

Senate Engrossed

REFERENCE TITLE: overdose; disease prevention; programs

State of Arizona  
Senate  
Fifty-fifth Legislature  
First Regular Session  
2021

# SENATE BILL 1250

AN ACT

AMENDING TITLE 36, CHAPTER 6, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 15; RELATING TO PUBLIC HEALTH.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 36, chapter 6, Arizona Revised Statutes, is  
3 amended by adding article 15, to read:

4 ARTICLE 15. OVERDOSE AND DISEASE PREVENTION

5 36-798.51. Overdose and disease prevention programs;  
6 requirements; standards

7 A. A CITY, TOWN, COUNTY OR NONGOVERNMENTAL ORGANIZATION, INCLUDING  
8 A LOCAL HEALTH DEPARTMENT OR AN ORGANIZATION THAT PROMOTES SCIENTIFICALLY  
9 PROVEN WAYS OF MITIGATING HEALTH RISKS ASSOCIATED WITH DRUG USE AND OTHER  
10 HIGH-RISK BEHAVIORS, OR ANY COMBINATION OF THESE ENTITIES, MAY ESTABLISH  
11 AND OPERATE AN OVERDOSE AND DISEASE PREVENTION PROGRAM. A PROGRAM  
12 ESTABLISHED PURSUANT TO THIS SECTION SHALL HAVE ALL OF THE FOLLOWING  
13 OBJECTIVES:

14 1. TO REDUCE THE SPREAD OF VIRAL HEPATITIS, HIV AND OTHER  
15 BLOODBORNE DISEASES IN THIS STATE.

16 2. TO REDUCE NEEDLE-STICK INJURIES TO LAW ENFORCEMENT OFFICERS AND  
17 OTHER EMERGENCY PERSONNEL.

18 3. TO ENCOURAGE INDIVIDUALS WHO INJECT DRUGS TO ENROLL IN  
19 EVIDENCE-BASED TREATMENT.

20 4. TO INCREASE PROPER DISPOSAL OF USED SYRINGES.

21 5. TO REDUCE THE OCCURRENCE OF SKIN AND SOFT TISSUE WOUNDS AND  
22 INFECTIONS RELATED TO INJECTION DRUG USE.

23 B. A PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL OFFER ALL  
24 OF THE FOLLOWING:

25 1. DISPOSAL OF USED NEEDLES AND HYPODERMIC SYRINGES.

26 2. NEEDLES, HYPODERMIC SYRINGES AND OTHER INJECTION SUPPLY ITEMS AT  
27 NO COST AND IN QUANTITIES SUFFICIENT TO ENSURE THAT NEEDLES, HYPODERMIC  
28 SYRINGES AND OTHER INJECTION SUPPLY ITEMS ARE NOT SHARED OR REUSED.

29 3. EDUCATIONAL MATERIALS ON ALL OF THE FOLLOWING:

30 (a) OVERDOSE PREVENTION.

31 (b) PEER SUPPORT SERVICES.

32 (c) THE PREVENTION OF HIV, VIRAL HEPATITIS TRANSMISSION AND THE  
33 INCIDENCE OF SKIN AND SOFT TISSUE WOUNDS AND INFECTIONS.

34 (d) TREATMENT FOR MENTAL ILLNESS, INCLUDING TREATMENT REFERRALS.

35 (e) TREATMENT FOR SUBSTANCE USE DISORDER, INCLUDING REFERRALS FOR  
36 SUBSTANCE USE DISORDER TREATMENT.

37 4. ACCESS TO KITS THAT CONTAIN NALOXONE HYDROCHLORIDE OR ANY OTHER  
38 OPIOID ANTAGONIST THAT IS APPROVED BY THE UNITED STATES FOOD AND DRUG  
39 ADMINISTRATION TO TREAT A DRUG OVERDOSE, OR REFERRALS TO PROGRAMS THAT  
40 PROVIDE ACCESS TO NALOXONE HYDROCHLORIDE OR ANY OTHER OPIOID ANTAGONIST  
41 THAT IS APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION TO  
42 TREAT A DRUG OVERDOSE.

1           5. FOR EACH INDIVIDUAL WHO REQUESTS SERVICES, PERSONAL  
2 CONSULTATIONS FROM A PROGRAM EMPLOYEE OR VOLUNTEER CONCERNING MENTAL  
3 HEALTH OR SUBSTANCE USE DISORDER TREATMENT OR REFERRALS FOR EVIDENCE-BASED  
4 SUBSTANCE USE DISORDER TREATMENT, AS APPROPRIATE.

5           C. A PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL DEVELOP  
6 STANDARDS FOR DISTRIBUTING AND DISPOSING OF NEEDLES AND HYPODERMIC  
7 SYRINGES BASED ON SCIENTIFIC EVIDENCE AND BEST PRACTICES. THE NUMBER OF  
8 NEEDLES AND HYPODERMIC SYRINGES DISPOSED OF THROUGH A PROGRAM SHALL BE AT  
9 LEAST EQUIVALENT TO THE NUMBER OF NEEDLES AND HYPODERMIC SYRINGES  
10 DISTRIBUTED THROUGH THE PROGRAM.

11           36-798.52. Immunity

12           A. NOTWITHSTANDING TITLE 13, CHAPTER 34, AN EMPLOYEE, VOLUNTEER OR  
13 PARTICIPANT OF A PROGRAM ESTABLISHED PURSUANT TO SECTION 36-798.51 MAY NOT  
14 BE CHARGED WITH OR PROSECUTED FOR POSSESSION OF ANY OF THE FOLLOWING:

15           1. A NEEDLE, HYPODERMIC SYRINGE OR OTHER INJECTION SUPPLY ITEM  
16 OBTAINED FROM OR RETURNED TO A PROGRAM ESTABLISHED PURSUANT TO SECTION  
17 36-798.51.

18           2. A RESIDUAL AMOUNT OF A CONTROLLED SUBSTANCE CONTAINED IN A USED  
19 NEEDLE, USED HYPODERMIC SYRINGE OR USED INJECTION SUPPLY ITEM OBTAINED  
20 FROM OR RETURNED TO A PROGRAM ESTABLISHED PURSUANT TO SECTION 36-798.51.

21           B. SUBSECTION A OF THIS SECTION APPLIES ONLY IF THE PERSON CLAIMING  
22 IMMUNITY PROVIDES VERIFICATION THAT A NEEDLE, HYPODERMIC SYRINGE OR OTHER  
23 INJECTION SUPPLY ITEM WAS OBTAINED FROM AN OVERDOSE AND DISEASE PREVENTION  
24 PROGRAM ESTABLISHED PURSUANT TO SECTION 36-798.51.