

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

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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

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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, Opiate Overdose Response Act; and

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

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

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

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

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

58 report to the Legislature's Health and Human Services Interim Committee on:

59 (a) the activities and outcomes of syringe programs operating in the state, including:

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

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

62 (iii) the number of new syringes provided in exchange for used syringes;

63 (iv) the impact of the programs on blood-borne infection rates; and

64 (v) the impact of the programs on the number of individuals receiving treatment for a  
65 substance use disorder;

66 (b) the potential for additional reductions in the number of syringes contaminated with  
67 blood-borne disease if the programs receive additional funding;

68 (c) the potential for additional reductions in state and local government spending if the  
69 programs receive additional funding;

70 (d) whether the programs promote illicit use of drugs; and

71 (e) whether the programs should be continued, continued with modifications, or  
72 terminated.

73 (4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah  
74 Administrative Rulemaking Act, specifying how and when an entity operating a syringe  
75 exchange program shall make the report required by Subsection (2)(c).