## Sixty-fifth Legislative Assembly of North Dakota In Regular Session Commencing Tuesday, January 3, 2017

## SENATE BILL NO. 2320 (Senators Anderson, J. Lee, Mathern) (Representatives J. Nelson, Seibel, Weisz)

AN ACT to create and enact a new subsection to section 19-03.4-02 and a new section to chapter 23-01 of the North Dakota Century Code, relating to drug paraphernalia guidelines and a syringe exchange program.

## BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1.** A new subsection to section 19-03.4-02 of the North Dakota Century Code is created and enacted as follows:

Whether the object is a needle or syringe collected during the operation of a needle exchange program under chapter 23-01 to aid in the prevention of bloodborne diseases.

**SECTION 2.** A new section to chapter 23-01 of the North Dakota Century Code is created and enacted as follows:

## Syringe or needle exchange program - Authorization.

- <u>1.</u> <u>As used in this section:</u>
  - <u>a.</u> <u>"Program" means a syringe exchange program operated under this section.</u>
  - b. "Qualified entity" means:
    - (1) <u>A local health department;</u>
    - (2) A city that operates a program within the boundaries of the city; or
    - (3) An organization that has been authorized to operate a program by the state department of health, the board of county commissioners, or the governing body for the operation of a program within the boundaries of the city.
- 2. The state department of health may authorize a qualified entity to operate a program in a county if:
  - a. The area to be served is at risk of an increase or potential increase in prevalence of viral hepatitis or human immunodeficiency virus;
  - b. A syringe exchange program is medically appropriate as part of a comprehensive public health response; and
  - c. <u>The qualified entity conducted a public hearing and submitted a report of the findings and</u> <u>an administration plan for the program to the state health officer.</u>
- <u>3.</u> <u>A qualified entity operating a program under this chapter shall:</u>
  - a. Register the program annually in the manner prescribed by the state department of health;
  - b. <u>Have a pharmacist, physician, or advanced practice registered nurse who is licensed in</u> the state to provide oversight for the program;

- c. Store and dispose of all syringes and needles collected in a safe and legal manner;
- <u>d.</u> <u>Provide education and training on drug overdose response and treatment, including the</u> <u>administration of an overdose reversal medication;</u>
- e. <u>Provide education, referral, and linkage to human immunodeficiency virus, viral hepatitis,</u> and sexually transmitted disease prevention, treatment, and care services;
- f. Provide drug addiction treatment information, and referrals to drug treatment programs, including programs in the local area and programs that offer medication-assisted treatment that includes a federal food and drug administration approved long-acting, nonaddictive medication for the treatment of opioid or alcohol dependence;
- g. <u>Provide syringe, needle, and injection supply distribution and collection without collecting</u> or recording personally identifiable information;
- h. Operate in a manner consistent with public health and safety; and
- i. Ensure the program is medically appropriate and part of a comprehensive public health response.
- 4. The state department of health may terminate a program for failure to comply with any of the provisions in this section.
- 5. A state agency may not provide general fund monies to a program to purchase or otherwise acquire hypodermic syringes, needles, or injection supplies for a program under this section.
- 6. A law enforcement officer may not stop, search, or seize an individual based on the individual's participation in a program under this section. Syringes and needles appropriately collected under this section are not considered drug paraphernalia as provided in chapter 19-03.4.
- 7. Each program shall file a semiannual report with the state department of health containing the following information listed on a daily basis and by location, identified by the postal zip code, where the program distributed and collected syringes and needles:
  - <u>a.</u> <u>The number of individuals served;</u>
  - b. The number of syringes and needles collected;
  - c. The number of syringes and needles distributed; and
  - d. Any additional information requested by the state department of health.

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President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-fifth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2320.

Senate Vote:Yeas 41Nays 3Absent 3House Vote:Yeas 58Nays 35Absent 1

Secretary of the Senate

Received by the Governor atN	n, 2017.
Approved at M. on	. 2017.

Governor

Filed in this office this	day of	·	, 2017,

at \_\_\_\_\_ o'clock \_\_\_\_\_M.

Secretary of State