

Introduced by

Senators Anderson, J. Lee, Mathern

Representatives J. Nelson, Seibel, Weisz

1 A BILL for an Act to create and enact a new subsection to section 19-03.4-02 and a new section
2 to chapter 23-01 of the North Dakota Century Code, relating to drug paraphernalia guidelines
3 and a syringe exchange program; and to declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new subsection to section 19-03.4-02 of the North Dakota Century Code is
6 created and enacted as follows:

7 Whether the object is a needle or syringe collected during the operation of a needle
8 exchange program under chapter 23-01 to aid in the prevention of bloodborne
9 diseases.

10 **SECTION 2.** A new section to chapter 23-01 of the North Dakota Century Code is created
11 and enacted as follows:

12 **Syringe or needle exchange program - Authorization.**

13 1. As used in this section:

14 a. "Program" means a syringe exchange program operated under this section.

15 b. "Qualified entity" means:

16 (1) A local health department;

17 (2) A city that operates a program within the boundaries of the city; or

18 (3) An organization that has been authorized to operate a program by the state
19 department of health, the board of county commissioners, or the governing
20 body for the operation of a program within the boundaries of the city.

21 2. The state department of health may authorize a qualified entity to operate a program
22 in a county if:

23 a. The area to be served is at risk of an increase or potential increase in prevalence
24 of viral hepatitis or human immunodeficiency virus;

- 1 b. A syringe exchange program is medically appropriate as part of a comprehensive
2 public health response; and
- 3 c. The qualified entity conducted a public hearing and submitted a report of the
4 findings and an administration plan for the program to the state health officer.
- 5 3. A qualified entity operating a program under this chapter shall:
- 6 a. Register the program annually in the manner prescribed by the state department
7 of health;
- 8 b. Have a pharmacist, physician, or nurse practitioner who is licensed in the state to
9 provide oversight for the program;
- 10 c. Store and dispose of all syringes and needles collected in a safe and legal
11 manner;
- 12 d. Provide education and training on drug overdose response and treatment,
13 including the administration of an overdose reversal medication;
- 14 e. Provide education, referral, and linkage to human immunodeficiency virus, viral
15 hepatitis, and sexually transmitted disease prevention, treatment, and care
16 services;
- 17 f. Provide drug addiction treatment information, and referrals to drug treatment
18 programs, including programs in the local area and programs that offer
19 medication-assisted treatment that includes a federal food and drug
20 administration approved long-acting, non-addictive medication for the treatment
21 of opioid or alcohol dependence;
- 22 g. Provide syringe, needle, and injection supply distribution and collection without
23 collecting or recording personally identifiable information;
- 24 h. Operate in a manner consistent with public health and safety; and
- 25 i. Ensure the program is medically appropriate and part of a comprehensive public
26 health response.
- 27 4. The state department of health may terminate a program for failure to comply with any
28 of the provisions in this section.
- 29 5. A state agency may not provide funds to a program to purchase or otherwise acquire
30 hypodermic syringes, needles, or injection supplies for a program under this section.

- 1 6. A law enforcement officer may not stop, search, or seize an individual based on the
2 individual's participation in a program under this section. Syringes and needles
3 appropriately collected under this section are not considered drug paraphernalia as
4 provided in chapter 19-03.
- 5 7. Each program shall file a semiannual report with the state department of health
6 containing the following information listed on a daily basis and by location, identified by
7 the postal zip code, where the program distributed and collected syringes and
8 needles:
- 9 a. The number of individuals served;
10 b. The number of syringes and needles collected;
11 c. The number of syringes and needles distributed; and
12 d. Any additional information requested by the state department of health.

13 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.