

Sixty-fifth  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2320

Introduced by

Senators Anderson, J. Lee, Mathern

Representatives J. Nelson, Seibel, Weisz

1 A BILL for an Act to create and enact a new subsection to section 19-03.4-02 and a new section  
2 to chapter 23-01 of the North Dakota Century Code, relating to drug paraphernalia guidelines  
3 and a syringe exchange program; and to declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new subsection to section 19-03.4-02 of the North Dakota Century Code is  
6 created and enacted as follows:

7 Whether the object is a needle or syringe collected during the operation of a needle  
8 exchange program under chapter 23-01 to aid in the prevention of bloodborne  
9 diseases.

10 **SECTION 2.** A new section to chapter 23-01 of the North Dakota Century Code is created  
11 and enacted as follows:

12 **Syringe or needle exchange program - Authorization.**

13 1. As used in this section:

14 a. "Program" means a syringe exchange program operated under this section.

15 b. "Qualified entity" means:

16 (1) A local health department;

17 (2) A city that operates a program within the boundaries of the city; or

18 (3) An organization that has been authorized to operate a program by the state  
19 department of health, the board of county commissioners, or the governing  
20 body for the operation of a program within the boundaries of the city.

21 2. The state department of health may authorize a qualified entity to operate a program  
22 in a county if:

23 a. The area to be served is at risk of an increase or potential increase in prevalence  
24 of viral hepatitis or human immunodeficiency virus;

- 1           b. A syringe exchange program is medically appropriate as part of a comprehensive  
2           public health response; and
- 3           c. The qualified entity conducted a public hearing and submitted a report of the  
4           findings and an administration plan for the program to the state health officer.
- 5        3. A qualified entity operating a program under this chapter shall:
- 6           a. Register the program annually in the manner prescribed by the state department  
7           of health;
- 8           b. Have a pharmacist, physician, or advanced practice registered nurse who is  
9           licensed in the state to provide oversight for the program;
- 10          c. Store and dispose of all syringes and needles collected in a safe and legal  
11          manner;
- 12          d. Provide education and training on drug overdose response and treatment,  
13          including the administration of an overdose reversal medication;
- 14          e. Provide education, referral, and linkage to human immunodeficiency virus, viral  
15          hepatitis, and sexually transmitted disease prevention, treatment, and care  
16          services;
- 17          f. Provide drug addiction treatment information, and referrals to drug treatment  
18          programs, including programs in the local area and programs that offer  
19          medication-assisted treatment that includes a federal food and drug  
20          administration approved long-acting, non-addictive medication for the treatment  
21          of opioid or alcohol dependence;
- 22          g. Provide syringe, needle, and injection supply distribution and collection without  
23          collecting or recording personally identifiable information;
- 24          h. Operate in a manner consistent with public health and safety; and
- 25          i. Ensure the program is medically appropriate and part of a comprehensive public  
26          health response.
- 27        4. The state department of health may terminate a program for failure to comply with any  
28        of the provisions in this section.
- 29        5. A state agency may not provide general fund monies to a program to purchase or  
30        otherwise acquire hypodermic syringes, needles, or injection supplies for a program  
31        under this section.

- 1       6. A law enforcement officer may not stop, search, or seize an individual based on the  
2       individual's participation in a program under this section. Syringes and needles  
3       appropriately collected under this section are not considered drug paraphernalia as  
4       provided in chapter 19-03.4.
- 5       7. Each program shall file a semiannual report with the state department of health  
6       containing the following information listed on a daily basis and by location, identified by  
7       the postal zip code, where the program distributed and collected syringes and  
8       needles:
- 9       a. The number of individuals served;  
10      b. The number of syringes and needles collected;  
11      c. The number of syringes and needles distributed; and  
12      d. Any additional information requested by the state department of health.

13      **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.