

**SANTA CRUZ COUNTY
BOARD OF SUPERVISORS INDEX SHEET**

Creation Date: 7/30/14

Source Code: ORDIN

Agenda Date: 8/5/14

INVENUM: 69412

Resolution(s):

Ordinance(s): 5185

Contract(s):

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Item: 11. ADOPTED ORDINANCE NO. 5185 adding Chapter 7.64 to the Santa Cruz County Code relating to Sharps Waste Management Programs

ORDINANCE NO. 5185**ORDINANCE ADDING CHAPTER 7.64 TO THE SANTA CRUZ COUNTY CODE
RELATING TO SHARPS WASTE MANAGEMENT PROGRAMS.**

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

The Santa Cruz County Code is hereby amended by adding new Chapter 7.64 to read as follows:

**Chapter 7.64
SHARPS WASTE MANAGEMENT PROGRAMS****Sections:**

7.64.010 Definitions.

7.64.020 Sharps management.

7.64.010 Definitions. As used in this chapter:

- (A) "Consumer" means a person who acquires sharps for personal use
- (B) "Consumer-generated sharps waste" means sharps that have been purchased by or otherwise obtained by a consumer.
- (C) "Provider" means any person that sells or otherwise furnishes sharps to consumers at a medical or veterinary office, clinic, hospital or approved needle-exchange program located in the unincorporated area of the county.
- (D) "Retailer" means any person that sells sharps directly to consumers at a business located in the unincorporated area of the county.
- (E) "Retail or provider establishment" means the location in the unincorporated area of the county where the retailer sells sharps or the provider sells or furnishes sharps to consumers.
- (F) "Sharps" means one or more hypodermic needles, pen needles, intravenous needles, lancets, and other devices that are used to penetrate the skin for drawing blood, or for the delivery of medications or drugs.
- (G) "Approved sharps container" means a puncture resistant container designed for storage and transport of sharps waste that meets applicable state and federal standards for collection and disposal of medical sharps waste.

7.64.020 Sharps management.

- (A) Not later than October 1, 2014, every retailer and every provider of sharps in the unincorporated area of the county shall establish a system consistent with the requirements of

this chapter for the collection of consumer-generated sharps waste for proper disposal during the retailer's or provider's normal hours of operation.

(B) Each system established by a retailer or provider for the collection and disposal of consumer-generated sharps waste shall include, at a minimum, the following elements:

(1) On-site collection system. Subject to the limitations contained in subsections (a) through (c), each retailer and provider shall provide a receptacle for the collection of consumer-generated sharps waste within the retail or provider establishment. The receptacle shall meet applicable state and federal standards for safe disposal of sharps. The retailer or provider shall, at its own expense, manage and dispose of all consumer-generated sharps waste that is collected at the retail or provider establishment.

(a) Returning customer. Except as otherwise required under subsection (1)(c), the retailer or provider shall not be required to accept consumer-generated sharps waste in an amount exceeding the amount of sharps previously sold or otherwise provided to the consumer. The retailer or provider may require proof of purchase of the prior sales, or proof that sharps were previously provided to the consumer.

(b) New customer. Except as otherwise required under subsection (1)(c), the retailer or provider shall not be required to accept consumer-generated sharps waste in an amount exceeding the amount of sharps simultaneously being purchased or otherwise obtained by the consumer.

(c) Disposal only. For a consumer not seeking or having previously obtained sharps from the retailer or provider, the retailer or provider shall only be required to accept consumer-generated sharps waste in an amount not to exceed the equivalent of one 2-quart size sharps container per week per consumer who evidences proof of residency within Santa Cruz County.

(2) Signage prominently displayed within five feet of every public entrance to the retail or provider establishment and easily visible to the consumer, indicating that the retail or provider establishment collects consumer-generated sharps waste from consumers.

(3) An approved sharps container with sufficient capacity for the sharps purchased or provided to the consumer shall be provided or offered for sale to the consumer.

(C) In lieu of an on-site collection system as described and required in subsection (B) a retailer or provider may satisfy the requirements of this chapter by providing without charge to each consumer who is purchasing or obtaining sharps from the retailer or provider, a state-approved pre-paid mail-back sharps disposal container with sufficient capacity for the sharps purchased or provided to the consumer.

(D) In lieu of the alternatives described in subsections (B) or (C), and upon approval of the County, a retailer or provider may satisfy the requirements of this chapter by providing an outdoor, on-site location for the placement of a County-operated secure collection container.



(E) A retailer or provider of sharps who is required to accept consumer-generated sharps waste may refuse to accept from a consumer consumer-generated sharps waste that is not properly contained in an approved sharps container that is properly closed. In the event of a refusal to accept sharps waste, the retailer or provider shall provide the consumer with information approved by the Director of Public Works on options for proper disposal of said sharps waste.

SECTION II

The County finds that that this Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline section 15061(b)(3) because "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." In addition, the Ordinance is subject to a Class 1 categorical exemption pursuant to CEQA Guideline section 15301 in that the activities mandated by the Ordinance will occur at existing retail establishments and, therefore, consist "of the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination... The key consideration is whether the project involves negligible or no expansion of an existing use." The Planning Director is directed to prepare and file an appropriate notice of exemption.

SECTION II

This ordinance shall take effect on the 31st day after the date of final passage.

PASSED AND ADOPTED this 5th day of August, 2014, by the Board of Supervisors of the County of Santa Cruz by the following vote:

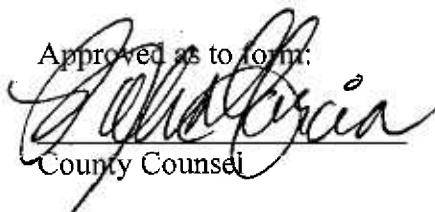
AYES:	SUPERVISORS	Leopold, McPherson, Coonerty, Caput & Friend
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	None

ZACH FRIEND

Chairperson of the Board of Supervisors

Attest: **TESS FITZGERALD**
Clerk of the Board

Approved as to form:


County Counsel

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THE OFFICE. I TEST MY HAND AND SEAL THIS 5th DAY OF August 2014
SUSAN A. MAURIELLO, COUNTY ADMINISTRATIVE OFFICER AND EX-OFFICIO CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ, CALIFORNIA.
BY Alicia Mauriello DEPUTY