the syringe services program for at least three (3) years.
- D. Syringe services programs are required to provide the following program components directly to program participants:

- i. Provide injection equipment and other supplies at no cost and in quantities sufficient to reasonably ensure that hypodermic needles, syringes, and other supplies are not shared or reused and
  - ii. Provide education regarding the proper disposal of sharps waste and other supplies and offer one or more of the following disposal options for used hypodermic needles and syringes:
    - (a) An onsite hypodermic needle and syringe collection and disposal program that meets applicable state and federal standards;
    - (b) Furnish, or make available, mail-back biohazard containers authorized by the U.S. Postal Service; or
    - (c) Furnish, or make available, biohazard containers for use off-site by program participants that meet applicable state and federal standards.
- E. Syringe services programs that permit secondary exchange shall make the following materials available for persons to distribute to PWID unable to access the program location:
- i. Injection equipment and biohazard containers as outlined in § 205.2 D;
  - ii. Notification of the syringe services program's hours of operation and program location(s); and
  - iii. Printed materials on availability of infectious disease services and on harm reduction practices, including safer injection practices and the proper disposal of sharps waste.
- F. Syringe services programs may directly provide the below infectious disease services. If a syringe services program is unable to provide services directly, the program shall provide referrals to appropriate services or inform program participants of relevant services available through the Department and community organizations. Referrals and direct infectious disease services shall be documented for the purpose of records or data collection and be kept confidential.
- i. Testing options for HIV, viral hepatitis, other bloodborne infectious diseases transmitted through injection drug use, sexually transmitted infections, and COVID-19;

- ii. Prevention, treatment, and care services for HIV, including PEP and PrEP, viral hepatitis, other bloodborne infectious diseases transmitted through injection drug use, and sexually transmitted infections; and
  - i. Vaccinations for hepatitis A, hepatitis B, human papillomavirus (HPV), influenza, pneumococcal, Tdap (tetanus, diphtheria, pertussis), and COVID-19.
- G. Syringe services programs may either directly provide or may provide referrals to the below harm reduction services, where such services are reasonably available in the community. Referrals and direct harm reduction services shall be documented for the purpose of records or data collection and be kept confidential.
- i. Emergency opioid antagonist kits and training on overdose prevention, including materials regarding how to recognize an opioid overdose and how an emergency opioid antagonist can help prevent a fatal overdose;
  - ii. Substance use disorder care, treatment, or recovery services, including, but not limited to, medications for addiction treatment and peer support services, as appropriate;
  - iii. Mental health services, including peer support services, as appropriate;
  - iv. Medical treatment services, including provision of antibiotics, wound care, treatment for viral hepatitis, PEP and PrEP, and pre- and post-natal care;
  - v. Condom distribution and education regarding safer sex practices; and
  - vi. Assistance with obtaining social services, such as legal services, identification, housing, food, health insurance enrollment, clothing, and transportation services.

### 205.3 Responsibilities of the Department

- A. The Department shall confirm receipt of submitted applications. Programs shall receive notification of incomplete submissions and instructions on submitting needed materials.
- B. Upon receipt of a completed application, the Department shall ensure that the Board of Health approval vote is scheduled in a timely manner.
- C. Whenever possible, the Department shall provide infectious disease testing materials as requested by syringe services programs.
- D. Community laboratory facilities processing syringe services program specimens shall report positive infectious disease tests not conducted by the Department to the Department within seventy-two (72) hours.

- E. The Department shall ensure that syringe services program reports are submitted annually to the Board of Health.

#### 205.4 Reporting

- A. Syringe services programs shall submit to the Director Annual reports on or before December 31 of each calendar year, in a form to be determined by the Director, but which shall include at least:
  - i. The number of encounters;
  - ii. The number of individual participants;
  - iii. The total quantity of injection equipment distributed;
  - iv. The estimated number of used hypodermic needles and syringes collected by or given to program staff, employees, or volunteers for disposal;
  - v. For programs that distribute emergency opioid antagonists, the quantity distributed;
  - vi. The number of participants who received tests for, or who were referred to services that provide testing for, HIV, viral hepatitis, or other bloodborne infectious diseases;
  - vii. The number of participants who received, or who were referred to services that provide, prevention, treatment, and care services for HIV, including PEP and PrEP, viral hepatitis, other bloodborne infectious diseases transmitted through injection drug use, and sexually transmitted infections; and
  - viii. The number of participants who received, or who were referred to services that provide, vaccinations for hepatitis A, hepatitis B, human papillomavirus (HPV), influenza, pneumococcal, Tdap tetanus, diphtheria, pertussis), and COVID-19.
- B. If known, programs may also report out on:
  - i. Demographic information regarding participants including, but not limited to, age, gender, race, ethnicity, area of residence, types of drugs used, length of drug use, and frequency of injection;
  - ii. For programs that permit secondary exchange, an overview of populations served and the municipality or municipalities where secondary distribution has been facilitated;



- iii. The number of participants engaged in, or referred to, substance use disorder treatment services, either through referral or directly provided by the program;
- iv. The number of participants who received, or who were referred to entities that provide, medication for addiction treatment;
- v. The number of participants who received, or who were referred to entities that provide, mental health treatment services;
- vi. The number of participants who received, or who were referred to entities that provide, social services;
- vii. The number of participants who received, or who were referred to entities that provide, health care services, including reproductive health care, treatment for viral hepatitis, PEP, PrEP, and wound care services; and
- viii. The number of participants who received, or who were referred to entities that provide, recovery support services, including peer support services.

206. NON-COMPLIANCE

- A. Any syringe services program approved by the Board of Health that fails to comply with any of the sections contained herein, may lose its authorization to continue to operate as a syringe services program, subject to the discretion of the Department. In addition to options available in Section 207, aggrieved municipalities in which programs are located may also consult the Department regarding any limitations, corrective actions, or possible suspensions or terminations of approved syringe services programs.
- B. Before any termination, suspension, or limitation of any operations, the Department shall first send written notice of non-compliance to the syringe services program. The written notice shall include the following:
  - i. The specific findings of non-compliance;
  - ii. The program location where the non-compliant action(s) took place;
  - iii. The remedial measures, if any, the syringe services program shall take to consider removal of any limitation; and
  - iv. Steps to appeal the decision.

207. APPEALS

Any person aggrieved by any action of the Department may file an appeal in accordance with the Allegheny County Health Department Rules and Regulations, Article XI, entitled “Hearings and Appeals.”

208. SEVERABILITY

Should any section, paragraph, sentence, clause or phrase of this Article be declared unconstitutional, null or otherwise invalid for any reason, the remainder of this Article shall not be affected thereby.