REFERENCE TITLE: syringe access programs; authorization

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

HB 2389

Introduced by
Representative Rivero

AN ACT

AMENDING TITLE 36, CHAPTER 6, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 10; RELATING TO PUBLIC HEALTH.

(TEXT OF BILL BEGINS ON NEXT PAGE)
HB 2389

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 36, chapter 6, Arizona Revised Statutes, is amended by adding article 10, to read:

ARTICLE 10. NEEDLE AND HYPODERMIC SYRINGE ACCESS

36-795. Needle and hypodermic syringe access programs: authorization

A. A city, town, county or nongovernmental organization, including a local health department or an organization that promotes scientifically proven ways of mitigating health risks associated with drug use and other high-risk behaviors, or any combination of these entities, may establish and operate a needle and hypodermic syringe access program. The objectives of a program established pursuant to this section shall be all of the following:

1. To reduce the spread of viral hepatitis and other bloodborne diseases in this state.
2. To reduce needle-stick injuries to law enforcement officers and other emergency personnel.
3. To encourage individuals who inject drugs to enroll in evidence-based treatment.

B. A program established pursuant to this section shall offer all of the following:

1. Disposal of used needles and hypodermic syringes.
2. Needles, hypodermic syringes and other injection supplies at no cost and in quantities sufficient to ensure that needles, hypodermic syringes and other injection supplies are not shared or reused.
3. Educational materials on all of the following:
   (a) Overdose prevention.
   (b) The prevention of HIV, AIDS and viral hepatitis transmission.
   (c) Drug abuse prevention.
   (d) Treatment for mental illness, including treatment referrals.
   (e) Treatment for substance abuse, including referrals for substance abuse treatment.
4. Access to kits that contain naloxone hydrochloride or any other opioid antagonist that is approved by the United States Food and Drug Administration for the treatment of a drug overdose, or referrals to programs that provide access to naloxone hydrochloride or any other opioid antagonist that is approved by the United States Food and Drug Administration for the treatment of a drug overdose.
5. For each individual who requests services, personal consultations from a program employee or volunteer concerning mental health or addiction treatment, as appropriate.

36-795.01. Immunity

A. Notwithstanding title 13, chapter 34, an employee, volunteer or participant of a program established pursuant to section 36-795 may not be charged with or prosecuted for possession of any of the following:
1. A NEEDLE, HYPODERMIC SYRINGE OR OTHER INJECTION SUPPLY ITEM OBTAINED FROM OR RETURNED TO A PROGRAM ESTABLISHED PURSUANT TO SECTION 36-795.

2. A RESIDUAL AMOUNT OF A CONTROLLED SUBSTANCE CONTAINED IN A USED NEEDLE, USED HYPODERMIC SYRINGE OR USED INJECTION SUPPLY ITEM OBTAINED FROM OR RETURNED TO A PROGRAM ESTABLISHED PURSUANT TO SECTION 36-795.

B. SUBSECTION A OF THIS SECTION APPLIES ONLY IF THE PERSON CLAIMING IMMUNITY PROVIDES WRITTEN VERIFICATION THAT A NEEDLE, HYPODERMIC SYRINGE OR OTHER INJECTION SUPPLY ITEM WAS OBTAINED FROM A NEEDLE AND HYPODERMIC SYRINGE ACCESS PROGRAM ESTABLISHED PURSUANT TO SECTION 36-795.