

“Inserting Section 91.80 *et. seq.* regarding Syringe Service Programs and needle disposal.”

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- I. Amend the Code of Ordinances by inserting new language.

SYRINGE SERVICE PROGRAM AND NEEDLE DISPOSAL

§ 91.80 Purpose and Need

Whereas, the regulation of Syringe Service Programs (“SSPs”) and disposal sites is necessary to ensure that such programs operate in conformity with New Hampshire law, demonstrate a plan and implementation for injection drug users to seek treatment for substance abuse, and require the removal of syringe litter from public and private property; Whereas the City of Manchester Department of Health is attempting to coordinate all local agencies, organizations, and providers into a comprehensive prevention program to best facilitate these practices; and Whereas the purpose of this Ordinance is to protect the health, safety, and welfare of the public and of the use of the environment by coordinating Syringe Service Programs and needle disposal sites.

§ 91.81 Definitions

The following words shall have the meanings ascribed to them unless the text requires or specifies a different meaning:

Drug Paraphernalia means all equipment, products, and materials of any kind that are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a scheduled drug in violation of NH RSA 318-B: 1 *et seq.*

Facility means a building or area within a building, which is a permanent structure, having one or more floors and a roof, which is used for the housing or enclosure of persons or property.

Needle Disposal Container means any rigid puncture-resistant container used for the collection of discarded needles or other sharps.

Syringe Service Program (SSP) means a sterile needle and needle exchange program authorized by NH RSA 318-B:43.

Mobile or Pop-Up Exchange refers to Syringe Service Programs conducted through a variety of delivery methods which include, but are not limited to: mobile vans, cars, motorcycles or mopeds, and backpacked pedestrians; these terms also refer to the delivery of program services in any way other than in a fixed facility.

Operator is the contracted provider of a Syringe Service Program.

Safe or Supervised Injection Sites are medically-supervised facilities designed to provide a hygienic environment in which drug addicts are able to consume illicit recreational drugs intravenously.

City is the City of Manchester, New Hampshire.

§ 91.82 Limitation on the Location of Needle Disposal Container Sites

Needle Disposal Containers must not be visible to the general public from any publicly-owned space or right of way.

§ 91.83 Limitation on the Location of SSP Operation

(a) An SSP may operate at a fixed, secure facility approved by the City of Manchester Department of Health.

(b) A Mobile or Pop-Up Exchange SSP program proposed to be operated on public property shall require prior approval of the City of Manchester Department of Health, the Department of Public Works, Manchester Police Department, or any Department responsible for administering the public property upon which the program intends to operate.

(c) The operation of an SSP, and Mobile or Pop-Up Exchange programs in a City park is prohibited by Manchester Ordinance 96.06 (J). No SSP Facility or Mobile or Pop-Up Exchange program will be allowed to operate within seven hundred and fifty feet (750') of any playground, library, or State-licensed daycare facility; and no SSP Facility or Mobile or Pop Up Exchange program shall be located within a drug-free school zone as defined in RSA 193-B:1, II. For these purposes, the City will publish, maintain and update an accurate and up-to-date map

identifying the location and address of parks, playgrounds, libraries, State-licensed daycare facilities and drug free school zones within the City of Manchester.

(d) For the purpose of this Ordinance, measurements shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises for a needle exchange program to the nearest property line of a church, library, daycare center, or to the nearest boundary of a park or playground.

§ 91.84 Registration Information to be Provided by the SSP Operator

(a) An SSP shall file with the City of Manchester Department of Health a full copy of all the registration materials provided to the New Hampshire Department of Health and Human Services and reports pursuant to RSA 318-B: 43 II.

(b) An SSP shall maintain a list of all staff and volunteers of the SSP.

§ 91.85 Days and Hours of Operation of the SSP

(a) An SSP facility, in coordinating with local agencies pursuant to RSA 318-B:43 II (b), may propose but shall only operate on days and hours approved by the City of Manchester Department of Health.

(b) An SSP Mobile or Pop-Up Exchange Program, in coordinating with local agencies pursuant to RSA 318-B:43 II (b), may propose but shall only operate on days and hours approved by the City of Manchester Department of Health.

