LEGISLATURE OF THE STATE OF IDAHO
Sixty-fifth Legislature First Regular Session - 2019

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:
(a) Facilitate the exchange of used syringes or needles for new syringes or needles in sealed sterile packaging; and
(b) Ensure that the recipient of a new syringe or needle is given verbal and written instruction on:
   (i) Methods for preventing the transmission of blood-borne diseases, including hepatitis C and human immunodeficiency virus;
   and
   (ii) Options for obtaining:
       1. Services for the treatment of a substance use disorder;
       2. Testing for a blood-borne disease; and
       3. An opioid antagonist pursuant to section 54-1733B, Idaho Code.
(3) An entity operating a syringe and needle exchange program must report annually to the department on the following information about the program:
   (a) The number of individuals who have exchanged syringes or needles;
   (b) The number of used syringes or needles exchanged for new syringes or needles; and
   (c) The number of new syringes or needles provided in exchange for used syringes or needles.

37-3405. REPORT. No later than July 1, 2020, and every two (2) years thereafter, the department shall report to the senate and house of representatives health and welfare committees on:
(1) The activities and outcomes of syringe and needle exchange programs operating in the state, including:
    (a) The number of individuals who have exchanged syringes or needles;
    (b) The number of used syringes or needles exchanged for new syringes or needles;
    (c) The number of new syringes or needles provided in exchange for used syringes or needles;
    (d) The estimated impact, if any, that the programs have had on blood-borne infection rates; and
    (e) The estimated impact, if any, of the programs on the number of individuals receiving treatment for a substance use disorder;
(2) The potential for additional reductions in the number of syringes and needles contaminated with blood-borne disease if the programs receive additional funding;
(3) The potential for additional reductions in state and local government spending if the programs receive additional funding;
(4) Whether the programs promote illicit use of drugs; and
(5) Whether the programs, in the opinion of the director, should be continued, continued with modifications, or terminated.

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