

State of Arizona
House of Representatives
Fifty-fourth Legislature
Second Regular Session
2020

HOUSE BILL 2608

AN ACT

AMENDING TITLE 36, CHAPTER 6, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 15; RELATING TO PUBLIC HEALTH.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 36, chapter 6, Arizona Revised Statutes, is amended by adding article 15, to read:

ARTICLE 15. OVERDOSE AND DISEASE PREVENTION

36-798.51. Overdose and disease prevention programs: requirements; standards

A. A CITY, TOWN, COUNTY OR NONGOVERNMENTAL ORGANIZATION, INCLUDING A LOCAL HEALTH DEPARTMENT OR AN ORGANIZATION THAT PROMOTES SCIENTIFICALLY PROVEN WAYS OF MITIGATING HEALTH RISKS ASSOCIATED WITH DRUG USE AND OTHER HIGH-RISK BEHAVIORS, OR ANY COMBINATION OF THESE ENTITIES, MAY ESTABLISH AND OPERATE AN OVERDOSE AND DISEASE PREVENTION PROGRAM. THE OBJECTIVES OF A PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL BE ALL OF THE FOLLOWING:

1. TO REDUCE THE SPREAD OF VIRAL HEPATITIS, HIV AND OTHER BLOODBORNE DISEASES IN THIS STATE.

2. TO REDUCE NEEDLE-STICK INJURIES TO LAW ENFORCEMENT OFFICERS AND OTHER EMERGENCY PERSONNEL.

3. TO ENCOURAGE INDIVIDUALS WHO INJECT DRUGS TO ENROLL IN EVIDENCE-BASED TREATMENT.

4. TO INCREASE PROPER DISPOSAL OF USED SYRINGES.

5. TO REDUCE THE OCCURRENCE OF SKIN AND SOFT TISSUE WOUNDS AND INFECTIONS RELATED TO INJECTION DRUG USE.

B. A PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL OFFER ALL OF THE FOLLOWING:

1. DISPOSAL OF USED NEEDLES AND HYPODERMIC SYRINGES.

2. NEEDLES, HYPODERMIC SYRINGES AND OTHER INJECTION SUPPLY ITEMS AT NO COST AND IN QUANTITIES SUFFICIENT TO ENSURE THAT NEEDLES, HYPODERMIC SYRINGES AND OTHER INJECTION SUPPLY ITEMS ARE NOT SHARED OR REUSED.

3. EDUCATIONAL MATERIALS ON ALL OF THE FOLLOWING:

(a) OVERDOSE PREVENTION.

(b) PEER SUPPORT SERVICES.

(c) THE PREVENTION OF HIV, VIRAL HEPATITIS TRANSMISSION AND THE INCIDENCE OF SKIN AND SOFT TISSUE WOUNDS AND INFECTIONS.

(d) TREATMENT FOR MENTAL ILLNESS, INCLUDING TREATMENT REFERRALS.

(e) TREATMENT FOR SUBSTANCE USE DISORDER, INCLUDING REFERRALS FOR SUBSTANCE USE DISORDER TREATMENT.

4. ACCESS TO KITS THAT CONTAIN NALOXONE HYDROCHLORIDE OR ANY OTHER OPIOID ANTAGONIST THAT IS APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION TO TREAT A DRUG OVERDOSE, OR REFERRALS TO PROGRAMS THAT PROVIDE ACCESS TO NALOXONE HYDROCHLORIDE OR ANY OTHER OPIOID ANTAGONIST THAT IS APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION TO TREAT A DRUG OVERDOSE.

5. FOR EACH INDIVIDUAL WHO REQUESTS SERVICES, PERSONAL CONSULTATIONS FROM A PROGRAM EMPLOYEE OR VOLUNTEER CONCERNING MENTAL

1 HEALTH OR SUBSTANCE USE DISORDER TREATMENT OR REFERRALS FOR EVIDENCE-BASED
2 SUBSTANCE USE DISORDER TREATMENT, AS APPROPRIATE.

3 C. A PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL DEVELOP
4 STANDARDS FOR DISTRIBUTING AND DISPOSING OF NEEDLES AND HYPODERMIC
5 SYRINGES BASED ON SCIENTIFIC EVIDENCE AND BEST PRACTICES. THE NUMBER OF
6 NEEDLES AND HYPODERMIC SYRINGES DISPOSED OF THROUGH A PROGRAM SHALL BE AT
7 LEAST EQUIVALENT TO THE NUMBER OF NEEDLES AND HYPODERMIC SYRINGES
8 DISTRIBUTED THROUGH THE PROGRAM.

9 36-798.52. Immunity

10 A. NOTWITHSTANDING TITLE 13, CHAPTER 34, AN EMPLOYEE, VOLUNTEER OR
11 PARTICIPANT OF A PROGRAM ESTABLISHED PURSUANT TO SECTION 36-798.51 MAY NOT
12 BE CHARGED WITH OR PROSECUTED FOR POSSESSION OF ANY OF THE FOLLOWING:

13 1. A NEEDLE, HYPODERMIC SYRINGE OR OTHER INJECTION SUPPLY ITEM
14 OBTAINED FROM OR RETURNED TO A PROGRAM ESTABLISHED PURSUANT TO SECTION
15 36-798.51.

16 2. A RESIDUAL AMOUNT OF A CONTROLLED SUBSTANCE CONTAINED IN A USED
17 NEEDLE, USED HYPODERMIC SYRINGE OR USED INJECTION SUPPLY ITEM OBTAINED
18 FROM OR RETURNED TO A PROGRAM ESTABLISHED PURSUANT TO SECTION 36-798.51.

19 B. SUBSECTION A OF THIS SECTION APPLIES ONLY IF THE PERSON CLAIMING
20 IMMUNITY PROVIDES VERIFICATION THAT A NEEDLE, HYPODERMIC SYRINGE OR OTHER
21 INJECTION SUPPLY ITEM WAS OBTAINED FROM AN OVERDOSE AND DISEASE PREVENTION
22 PROGRAM ESTABLISHED PURSUANT TO SECTION 36-798.51.