(c) A request by an SSP to amend the days and hours of its operation may be submitted to the City of Manchester Department of Health to be considered in conjunction with the days and hours of operation of other SSPs and Mobile or Pop-Up Exchange programs to minimize the duplication of effort. In the event of a Public Health Emergency or outbreak of disease, the City of Manchester Department of Health may adjust days and hours of operation to best address Public Health needs.

§ 91.86 Security of Facilities and Equipment

Criteria for a Fixed Facility include, but are not limited to:

- (a) A primary entrance and emergency exit with doors and locking mechanisms;
- (b) Needle disposal containers for securing previously used needles and other paraphernalia;
- (c) Must be accessible to vehicle and foot traffic, to include legal parking areas;
- (d) Must have ADA access for consumers;
- (e) Must have electricity and running water availability;
- (f) Must be a commercial type property and not residential;

(g) Must be in a well-lighted area for both primary entrance and emergency exits, for safety issues;

(h) The fixed facility will not be used for a “Safe or Supervised Injection Site” of any nature in the City;

(i) The operator shall provide for the safety and security of the site where needles are exchanged and of any equipment used under the needle exchange program, and shall establish written security procedures. These security procedures shall be included in the operator’s training and on-boarding process for all contractors, employees, and volunteers assisting in the needle exchange program.

§ 91.87 Syringe Service Program Operations

(a) An SSP shall operate in the City only if registered with the NH Department of Health and Human Services pursuant to RSA 318-B:43 II.

(b) All SSPs shall coordinate with the City of Manchester Department of Health to create a comprehensive prevention program for people who inject drugs to minimize duplication of effort. Such coordination shall include following The City of Manchester Department of Health’s direction in response to a public health emergency or outbreak.

(c) An SSP shall supply its list of all staff and volunteers of the SSP to the City of Manchester Department of Health upon request.

(d) An SSP shall operate to an exchange-only basis, whereby an SSP participant shall receive sterile needles and needle units only by providing the SSP with a used one. An SSP shall provide only the drug paraphernalia permitted under N.H. R.S.A. 318-B:43.

(e) Whenever needles are exchanged or provided, the SSP shall offer educational materials regarding the transmission of HIV, viral hepatitis, and other bloodborne diseases, as well as educational materials regarding available treatment and recovery services.

(f) SSPs shall not knowingly distribute syringes to persons less than 18 years of age.

(g) SSPs shall comply with all New Hampshire statutes, rules, and regulations.

(h) SSPs shall not accept any form of remuneration from consumers for delivering exchange service program services.

(i) Staff and their representatives shall carry identification and a copy of their SSP’s registration while conducting SSP business.

(j) SSPs shall provide consumer enrollment guidelines that include notifying all consumers regarding rules and laws applicable to SSPs.

§ 91.88 Data and Reporting Requirements for Syringe Service Program

An SSP shall provide to the City on a quarterly basis a copy of the reports submitted to the State pursuant to N.H. R.S.A. 318-B:43, II (f), and shall provide additional data by agreement. No personal identifying information of an SSP participant shall be submitted for any purpose.

§ 91.89 Lawful Participation

(a) Pursuant to RSA 318-B:44 it is an affirmative defense, to prosecution for possession of a hypodermic syringe or needle, as provided in N.H. R.S.A. 626:7, that the item was obtained through participation in a syringe service program. Nothing in that section shall be construed as an affirmative defense for any offense other than as set forth under RSA 318-B:26, II(f). SSPs shall comply with all applicable laws.

§ 91.90 Enforcement and Penalties

(a) This chapter shall be enforced by City of Manchester Department of Health and the Department of Public Works. Such enforcement authority is in addition to, and shall not restrict, the authority currently possessed by any City Department including, but not limited to, the Manchester Police Department to enforce the requirements of this chapter.

(b) Anyone found guilty of violating any provision of this ordinance shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00). Each day such a violation occurs shall constitute a new and separate offense.

§ 91.91 Severability

If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

- II. This ordinance shall take effect on December 1, 2024.