

Senate File 500 - Introduced

SENATE FILE 500
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 125)

(COMPANION TO HF 580 BY BERGAN)

A BILL FOR

1 An Act relating to the establishment of a needle exchange pilot
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 pilot*
8 *program established pursuant to section 135.26A and rules*
9 *adopted by 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 pilot
13 program pursuant to section 135.26A in cooperation with
14 the department of public safety, the governor's office
15 of drug policy, and cities, counties, and nongovernmental
16 organizations.

17 Sec. 3. NEW SECTION. 135.26A **Needle exchange pilot program.**

18 1. For purposes of this section:

19 *a. "Department" means the department of public health.*

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

25 *c. "Participating jurisdiction" means a city, county, or*
26 *nongovernmental organization selected by the department to*
27 *participate in a pilot program created under this section.*

28 *d. "Residual amount" means an amount of a controlled*
29 *substance not exceeding twenty-five milligrams.*

30 2. A needle exchange pilot program is created in the
31 department and shall be administered by a division of the
32 department in cooperation with the department of public safety,
33 the governor's office of drug control policy, and cities,
34 counties, and nongovernmental organizations.

35 3. *a.* The objectives of a pilot program established

1 pursuant to this section shall be all of the following:

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

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

6 (3) To encourage persons who inject drugs to enroll in
7 evidence-based treatment for substance use disorders.

8 *b.* A pilot program shall offer all of the following:

9 (1) Disposal sites for used hypodermic needles and
10 syringes.

11 (2) Hypodermic needles, syringes, and other injection
12 supplies at no cost and in quantities sufficient to ensure that
13 hypodermic needles, syringes, and other injection supplies are
14 not shared or reused.

15 (3) Educational materials or referrals including
16 information on all of the following:

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

19 (b) The prevention of HIV, viral hepatitis, endocarditis,
20 and other bacterial infections associated with intravenous drug
21 use.

22 (c) HIV and hepatitis C testing.

23 (d) Evidence-based treatment for persons with substance use
24 disorders.

25 (e) Treatment for persons with mental illness.

26 *c.* The department shall solicit applications from interested
27 jurisdictions and shall work with selected applicants for
28 the purpose of establishing a pilot program in participating
29 jurisdictions.

30 *d.* Pilot programs shall be established in five participating
31 jurisdictions for a period of five years. A jurisdiction
32 wishing to participate in a pilot program shall submit an
33 application to the department. If a jurisdiction is selected
34 by the department for participation in a pilot program, the
35 department shall assist the participating jurisdiction in

1 establishing and administering the program in that jurisdiction
2 in compliance with this section.

3 *e.* The department shall utilize HIV and hepatitis
4 integrated testing programs, the health resources and services
5 administration's Ryan White HIV/AIDS program, and the bureau
6 of substance abuse integrated provider network for support
7 services, supplies, and medications for the pilot program.

8 4. An employee of, or a volunteer or participant in, a pilot
9 program shall not be charged with or prosecuted for possession
10 of any of the following:

11 *a.* A hypodermic needle, syringe, or other injection supply
12 item obtained from or returned to a pilot program.

13 *b.* A residual amount of a controlled substance contained
14 in a used hypodermic needle, used hypodermic syringe, or used
15 injection supply item obtained from or returned to a pilot
16 program.

17 5. *a.* Subsection 4 only applies if an employee of, or a
18 volunteer or participant in, a pilot program claiming immunity
19 provides, upon request of a law enforcement officer, a pilot
20 program identification card issued by the department verifying
21 that a hypodermic needle, syringe, or other injection supply
22 item was obtained by the participant from a pilot program
23 authorized pursuant to this section.

24 *b.* A pilot program identification card shall include a
25 unique identifying number assigned to each individual pilot
26 program participant and must be verifiable by the department.

27 6. If a law enforcement officer in good faith issues a
28 charge in violation of subsection 4, the law enforcement
29 officer shall not be held civilly or criminally liable.

30 7. Upon completion of the five-year pilot program, the
31 department, in cooperation with the department of public safety
32 and the governor's office of drug control policy, shall submit
33 a pilot program progress report to the general assembly by
34 December 1, 2025. The program progress report shall detail
35 the effectiveness of the pilot program established under this

1 section and shall make recommendations concerning program
2 continuation or termination.

3 8. The Iowa department of public health shall adopt rules
4 pursuant to chapter 17A to administer this section.

5 9. This section is repealed July 1, 2026.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 This bill relates to the establishment of a needle exchange
10 pilot program by the Iowa department of public health (DPH).
11 The bill creates a needle exchange pilot program to be
12 administered by DPH in cooperation with the department of
13 public safety, the governor's office of drug control policy,
14 cities, counties, and nongovernmental organizations.

15 The bill defines "needle exchange pilot program" (pilot
16 program) as a program that promotes scientifically proven ways
17 of mitigating health risks associated with drug use and other
18 high-risk behaviors that is designated and approved by DPH and
19 implemented by a city, county, or nongovernmental organization.

20 The objectives of a pilot program established pursuant
21 to the bill include reducing the spread of viral hepatitis,
22 HIV, and other medical illnesses caused by infectious agents,
23 reducing needle-stick injuries to law enforcement officers and
24 other emergency personnel, and encouraging persons who inject
25 drugs to enroll in evidence-based treatment for substance use
26 disorders.

27 A pilot program established pursuant to the bill shall
28 offer disposal sites for used hypodermic needles and syringes;
29 hypodermic needles, syringes, and other injection supplies at
30 no cost and in quantities sufficient to ensure that hypodermic
31 needles, syringes, and other injection supplies are not shared
32 or reused; and educational materials that include information
33 relating to overdose prevention and naloxone administration,
34 including access to kits that contain naloxone; the prevention
35 of HIV, viral hepatitis, endocarditis, and other bacterial

1 infections associated with intravenous drug use; HIV and
2 hepatitis C testing; evidence-based treatment for persons with
3 substance use disorders; and treatment for persons with mental
4 illness.

5 The bill provides that the department shall solicit
6 applications from interested jurisdictions and shall work with
7 selected applicants for the purpose of establishing a pilot
8 program in the participating jurisdictions. Pilot programs
9 shall be established in five participating jurisdictions for
10 a period of five years. The department shall assist the
11 participating jurisdiction in establishing and administering
12 a pilot program in that jurisdiction in compliance with
13 the bill. The department shall utilize HIV and hepatitis
14 integrated testing programs, the health resources and services
15 administration's Ryan White HIV/AIDS program, and the bureau
16 of substance abuse integrated provider network for support
17 services, supplies, and medications for the pilot program.

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

35 The bill provides that if a law enforcement officer in good

1 faith issues a charge in violation of the immunity provisions
2 of the bill, the law enforcement officer shall not be held
3 civilly or criminally liable.

4 The bill provides that at the completion of the five-year
5 pilot program, the department, in cooperation with the
6 department of public safety and the governor's office of drug
7 control policy, shall submit a pilot program progress report to
8 the general assembly by December 1, 2025. The pilot program
9 progress report shall detail the effectiveness of the pilot
10 program and shall make recommendations concerning program
11 continuation or termination. The bill provides the pilot
12 program shall be repealed July 1, 2026.

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

15 Under current law, a person who illegally manufactures,
16 delivers, sells, or possesses drug paraphernalia commits a
17 simple misdemeanor under Code section 124.414. The bill makes
18 a conforming Code change to Code section 124.414 by exempting
19 hypodermic needles or syringes delivered, sold, or possessed
20 through the pilot program established in the bill from the
21 definition of drug paraphernalia.