

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)

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 10, to read:

4 ARTICLE 10. NEEDLE AND HYPODERMIC SYRINGE ACCESS

5 36-795. Needle and hypodermic syringe access programs;
6 authorization

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 A NEEDLE AND HYPODERMIC SYRINGE ACCESS PROGRAM. THE
12 OBJECTIVES OF A PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL BE ALL
13 OF THE FOLLOWING:

14 1. TO REDUCE THE SPREAD OF VIRAL HEPATITIS AND OTHER BLOODBORNE
15 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 B. A PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL OFFER ALL
21 OF THE FOLLOWING:

22 1. DISPOSAL OF USED NEEDLES AND HYPODERMIC SYRINGES.

23 2. NEEDLES, HYPODERMIC SYRINGES AND OTHER INJECTION SUPPLIES AT NO
24 COST AND IN QUANTITIES SUFFICIENT TO ENSURE THAT NEEDLES, HYPODERMIC
25 SYRINGES AND OTHER INJECTION SUPPLIES ARE NOT SHARED OR REUSED.

26 3. EDUCATIONAL MATERIALS ON ALL OF THE FOLLOWING:

27 (a) OVERDOSE PREVENTION.

28 (b) THE PREVENTION OF HIV, AIDS AND VIRAL HEPATITIS TRANSMISSION.

29 (c) DRUG ABUSE PREVENTION.

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

31 (e) TREATMENT FOR SUBSTANCE ABUSE, INCLUDING REFERRALS FOR
32 SUBSTANCE ABUSE TREATMENT.

33 4. ACCESS TO KITS THAT CONTAIN NALOXONE HYDROCHLORIDE OR ANY OTHER
34 OPIOID ANTAGONIST THAT IS APPROVED BY THE UNITED STATES FOOD AND DRUG
35 ADMINISTRATION FOR THE TREATMENT OF A DRUG OVERDOSE, OR REFERRALS TO
36 PROGRAMS THAT PROVIDE ACCESS TO NALOXONE HYDROCHLORIDE OR ANY OTHER OPIOID
37 ANTAGONIST THAT IS APPROVED BY THE UNITED STATES FOOD AND DRUG
38 ADMINISTRATION FOR THE TREATMENT OF A DRUG OVERDOSE.

39 5. FOR EACH INDIVIDUAL WHO REQUESTS SERVICES, PERSONAL
40 CONSULTATIONS FROM A PROGRAM EMPLOYEE OR VOLUNTEER CONCERNING MENTAL
41 HEALTH OR ADDICTION TREATMENT, AS APPROPRIATE.

42 36-795.01. Immunity

43 A. NOTWITHSTANDING TITLE 13, CHAPTER 34, AN EMPLOYEE, VOLUNTEER OR
44 PARTICIPANT OF A PROGRAM ESTABLISHED PURSUANT TO SECTION 36-795 MAY NOT BE
45 CHARGED WITH OR PROSECUTED FOR POSSESSION OF ANY OF THE FOLLOWING:

1 1. A NEEDLE, HYPODERMIC SYRINGE OR OTHER INJECTION SUPPLY ITEM
2 OBTAINED FROM OR RETURNED TO A PROGRAM ESTABLISHED PURSUANT TO SECTION
3 36-795.

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

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