




Office of the City Manager

CONSENT CALENDAR

October 18, 2005

To: Honorable Mayor and
Members of the City Council

From:  Phil Kamlarz, City Manager

Submitted by: Sara T. Cox, City Clerk

Subject: Needle Exchange Emergency Distribution

RECOMMENDATION

Adopt a Resolution reviewing and confirming the continued existence of a local emergency with regard to HIV transmission from use of HIV-Infected Needles among injection drug users, and authorizing the local health officer to take steps to enable the operation of Needle Exchange Emergency Distribution.

BACKGROUND

On December 7, 1993, the City Council adopted Resolution No. 57,280-N.S. declaring that a local state of emergency exists with regard to HIV transmission resulting from sharing of HIV-infected needles among injection drug users. The resolution authorized the local health officer to take such steps as may be necessary to enable the operation of needle exchange emergency distribution.

In October of 1999 the Governor signed into law an amendment to the Health & Safety Code, section 11364.7, which provides as follows: "No public entity, its agents, or employees shall be subject to criminal prosecution for distribution of hypodermic needles or syringes to participants in clean needle and syringe exchange projects authorized by the public entity pursuant to a declaration of a local emergency due to the existence of a critical local public health crisis."

The emergency continues to exist. Government Code Section 8630 requires that the Council review and confirm the continuing resolution declaring a local emergency every fourteen days. Therefore, Council should adopt the attached resolution reviewing and confirming the continuing declaration of the existence of a local emergency.

Needle Exchange Emergency Distribution (NEED), is an organization whose members make needle exchange possible.

FINANCIAL IMPLICATIONS: None.

CONTACT PERSON

Sara T. Cox, City Clerk, 981-6900

RESOLUTION NO. -N.S.

REVIEWING AND CONTINUING THE CITY COUNCIL'S DECLARATION OF EXISTENCE OF A LOCAL EMERGENCY WITH REGARD TO HIV TRANSMISSION WHICH HAS RESULTED IN THE CITY COUNCIL ORDERING THE LOCAL HEALTH OFFICER TO TAKE SUCH STEPS AS MAY BE NECESSARY TO ENABLE THE OPERATION OF NEEDLE EXCHANGE EMERGENCY DISTRIBUTION

WHEREAS, the high rate of HIV infection among injection drug users threatens to increase the number of HIV infected persons unless steps are taken to stem the spread of the disease; and

WHEREAS, the sharing of HIV-infected needles is a major route of transmission of AIDS among injection drug users, and a high rate of HIV infection among drug users causes the spread of AIDS among people who are the sex partners of injection drug users; and

WHEREAS, the operation of a needle exchange program will stem the spread of HIV-infected needles; and

WHEREAS, on December 7, 1993, by Resolution No. 57,280-N.S., this Council found that a state of local emergency exists regarding the transmission of HIV through contaminated needles, and pursuant to Government Code Sections 8630 et.seq. did so declare; and

WHEREAS, pursuant to authority granted by Resolution No. 57,280-N.S. this Council authorized the local health official to take such steps as may be necessary to enable the operation of Needle Exchange Emergency Distribution; and

WHEREAS, the emergency continues to exist.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it is hereby proclaimed and ordered that a local emergency continues to exist within the City of Berkeley which led to enactment of Resolution No. 57,280-N.S., and the emergency will continue until its termination is proclaimed and ordered by the City Council, and it will be reviewed every fourteen days by the Council pursuant to Government Code Section 8630.

BE IT FURTHER RESOLVED, that during the existence of this local emergency the local health officer is authorized to take such steps as may be necessary to enable the operation of Needle Exchange Emergency Distribution.