

ORDINANCE NO. 176080

An Ordinance adding a new Section to the Los Angeles Administrative Code establishing procedures for the declaration, monitoring and termination of a local public health emergency.

**WHEREAS**, in 2002 the Centers for Disease Control and Prevention (CDC) reported that 28 percent of new AIDS cases in the United States could be traced to injection drug use, either through the sharing of injection equipment, sex with an HIV-infected injection drug user, or mother-to-child HIV transmission where the mother's HIV risk is linked to injection drug use; and

**WHEREAS**, the CDC has noted that untreated injection drug use can contribute to the spread of AIDS "far beyond the circle of those who inject"; and

**WHEREAS**, women and people of color are disproportionately impacted by injection-related AIDS transmission: 49 percent of new AIDS cases among women and 40-45 percent of new cases among African Americans are linked to injection drug use; and

**WHEREAS**, the Los Angeles County Department of Health Services estimates that approximately 130,000 injection drug users (IDUs) live in Los Angeles County, and approximately 9,000 IDUs are living with AIDS or HIV; and

**WHEREAS**, approximately 19,000 people in Los Angeles County are living with AIDS and an additional 40,000 people are estimated to be living with HIV in the County; and

**WHEREAS**, in Los Angeles County, an estimated 180,000 people are infected with Hepatitis C, a potentially lethal disease which is frequently transmitted when IDUs share injection equipment; and

**WHEREAS**, syringe exchange programs (SEPs) are internationally recognized as an effective health intervention for preventing the spread of HIV and AIDS and Hepatitis C; and

**WHEREAS**, a 1995 report from the National Research Council and the Institute of Medicine of the National Academy of Sciences recommended that "legislative bodies should remove legal sanctions for the possession of injection paraphernalia"; and

**WHEREAS**, a 1997 report from the National Institutes of Health concluded that needle exchange programs "show a reduction in risk behaviors as high as 80 percent in injecting drug users, with estimates of a 30 percent or greater reduction in HIV"; and

**WHEREAS**, in March 2000, United States Surgeon General David Satcher conducted a review of recent scientific research on SEPs and concluded that, "syringe exchange programs, as part of a comprehensive HIV prevention strategy, are an effective public health intervention that reduces transmission of HIV and does not encourage the use of illegal drugs"; and

**WHEREAS**, studies show no association between SEPs and increases in crime or drug use; and

**WHEREAS**, SEPs encourage IDUs to exchange contaminated needles, rather than discarding them in public places, and thus improve public safety; and

**WHEREAS**, SEPs provide important linkages for IDUs to drug treatment, HIV testing, mental health services and primary health care, and thus contribute to reducing injection drug use; and

**WHEREAS**, California Health and Safety Code Section 11364.7(a) authorizes a public entity to authorize clean needle and syringe exchange projects pursuant to a declaration of a local emergency due to the existence of a critical local public health crisis; and

**WHEREAS**, the local emergency of HIV transmission in the City of Los Angeles has become more critical in recent weeks through the discovery of an outbreak of HIV positive status among performers in the adult entertainment industry.

**NOW, THEREFORE,**

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. A new Section 8.32 is added to the Los Angeles Administrative Code to read:

**Sec. 8.32. Local Public Health Emergency.**

(a) The term **Local Public Health Emergency** as used in this Section shall mean a local emergency due to the existence of a critical local public health crisis caused by the transmission of HIV and AIDS through the use of hypodermic needles or syringes. Local Public Health Emergency, as used in this Section, shall not be subject to the other provisions of Chapter 3, Article 3 of the Los Angeles Administrative Code.

(b) **Declaration of Local Public Health Emergency.** The Mayor is hereby empowered to declare the existence of a Local Public Health Emergency

when he or she finds that the authorization of clean needle and syringe exchange projects would abate the spread of HIV and AIDS. This declaration by the Mayor shall be in writing and shall take effect immediately upon its issuance. The Mayor shall cause widespread publicity and notice to be given of the declaration through the most feasible and adequate means of disseminating the notice throughout the City.

Whenever the Mayor declares a Local Public Health Emergency, the Chief Legislative Analyst's Office shall prepare, with the assistance of the City Attorney, a resolution ratifying the existence of a local public health emergency. Such resolution shall be submitted by the Mayor to the City Clerk for presentation to the Council. The Council shall approve or disapprove such resolution within seven days from the date of the original declaration by the Mayor.

**(c) Monitoring the Local Public Health Emergency.**

The General Manager of the Department on Disability, or his or her designee, shall monitor the state of the Local Public Health Emergency by annually requesting from the Los Angeles County Department of Health Services a custom table of the percent of AIDS cases attributable to injection drug use in the City of Los Angeles.

**(d) Termination of the Local Public Health Emergency.**

If the General Manager, Department on Disability, or his or her designee, finds in monitoring the emergency that there is a fifty or greater percent decrease in the percentage of AIDS cases attributable to injection drug use in the City of Los Angeles as compared to the year before, he or she shall report this finding to the City Council, which may then terminate the declaration of the Local Public Health Emergency.

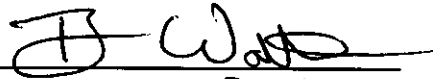
**Sec. 2. Urgency Clause.**

The City Council finds, based on the facts stated in this section, that this ordinance is required for the immediate preservation of the public peace, health and safety and shall take effect upon publication. In recent weeks, the local health crisis of HIV transmission in the City of Los Angeles has become more critical. In addition to many recent studies that attribute almost a third of new AIDS cases to injection drug use, the City of Los Angeles has experienced an immediate public health crisis, based on the past few weeks' discovery that many workers in Los Angeles' adult entertainment industry are HIV positive. This ordinance, upon taking effect, will assist the City in containing this burgeoning public health problem.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby to the City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all of its members, at its meeting of JUN 25 2004.


J. MICHAEL CAREY, City Clerk

By   
Deputy

Approved JUN 30 2004

  
JAMES K. HAHN, Mayor

Approved as to Form and Legality  
ROCKARD J. DELGADILLO, City Attorney

By   
DAVID I. SCHULMAN  
Deputy City Attorney

Date \_\_\_\_\_

Council File No. 01-0610-52