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AB-396 Needle and syringe exchange services. (2025-2026)

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 396

Introduced by Assembly Member Tangipa

February 03, 2025

An act to add Section 121349.4 to the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 396, as introduced, Tangipa. Needle and syringe exchange services.

Existing law authorizes the State Department of Public Health to authorize certain entities to apply to the department to provide hypodermic needle and syringe exchange services in any location where the department determines that the conditions exist for the rapid spread of HIV, viral hepatitis, or any other potentially deadly or disabling infections that are spread through the sharing of used hypodermic needles and syringes. Existing law authorizes a clean needle and syringe exchange program in cities and counties upon action by the local government, and in consultation with the department.

Existing law, the Medical Waste Management Act, regulates the disposal of medical waste, including sharps waste, by requiring medical waste to be disposed of in a specified manner. Under existing law, transportation, storage, treatment, or disposal of medical waste in a manner not authorized by the act is a crime.

This bill would require an entity that provides needle and syringe exchange services to ensure that each needle or syringe dispensed by the entity is appropriately discarded and destroyed. The bill would require those entities to ensure that each needle or syringe dispensed by the entity includes a unique serial number, as specified. The bill would require an entity to keep records of the serial number of every needle and syringe dispensed by the entity, surrendered to the entity, and destroyed and disposed of by the entity. The bill would require an entity to report to the department and the local health officer, on a quarterly basis, a searchable list of those serial numbers and related information, as specified. If an entity is found to have reported inaccurate data for the purpose of defrauding the department or local health officer, the bill would require the department to issue an administrative penalty of \$25,000 for the first violation and an administrative penalty of \$40,000 and a suspension of operation for a subsequent violation within 5 years.

If a needle or syringe is found abandoned or improperly discarded and is subsequently reported to the local health officer of the participating jurisdiction, the bill would require the local health officer to compare the unique serial number against the data reported to determine the dispensing entity and, once identified, notify the department of the violation. The bill would require the

department to assess an administrative penalty of \$1,000 per violation against the offending entity. Under the bill, each needle or syringe reported constitutes a separate violation. By imposing duties on local health officers, the bill would create a state-mandated local program.

The bill would create the Needle and Syringe Disposal Fund to receive the administrative penalties. The bill would require that moneys in the fund be available for expenditure by the department, upon appropriation by the Legislature, for the purposes of implementing these provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 121349.4 is added to the Health and Safety Code, to read:

121349.4. (a) The Legislature finds and declares that entities that administer needles and syringes under this chapter have a duty and obligation to ensure that the needles and syringes are appropriately discarded and destroyed in a way that safeguards the health and safety of the surrounding community.

(b) An entity, as described in subdivision (d) of Section 121349, that provides needle and syringe exchange services under this chapter shall do all of the following:

- (1) Ensure that each needle or syringe dispensed by the entity is appropriately discarded and destroyed.
- (2) Ensure that each needle or syringe dispensed by the entity includes a unique serial number printed in type on an adhesive-affixed label on the needle or syringe.
- (3) Keep records of the unique serial number of every needle and syringe dispensed by the entity, including the date and time the item was provided to a recipient.
- (4) Keep records of the unique serial number of every needle and syringe surrendered to the entity.
- (5) Keep records of the unique serial number of every needle and syringe destroyed and disposed of by the entity.
- (6) On a quarterly basis, disclose to the department and the local health officer of the participating jurisdiction the following information:
 - (A) The total number of needles and syringes dispensed by the entity in the previous quarter.
 - (B) The total number of needles and syringes surrendered to the entity in the previous quarter.
 - (C) The total number of needles and syringes destroyed and disposed of by the entity in the previous quarter.
 - (D) A searchable list of the unique serial number of each needle and syringe dispensed by, surrendered to, and destroyed by, the entity in the previous quarter.

(c) For purposes of this chapter, "printed in type" means a legible array of characters printed by a machine that identify the specific serial number of a needle or syringe. "Printed in type" does not mean handwritten type.

(d) The department and the local health officer of the participating jurisdiction shall retain the information reported pursuant to paragraph (6) of subdivision (b) for a period of five years.

(e) (1) If a needle or syringe is found abandoned or improperly discarded and is subsequently reported to the local health officer of the participating jurisdiction, the unique serial number shall be compared against the data reported pursuant to paragraph (6) of subdivision (b) to determine the dispensing entity. Once identified, the local health officer shall notify the department of the violation.

- (2) Upon receiving notice of a violation, the department shall assess an administrative penalty of one thousand dollars (\$1,000) per violation against the offending entity. For purposes of this section, each needle or syringe reported constitutes a separate violation.

(f) If an entity is found to have reported inaccurate data required by paragraph (6) of subdivision (b) for the purpose of defrauding the department or local health officer, the department shall issue the following:

(1) For an initial violation, an administrative penalty of twenty-five thousand dollars (\$25,000).

(2) For a subsequent violation within five calendar years, an administrative penalty of forty thousand dollars (\$40,000) and a suspension of operation.

(g) The Needle and Syringe Disposal Fund is hereby created in the State Treasury for the purpose of receipt of administrative penalties assessed pursuant to subdivisions (e) and (f). The moneys in the fund shall be available for expenditure by the department, upon appropriation by the Legislature, for the purposes of implementing this section.

(h) This section does not preclude the department from providing supplemental funding to the local health officer of participating jurisdictions to assist in implementation of this section, including reimbursement for costs associated with needle and syringe collection and disposal.

(i) The data collecting and reporting requirements in this section do not require the collection or disclosure of personally identifiable information for either the individual supplying the needle or syringe or its recipient.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.