

Senate File 125 - Introduced

SENATE FILE 125

BY ZAUN

A BILL FOR

1 An Act relating to the establishment of a needle exchange
2 program by the Iowa department of public health.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 124.414, subsection 1, paragraph b, Code
2 2019, is amended to read as follows:

3 *b. "Drug paraphernalia" does not include hypodermic needles*
4 *or syringes if manufactured, delivered, sold, or possessed*
5 *for a lawful purpose. For purposes of this section, "lawful*
6 *purpose" includes hypodermic needles or syringes delivered,*
7 *sold, or possessed through an approved needle exchange program*
8 *established pursuant to section 135.26A and rules adopted by*
9 *the department of public health.*

10 Sec. 2. Section 135.11, Code 2019, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 30. Administer a needle exchange program
13 pursuant to section 135.26A in cooperation with cities,
14 counties, and nongovernmental organizations.

15 Sec. 3. NEW SECTION. **135.26A Needle exchange program.**

16 1. For purposes of this section:

17 *a. "Needle exchange program" means a program that promotes*
18 *scientifically proven ways of mitigating health risks*
19 *associated with drug use and other high-risk behaviors that is*
20 *designated and approved by the department and implemented by a*
21 *city, county, or nongovernmental organization.*

22 *b. "Residual amount" means an amount of a controlled*
23 *substance not exceeding twenty-five milligrams.*

24 2. A needle exchange program is created in the department
25 and shall be administered by a division of the department
26 in cooperation with cities, counties, and nongovernmental
27 organizations.

28 3. *a.* The objectives of a needle exchange program
29 established pursuant to this section shall be all of the
30 following:

31 (1) To reduce the spread of viral hepatitis, HIV, and other
32 medical illnesses caused by infectious agents.

33 (2) To reduce needle-stick injuries to law enforcement
34 officers and other emergency personnel.

35 (3) To encourage persons who inject drugs to enroll in

1 evidence-based treatment for substance use disorders.

2 *b.* A needle exchange program shall offer all of the
3 following:

4 (1) Disposal sites for used hypodermic needles and
5 syringes.

6 (2) Hypodermic needles, syringes, and other injection
7 supplies at no cost and in quantities sufficient to ensure that
8 hypodermic needles, syringes, and other injection supplies are
9 not shared or reused.

10 (3) Educational materials or referrals including
11 information on all of the following:

12 (a) Overdose prevention and naloxone administration,
13 including access to kits that contain naloxone.

14 (b) The prevention of HIV, viral hepatitis, endocarditis,
15 and other bacterial infections associated with intravenous drug
16 use.

17 (c) HIV and hepatitis C testing.

18 (d) Evidence-based treatment for persons with substance use
19 disorders.

20 (e) Treatment for persons with mental illness.

21 4. An employee of, or a volunteer or participant in, a
22 needle exchange program shall not be charged with or prosecuted
23 for possession of any of the following:

24 *a.* A hypodermic needle, syringe, or other injection supply
25 item obtained from or returned to a needle exchange program.

26 *b.* A residual amount of a controlled substance contained
27 in a used hypodermic needle, used hypodermic syringe, or used
28 injection supply item obtained from or returned to a needle
29 exchange program.

30 5. *a.* Subsection 4 only applies if an employee of, or a
31 volunteer or participant in, a needle exchange program claiming
32 immunity provides, upon request of a law enforcement officer,
33 a needle exchange program identification card issued by the
34 department verifying that a hypodermic needle, syringe, or
35 other injection supply item was obtained by the participant

1 hypodermic needles, syringes, and other injection supplies are
2 not shared or reused; and educational materials that include
3 information relating to overdose prevention and naloxone
4 administration, including access to kits that contain naloxone;
5 the prevention of HIV, viral hepatitis, endocarditis, and other
6 bacterial infections associated with intravenous drug use; HIV
7 and hepatitis C testing; evidence-based treatment for persons
8 with substance use disorders; and treatment for persons with
9 mental illness.

10 The bill provides that an employee of, or a volunteer or
11 participant in, a needle exchange program shall not be charged
12 with or prosecuted for possession of a hypodermic needle,
13 syringe, or other injection supply item obtained from or
14 returned to a needle exchange program or a residual amount of
15 a controlled substance contained in a used hypodermic needle,
16 used hypodermic syringe, or used injection supply item obtained
17 from or returned to a needle exchange program. "Residual
18 amount" is defined as an amount of a controlled substance not
19 exceeding 25 milligrams. This immunity provision applies only
20 if the person claiming immunity provides, upon request of a law
21 enforcement officer, a needle exchange program identification
22 card issued by DPH verifying that a hypodermic needle, syringe,
23 or other injection supply item was obtained from a needle
24 exchange program authorized pursuant to the bill. A needle
25 exchange program identification card shall include a unique
26 identifying number assigned to each individual needle exchange
27 program participant and must be verifiable by DPH.

28 The bill provides that if a law enforcement officer in good
29 faith issues a charge in violation of the immunity provisions
30 of the bill, the law enforcement officer shall not be held
31 civilly or criminally liable.

32 The bill provides that DPH shall adopt rules pursuant to Code
33 chapter 17A to administer the bill.

34 Under current law, a person who illegally manufactures,
35 delivers, sells, or possesses drug paraphernalia commits a

S.F. 125

1 simple misdemeanor under Code section 124.414. The bill makes
2 a conforming Code change to Code section 124.414 by exempting
3 hypodermic needles or syringes delivered, sold, or possessed
4 through the needle exchange program established in the bill
5 from the definition of drug paraphernalia.