

**As Reported by the House Health and Aging Committee**

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**Sub. H. B. No. 182**

**Representatives Foley, Antonio**

**Cosponsors: Representatives Murray, Hagan, R., Yuko, Stinziano, Letson,**

**Barnes, Carney, Garland**

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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) "Bloodborne pathogens" means the human immunodeficiency 7  
virus (HIV), hepatitis B virus, and hepatitis C virus. 8

(2) "Board of health" means the board of health of a city or 9  
general health district or the authority having the duties of a 10  
board of health under section 3709.05 of the Revised Code. 11

(3) "Controlled substance" has the same meaning as in section 12  
3719.01 of the Revised Code. 13

(4) "Injection drug user" means a person who uses a syringe 14  
or hypodermic needle to inject a controlled substance into the 15  
person's own body. 16

(B) A board of health may establish a syringe exchange 17

program for the purpose of reducing the transmission of bloodborne pathogens among the residents of the health district represented by the board. The cost of the program is the responsibility of the board of health. 18  
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(C) A syringe exchange program shall, at a minimum, do all of the following with respect to the program's operation and its participants: 22  
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(1) Provide a sterile syringe or hypodermic needle to each injection drug user in exchange for each respective used syringe or needle collected from the user; 25  
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(2) Dispose of used syringes and hypodermic needles in accordance with Chapter 3734. of the Revised Code; 28  
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(3) Provide safety protocols and education regarding handling and disposal of syringes and hypodermic needles to each injection drug user; 30  
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(4) Provide each injection drug user with the information and means to protect the user, any person sharing the user's syringes or needles, and the user's family from exposure to bloodborne pathogens; 33  
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(5) Provide counseling to each injection drug user regarding exposure to bloodborne pathogens; 37  
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(6) Refer each injection drug user to the board of alcohol, drug addiction, and mental health services that serves the area in which the health district is located; 39  
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(7) Encourage each injection drug user to seek appropriate medical, mental health, or social services; 42  
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(8) Use a recordkeeping system that ensures that the identity of each injection drug user remains anonymous; 44  
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(9) Provide each injection drug user with a wallet certificate that states that the user is an active participant in 46  
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the program. 48

(D) If a board of health establishes a syringe exchange 49  
program, the board shall establish policies and procedures for the 50  
program. The policies and procedures shall be developed in 51  
consultation with the interested parties identified in division 52  
(E)(1) of this section and, at a minimum, shall address all of the 53  
following: 54

(1) Subject to the standards established in rules adopted 55  
under division (I) of this section, the content of the wallet 56  
certificate to be provided to each active participant in the 57  
program, including the certificate's expiration date as determined 58  
by the board, and the distribution of certificates to 59  
participants; 60

(2) Notification of each relevant law enforcement agency 61  
regarding the program, including the location of each facility to 62  
be used by the program and the immunity from criminal liability 63  
granted by division (G) of this section; 64

(3) Provision of care to program participants in need of 65  
immediate medical attention at the time they receive syringes or 66  
hypodermic needles through the program; 67

(4) Compliance with applicable state and federal rules and 68  
regulations governing participant confidentiality. 69

(E)(1) Before establishing a syringe exchange program, the 70  
board of health shall consult with all of the following interested 71  
parties from the health district represented by the board: 72

(a) Law enforcement representatives; 73

(b) Prosecutors, as defined in section 2935.01 of the Revised 74  
Code; 75

(c) Representatives of alcohol and drug addiction programs 76  
certified under section 3793.06 of the Revised Code; 77

<u>(d) Persons recovering from substance abuse;</u>	78
<u>(e) Relevant private, nonprofit organizations, including hepatitis C and HIV advocacy organizations;</u>	79 80
<u>(f) Residents of the health district;</u>	81
<u>(g) The board of alcohol, drug addiction, and mental health services that serves the area in which the health district is located;</u>	82 83 84
<u>(h) Any other interested parties selected by the board of health.</u>	85 86
<u>(2) When consulting with the interested parties, the board of health and the interested parties shall consider, at a minimum, all of the following:</u>	87 88 89
<u>(a) The scope of transmission of bloodborne pathogens through syringe or hypodermic needle use in the health district;</u>	90 91
<u>(b) The population to be served by the syringe exchange program;</u>	92 93
<u>(c) Concerns of the law enforcement representatives;</u>	94
<u>(d) Day-to-day administration of the program, including the hiring of employees or use of volunteers.</u>	95 96
<u>(F) A board of health may contract with a private, nonprofit organization to operate a syringe exchange program on behalf of the board. A contract may not be in effect longer than one year.</u>	97 98 99
<u>Before a contract expires, the board shall 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 (E)(2) of this section. After the review, if the board determines that the organization has satisfactorily carried out the purpose of the program and will continue to do so, the board may renew the contract.</u>	100 101 102 103 104 105 106 107

(G) The following are not subject to criminal liability under sections 2923.24, 2925.12, 2925.14, and 3719.172 of the Revised Code: 108  
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(1) An employee or volunteer of a syringe exchange program when carrying out the duties of the program; 111  
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(2) An injection drug user who is within one thousand feet of a program facility and is in possession of a wallet certificate stating that the user is an active participant in the program. 113  
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(H) A board of health that establishes a syringe exchange program shall include details about the program in its annual report prepared under section 3707.47 of the Revised Code. 116  
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(I) The department of alcohol and drug addiction services shall adopt rules establishing statewide standards for the wallet certificates to be issued to participants of syringe exchange programs. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 119  
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