

HOUSE BILL NO. 1163

Introduced by

Representatives Roers Jones, Dobervich, Guggisberg, O'Brien, Weisz

Senators Lee, Oban, K. Roers

1 A BILL for an Act to amend and reenact section 23-01-44 of the North Dakota Century Code,
2 relating to the needle exchange program.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 23-01-44 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **23-01-44. Syringe or needle exchange program - Authorization.**

7 1. As used in this section:

8 a. "Program" means a syringe exchange program established and operated under
9 this section.

10 b. "Qualified entity" means:

11 (1) A local health department;

12 (2) A city that operates a program within the boundaries of the city; or

13 (3) An organization that has been authorized to operate a program by the state
14 department of health, the board of county commissioners, or the governing
15 body for the operation of a program within the boundaries of the city.

16 2. The state department of health, in collaboration with the department of human
17 services behavioral health division, shall design a syringe exchange program. The
18 state department of health shall administer the program.

19 3. The state department of health may authorize a qualified entity to operate a program
20 in a county if:

21 a. The area to be served is at risk of an increase or potential increase in prevalence
22 of viral hepatitis or human immunodeficiency virus;

23 b. A syringe exchange program is medically appropriate as part of a comprehensive
24 public health response; and

- 1 c. The qualified entity conducted a public hearing and submitted a report of the
2 findings and an administration plan for the program to the state health officer.
- 3 4. A qualified entity operating a program under this chapter shall:
- 4 a. Register the program annually in the manner prescribed by the state department
5 of health;
- 6 b. Have a pharmacist, physician, or advanced practice registered nurse who is
7 licensed in the state to provide oversight for the program;
- 8 c. Store and dispose of all syringes ~~and~~, needles, and supplies collected in a safe
9 and legal manner;
- 10 d. Provide education and training on drug overdose response and treatment,
11 including the administration of an overdose reversal medication;
- 12 e. Provide education, referral, and linkage to human immunodeficiency virus, viral
13 hepatitis, and sexually transmitted disease prevention, treatment, and care
14 services;
- 15 f. Provide addiction treatment information and referrals to drug treatment programs,
16 including programs in the local area and programs that offer medication-assisted
17 treatment that includes a federal food and drug administration approved
18 long-acting, non-addictive medication for the treatment of opioid or alcohol use
19 disorder;
- 20 g. Provide syringe, needle, supply, and injection supply distribution and collection
21 without collecting or recording personally identifiable information;
- 22 h. Operate in a manner consistent with public health and safety; and
- 23 i. Ensure the program is medically appropriate and part of a comprehensive public
24 health response.
- 25 5. The state department of health may terminate a program for failure to comply with any
26 of the provisions in this section.
- 27 6. A state agency may not provide general fund moneys to a program to purchase or
28 otherwise acquire hypodermic syringes, needles, or injection supplies for a program
29 under this section.
- 30 7. A law enforcement officer may not stop, search, or seize an individual based on the
31 individual's participation in a program under this section. Syringes ~~and~~, needles, and

supplies appropriately collected under this section are not considered drug paraphernalia as provided in chapter 19-03.4 or possession of a controlled substance under section 19-03.1-23.

8. 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, and supplies:

- a. The number of individuals served;
- b. The number of syringes and needles, and supplies collected;
- c. The number of syringes and needles distributed; and
- d. Any additional information requested by the state department of health.