

1 **DISEASE PREVENTION AND SUBSTANCE ABUSE**
2 **REDUCTION AMENDMENTS**

3 2016 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Steve Eliason**

6 Senate Sponsor: Brian E. Shiozawa

7
8 **LONG TITLE**

9 **General Description:**

10 This bill amends the Utah Health Code.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ authorizes the operation of syringe exchange programs in the state;
- 14 ▶ specifies the requirements a syringe exchange program must meet;
- 15 ▶ requires the department to report to the Legislature every two years on the activities
- 16 and outcomes of syringe programs operating in the state; and
- 17 ▶ requires rulemaking by the department.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 ENACTS:

24 **26-7-8**, Utah Code Annotated 1953

26 *Be it enacted by the Legislature of the state of Utah:*

27 Section 1. Section **26-7-8** is enacted to read:



28 **26-7-8. Syringe exchange and education.**

29 (1) The following may operate a syringe exchange program in the state to prevent the
30 transmission of disease and reduce morbidity and mortality among individuals who inject
31 drugs, and those individuals' contacts:

32 (a) a government entity, including:

33 (i) the department;

34 (ii) a local health department, as defined in Section [26A-1-102](#);

35 (iii) the Division of Substance Abuse and Mental Health within the Department of

36 Human Services; or

37 (iv) a local substance abuse authority, as defined in Section [62A-15-102](#);

38 (b) a nongovernment entity, including:

39 (i) a nonprofit organization; or

40 (ii) a for-profit organization; or

41 (c) any other entity that complies with Subsections (2) and (3).

42 (2) An entity operating a syringe exchange program in the state shall:

43 (a) facilitate the exchange of an individual's used syringe for one or more new syringes
44 in sealed sterile packages;

45 (b) ensure that a recipient of a new syringe is given verbal and written instruction on:

46 (i) methods for preventing the transmission of blood-borne diseases, including hepatitis
47 C and human immunodeficiency virus; and

48 (ii) options for obtaining:

49 (A) services for the treatment of a substance use disorder;

50 (B) testing for a blood-borne disease; and

51 (C) an opiate antagonist under Chapter 55, Emergency Administration of Opiate

52 Antagonist Act; and

53 (c) report annually to the department the following information about the program's
54 activities:

55 (i) the number of individuals who have exchanged syringes;

56 (ii) the number of used syringes exchanged for new syringes; and

57 (iii) the number of new syringes provided in exchange for used syringes.

58 (3) No later than October 1, 2017, and every two years thereafter, the department shall

- 59 report to the Legislature's Health and Human Services Interim Committee on:
60 (a) the activities and outcomes of syringe programs operating in the state, including:
61 (i) the number of individuals who have exchanged syringes;
62 (ii) the number of used syringes exchanged for new syringes;
63 (iii) the number of new syringes provided in exchange for used syringes;
64 (iv) the impact of the programs on blood-borne infection rates; and
65 (v) the impact of the programs on the number of individuals receiving treatment for a
66 substance use disorder;
67 (b) the potential for additional reductions in the number of syringes contaminated with
68 blood-borne disease if the programs receive additional funding;
69 (c) the potential for additional reductions in state and local government spending if the
70 programs receive additional funding;
71 (d) whether the programs promote illicit use of drugs; and
72 (e) whether the programs should be continued, continued with modifications, or
73 terminated.
74 (4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
75 Administrative Rulemaking Act, specifying how and when an entity operating a syringe
76 exchange program shall make the report required by Subsection (2)(c).

Legislative Review Note
Office of Legislative Research and General Counsel