

TITLE 37
FOOD, DRUGS, AND OIL

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."

[37-3401, added 2019, ch. 181, sec. 1, p. 584.]

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.

[37-3402, added 2019, ch. 181, sec. 1, p. 584.]

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.

[37-3403, added 2019, ch. 181, sec. 1, p. 584.]

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.

[37-3404, added 2019, ch. 181, sec. 1, p. 584.]

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.

[37-3405, added 2019, ch. 181, sec. 1, p. 585.]

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

[37-3406, added 2019, ch. 181, sec. 1, p. 585.]