



NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Notice of Adoption of Amendments to Title 24 of the Rules of the City of New York

In accordance with section 1043(b) of the New York City Charter, a notice of a public hearing and a notice of intention to amend Title 24 of the Rules of the City of New York by adding a new Chapter 36 (Needle, Syringe, and Sharps Buyback Pilot Program) was published in the City Record on February 23, 2024. A virtual public hearing was held on March 25, 2024. No one testified at the hearing and no written comments were received. The Department has not made any substantive changes to the proposed rule and now adopts such rule as indicated below.

Statement of Basis and Purpose

Section 17-180.1 of the Administrative Code of the City of New York (“Administrative Code”) contains various measures aimed at addressing the opioid epidemic. Local Law 124 for the year 2022 added subdivision g of section 17-180.1 of the Administrative Code, which requires the Department to establish a pilot program for the buyback of needles, syringes, and sharps. Through such pilot, the Department will offer financial incentives to individuals who collect and return needles, syringes, and sharps that were used for human non-medical drug consumption in order to ameliorate the litter in New York City communities that results from the opioid epidemic. To accomplish this mandate, the Department has established a new Chapter 36 within Title 24 of the Rules of the City of New York to implement the pilot program.

As described in Local Law 124, the program is structured as follows. First, the program will be offered in the five highest-need City Council districts in New York City, as determined by the Department. As set forth in section 36-02, buyback locations will be listed on the Department’s website. Further, a person participating in the program cannot receive more than twenty cents per needle, syringe, or sharp returned, and cannot earn more than ten dollars per day, as set forth in section 36-04. However, to participate, individuals must meet the criteria set forth in section 36-03. In particular, individuals must be at least eighteen years of age and undergo training on how to handle, transport, and dispose of needles, syringes, and sharps.

The pilot program will run for one year.

The Department’s authority for this amendment is found in sections 389, 556, and 1043 of the New York City Charter (“Charter”), and section 17-180.1 of the Administrative Code.

Section 556 of the Charter provides the Department with jurisdiction to protect and promote the health of all persons in the City of New York. Sections 389 and 1043 grant the Department rulemaking authority. Subdivision g of section 17-180.1 of the Administrative Code requires the Department to promulgate rules establishing a needle, syringe, and sharps buyback pilot program.

The adopted rule is as follows:

New material is underlined.
[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of the Department, unless otherwise specified or unless the context clearly indicates otherwise.

RESOLVED, that Title 24 of the Rules of the City of New York is amended by adding a new chapter 36 to read as follows:

Chapter 36
Needle, Syringe, and Sharps Buyback Pilot Program

§ 36-01. Definitions.

The term “Pilot Program,” or “Program,” means the needle, syringe, and sharps buyback pilot program established pursuant to this Chapter.

§ 36-02. Establishment of a Needle, Syringe, and Sharps Buyback Pilot Program.

- (a) For one year after commencement of the Pilot Program, the Department will offer the financial incentives set forth in section 36-04 of this Chapter to eligible persons who meet the requirements set forth in section 36-03 of this Chapter, and who collect and return needles, syringes, and sharps previously used for human non-medical drug consumption to specified buyback locations in the manner prescribed herein.
- (b) Buyback locations will be available on the Department’s website on or before the date the Program commences. Buyback locations are determined by the Department based on the quantity and public health impact of information received from the public and syringe service providers regarding needle, syringe, and sharps litter as well as the prevalence and location of public drug use on or after the 6 months preceding commencement of the Program, provided, however, that there will be at least one buyback location in each borough.

§ 36-03. Eligibility for Individual Participation in the Needle, Syringe, and Sharps Buyback Pilot Program.

To be eligible, individuals must satisfy the following criteria:

- (a) Enrollment: An individual must enroll in the Pilot Program on a form prescribed by the Department. Enrollment may include proof of age, an agreement to waive liability for unsafe handling, and an agreement to abide by a code of conduct which ensures the health and safety of program participants, staff, and associated individuals. Enrollment forms will be available on the Department’s website on or before commencement of the Program.

- (b) Age requirement: Individuals must be eighteen years of age or older. Proof of age may be required.
- (c) Safe handling: Individuals must undertake training offered by the Department on the safe handling of needles, syringes, and sharps. Such training will include, but not be limited to, the proper disposal, containment, and transportation of needles, syringes, and sharps. Instructions regarding such training will be posted on the Department's website.

§ 36-04. Financial Incentives for the Needle, Syringe, and Sharps Buyback Pilot Program.

- (a) Participants will receive twenty cents for each needle, syringe, or sharp used for human non-medical drug consumption returned to a buyback location. However, the total daily payout for any individual participant will not exceed ten dollars.
- (b) Participants may be denied payment for any of the following reasons, as determined by the Pilot Program:
 - (1) The participant failed to comply with any element of the Pilot Program's code of conduct.
 - (2) The participant attempted to return needles, syringes, or sharps that were not used for human non-medical drug consumption.
 - (3) The participant made a material misrepresentation on any of their enrollment forms.
 - (4) The participant sought payment for items returned on a day when participant had already met the maximum daily payout maximum.