

OVERDOSE PREVENTION SITES

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jennifer Dailey-Provost

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions relating to the establishment and operation of an overdose prevention program.

Highlighted Provisions:

This bill:

- ▶ allows a county or municipality to approve an entity to operate an overdose prevention program;
- ▶ creates requirements for approval of an overdose prevention program;
- ▶ creates a reporting requirement for an overdose prevention program that is approved for operation; and
- ▶ limits liability for certain actions relating to an overdose prevention program.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

26-67-101, Utah Code Annotated 1953

26-67-102, Utah Code Annotated 1953

26-67-201, Utah Code Annotated 1953



28 [26-67-202](#), Utah Code Annotated 1953

29 [26-67-301](#), Utah Code Annotated 1953



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

32 Section 1. Section **26-67-101** is enacted to read:

33 **CHAPTER 67. OVERDOSE PREVENTION PROGRAMS**

34 **26-67-101. Title.**

35 This chapter is known as the "Overdose Prevention Programs."

36 Section 2. Section **26-67-102** is enacted to read:

37 **26-67-102. Definitions.**

38 As used in this chapter:

39 (1) "County" means the same as that term is defined in Section [17-50-101](#).

40 (2) "Municipality" means the same as that term is defined in Section [10-1-104](#).

41 Section 3. Section **26-67-201** is enacted to read:

42 **26-67-201. Establishment and operation of overdose prevention programs --**

43 **Standards.**

44 (1) Notwithstanding any other provision of law, a county or a municipality may
45 approve an entity within the county or municipality's jurisdiction to establish and operate an
46 overdose prevention program for individuals if the program satisfies the requirements in
47 Subsection (2).

48 (2) A county or a municipality may authorize an entity to operate an overdose
49 prevention program if the entity is able to demonstrate that the entity is able to:

50 (a) provide a hygienic space supervised by health care professionals where an
51 individual is able to consume pre-obtained drugs;

52 (b) provide sterile consumption supplies, collect hypodermic needles and syringes, and
53 provide secure needle and syringe disposal services;

54 (c) administer first aid, monitor participants for potential overdose, and provide
55 treatment as necessary to prevent a fatal overdose;

56 (d) provide access or referrals to substance use disorder treatment services, medical
57 services, mental health services, and social services;

58 (e) educate individuals on:

- 59 (i) the risks of contracting HIV and viral hepatitis;
- 60 (ii) overdose prevention; and
- 61 (iii) proper disposal of needles and syringes;
- 62 (f) provide access to or referrals to obtain naloxone or another overdose reversal
- 63 medication approved by the United States Food and Drug Administration;
- 64 (g) provide reasonable security of the program site;
- 65 (h) establish operating procedures for the program that are made available to the public
- 66 through an internet website or upon request;
- 67 (i) train staff members to deliver services offered by the program;
- 68 (j) establish a policy that facilitates communication and addresses concerns and
- 69 complaints of local businesses and residences; and
- 70 (k) establish a policy for informing local government officials and neighbors about the
- 71 entity's complain procedures, including the contact information for the director of the entity.
- 72 (3) The operating procedures described in Subsection (2)(h) shall include:
- 73 (a) standard hours of operation;
- 74 (b) minimum number of personnel required to be onsite during the hours of operation;
- 75 (c) licensing and training standards for personnel;
- 76 (d) the maximum number of individuals who may be served at one time;
- 77 (e) eligibility criteria for individuals who are served by the program; and
- 78 (f) documentation of an established relationship with the emergency department of the
- 79 nearest general acute hospital.

80 Section 4. Section **26-67-202** is enacted to read:

81 **26-67-202. Reporting requirement.**

82 (1) On or before April 1 of each year, an entity operating an overdose prevention

83 program under this chapter shall provide an annual report with the information described in

84 Subsection (2) to:

- 85 (a) the county or municipality that approved the entity; and
- 86 (b) the department.
- 87 (2) The annual report in Subsection (1) shall include:
- 88 (a) the number of individuals served by the program;
- 89 (b) aggregate demographic information regarding the individuals served by the

90 program;

91 (c) the number of needles and syringes distributed by the program for use onsite;

92 (d) the number of overdoses experienced onsite;

93 (e) the number of overdoses successfully reversed onsite;

94 (f) the number of individuals referred to a drug treatment program; and

95 (g) the number of individuals directly referred to other services.

96 Section 5. Section **26-67-301** is enacted to read:

97 **26-67-301. Limitation of liability.**

98 Notwithstanding any other provision of law:

99 (1) property belonging to an approved entity or a person acting within the scope of the
100 person's duties relating to an approved overdose prevention program is not subject to seizure
101 under Title 24, Forfeiture and Disposition of Property Act, solely for:

102 (a) an action, conduct, or omission relating to the work for which an overdose
103 prevention program is approved by a county or municipality under this chapter; and

104 (b) conduct relating to the approval of an entity to operate an overdose prevention
105 program, including inspection, licensing, and other types of regulation;

106 (2) a person acting within the course and scope of employment is not subject to civil,
107 administrative, disciplinary, employment, credentialing, professional discipline, contractual, or
108 any other form of liability solely for:

109 (a) an action, conduct, or omission relating to the work for which an overdose
110 prevention program is approved by a county or municipality under this chapter; and

111 (b) conduct relating to the approval of an entity to operate an overdose prevention
112 program, including inspection, licensing, and other types of regulation; and

113 (3) a person may not be arrested, charged, prosecuted, or otherwise penalized solely
114 for:

115 (a) an action, conduct, or omission relating to the work for which an overdose
116 prevention program is approved by a county or municipality under this chapter; and

117 (b) conduct relating to the approval of an entity to operate an overdose prevention
118 program, including inspection, licensing, and other types of regulation.