

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 180

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO THE SYRINGE AND NEEDLE EXCHANGE ACT; AMENDING TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 34, TITLE 37, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO ESTABLISH PROVISIONS REGARDING A SYRINGE AND NEEDLE EXCHANGE PROGRAM, TO PROVIDE FOR A CERTAIN REPORT, AND TO PROVIDE RULEMAKING AUTHORITY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 37, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 34, Title 37, Idaho Code, and to read as follows:

CHAPTER 34

SYRINGE AND NEEDLE EXCHANGE ACT

37-3401. SHORT TITLE. This chapter shall be known and may be cited as the "Syringe and Needle Exchange Act."

37-3402. LEGISLATIVE INTENT. In adopting this chapter, it is the intent of the legislature to prevent the transmission of disease and to reduce morbidity and mortality among individuals who inject drugs.

37-3403. DEFINITIONS. As used in this chapter:

- (1) "Department" means the state department of health and welfare.
- (2) "Director" means the director of the department.
- (3) "Entity" means:
 - (a) The department;
 - (b) A government entity; or
 - (c) A private organization, whether for profit or nonprofit.

37-3404. SYRINGE AND NEEDLE EXCHANGE PROGRAM. (1) Notwithstanding any provision of law to the contrary:

- (a) An entity may operate a syringe and needle exchange program in this state if such entity complies with the provisions of this section and with rules promulgated by the department;
 - (b) An entity may procure supplies needed to operate a syringe and needle exchange program in this state if such entity complies with the provisions of this section and with rules promulgated by the department; and
 - (c) An entity may supply a syringe and needle exchange program with materials necessary to operate the program if such entity complies with rules promulgated by the department.
- (2) An entity operating a syringe and needle exchange program must:

1 (a) Facilitate the exchange of used syringes or needles for new sy-
 2 ringes or needles in sealed sterile packaging; and

3 (b) Ensure that the recipient of a new syringe or needle is given verbal
 4 and written instruction on:

5 (i) Methods for preventing the transmission of blood-borne dis-
 6 eases, including hepatitis C and human immunodeficiency virus;
 7 and

8 (ii) Options for obtaining:

9 1. Services for the treatment of a substance use disorder;

10 2. Testing for a blood-borne disease; and

11 3. An opioid antagonist pursuant to section 54-1733B, Idaho
 12 Code.

13 (3) An entity operating a syringe and needle exchange program must re-
 14 port annually to the department on the following information about the pro-
 15 gram:

16 (a) The number of individuals who have exchanged syringes or needles;

17 (b) The number of used syringes or needles exchanged for new syringes or
 18 needles; and

19 (c) The number of new syringes or needles provided in exchange for used
 20 syringes or needles.

21 37-3405. REPORT. No later than July 1, 2020, and every two (2) years
 22 thereafter, the department shall report to the senate and house of represen-
 23 tatives health and welfare committees on:

24 (1) The activities and outcomes of syringe and needle exchange programs
 25 operating in the state, including:

26 (a) The number of individuals who have exchanged syringes or needles;

27 (b) The number of used syringes or needles exchanged for new syringes or
 28 needles;

29 (c) The number of new syringes or needles provided in exchange for used
 30 syringes or needles;

31 (d) The estimated impact, if any, that the programs have had on blood-
 32 borne infection rates; and

33 (e) The estimated impact, if any, of the programs on the number of indi-
 34 viduals receiving treatment for a substance use disorder;

35 (2) The potential for additional reductions in the number of syringes
 36 and needles contaminated with blood-borne disease if the programs receive
 37 additional funding;

38 (3) The potential for additional reductions in state and local govern-
 39 ment spending if the programs receive additional funding;

40 (4) Whether the programs promote illicit use of drugs; and

41 (5) Whether the programs, in the opinion of the director, should be con-
 42 tinued, continued with modifications, or terminated.

43 37-3406. RULES. The department may promulgate such rules as are neces-
 44 sary to enforce the provisions of this chapter.