

As Introduced

**128th General Assembly
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H. B. No. 602

Representative Foley

**Cosponsors: Representatives Hagan, Chandler, Harris, Yuko, Domenick,
Stewart, Belcher**

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A B I L L

To enact section 3707.37 of the Revised Code to 1
authorize the establishment of syringe exchange 2
programs. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3707.37 of the Revised Code be 4
enacted to read as follows: 5

Sec. 3707.37. (A) As used in this section: 6

(1) "Board of health" means the board of health of a city or 7
general health district or the authority having the duties of a 8
board of health under section 3709.05 of the Revised Code. 9

(2) "Injection drug user" means a person who uses a syringe 10
or hypodermic needle to inject a controlled substance into the 11
person's own body. 12

(B)(1) A board of health may establish a syringe exchange 13
program in order to reduce the transmission of bloodborne diseases 14
within the health district represented by the board. 15

(2) Before establishing a syringe exchange program, the board 16
of health shall consult with local law enforcement 17

representatives; prosecutors, as defined in section 2935.01 of the 18
Revised Code; representatives of local substance abuse treatment 19
providers; persons recovering from substance abuse; relevant 20
private, nonprofit organizations, including hepatitis C and HIV 21
advocacy organizations; members of the local community; and any 22
other interested parties selected by the board. When consulting 23
with the interested parties, the board and the interested parties 24
shall consider, at a minimum, all of the following: 25

(a) The scope of transmission of bloodborne diseases through 26
syringe or hypodermic needle use in the health district; 27

(b) The population the syringe exchange program would serve; 28

(c) Concerns of the law enforcement representatives; 29

(d) Day-to-day administration of the program, including the 30
hiring of employees or use of volunteers. 31

(C)(1) If a board of health establishes a syringe exchange 32
program, the board shall ensure that the program, at a minimum, 33
does all of the following: 34

(a) Provides each injection drug user participating in the 35
program with the information and means to protect the user, any 36
person sharing the user's syringes or needles, and the user's 37
family from exposure to bloodborne disease; 38

(b) Provides a sterile syringe or hypodermic needle to each 39
user in exchange for each respective used syringe or needle 40
collected from the user; 41

(c) Disposes of used syringes and hypodermic needles in 42
accordance with Chapter 3734. of the Revised Code; 43

(d) Provides safety protocols and education regarding 44
handling and disposal of syringes and hypodermic needles to each 45
user; 46

(e) Makes testing for bloodborne diseases available to each 47

<u>user;</u>	48
<u>(f) Provides counseling to each user regarding exposure to bloodborne diseases;</u>	49 50
<u>(g) Refers each user for drug abuse treatment, including opioid substitution therapy;</u>	51 52
<u>(h) Encourages each user to seek appropriate medical, mental health, or social services;</u>	53 54
<u>(i) Uses a recordkeeping system that ensures that the identity of each user remains anonymous;</u>	55 56
<u>(j) Provides each user with a wallet certificate that states that the user is an active participant in the program.</u>	57 58
<u>(2) The board of health may establish policies and procedures necessary for carrying out the purposes of a syringe exchange program established under this section.</u>	59 60 61
<u>(D) A board of health may contract with a private, nonprofit organization to operate a syringe exchange program on behalf of the board. If the board contracts with an organization, the board shall annually review the contract to determine whether it should be renewed. During the review, the board shall consult with interested parties selected by the board and consider the issues listed under division (B)(2) of this section. After the review, if the board determines that the organization has satisfactorily carried out the purpose of the syringe exchange program and will continue to do so, the board may renew the contract.</u>	62 63 64 65 66 67 68 69 70 71
<u>(E) Neither of the following shall be subject to criminal liability under sections 2923.24, 2925.12, 2925.14, and 3719.172 of the Revised Code:</u>	72 73 74
<u>(1) An employee or volunteer of a syringe exchange program when carrying out the duties of the program;</u>	75 76
<u>(2) An injection drug user who is within one thousand feet of</u>	77

a program facility and is in possession of a wallet certificate 78
stating that the user is an active participant in the program. 79

(F)(1) A board of health that establishes a syringe exchange 80
program shall submit an annual report to the department of health 81
on the effectiveness of the program. The first report to the 82
department shall be submitted on or before the first day of July 83
following the first full calendar year the program is in 84
operation. All subsequent reports to the department shall be 85
submitted on or before the first day of July. 86

(2) The department of health shall submit an annual report to 87
the standing committees of the general assembly with primary 88
responsibility for health legislation that summarizes the reports 89
made to the department under division (F)(1) of this section. The 90
first report to the standing committees shall be submitted on or 91
before the first day of September following receipt of any first 92
reports made under division (F)(1) of this section. All subsequent 93
reports to the standing committees shall be submitted on or before 94
the first day of September. 95

(3) A report submitted under division (F)(1) or (2) of this 96
section shall not contain any information that identifies or would 97
tend to identify an injection drug user participating in a syringe 98
exchange program. 99