

A BILL FOR

An Act relating to the establishment of a needle exchange program by the Iowa department of public health.

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

Section 1. Section 124.414, Code 2019, is amended to read as follows:

a. As used in this section, “drug paraphernalia” means all equipment, products, or materials of any kind used or attempted to be used in combination with a controlled substance, except those items used in combination with the lawful use of a controlled substance, to knowingly or intentionally and primarily do any of the following:

(1) Manufacture a controlled substance.

(2) Ingest, inhale, or otherwise introduce into the human body a controlled substance.

(3) Enhance the effect of a controlled substance.

b. “Drug paraphernalia” does not include equipment, products, or materials if manufactured, delivered, sold, or possessed for a lawful purpose. For purposes of this section, “lawful purpose” includes equipment, products, or materials delivered, sold, or possessed through a needle exchange program established pursuant to section 135.26A and registered with the department of public health.

Sec. 2. Section 135.11, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 30. Administer a needle exchange program pursuant to section 135.26A in cooperation with cities, counties, and nongovernmental organizations.

Sec. 3. NEW SECTION. 135.26A Needle exchange program.

1. For purposes of this section:

a. “Needle exchange program” means a program that mitigates health risks associated with drug use and other high-risk behaviors, including but not limited to the provision and disposal of syringes and other equipment associated with drug use.

b. “Residual amount” means an amount of a controlled substance not exceeding fifty milligrams.

2. a. The objectives of a needle exchange program established pursuant to this section shall be all of the following:

(1) To reduce the spread of viral hepatitis, HIV, and other medical illnesses caused by infectious agents.

(2) To reduce needle-stick injuries to law enforcement officers and other emergency personnel.

(3) To encourage persons who misuse drugs to enroll in evidence-based treatment for substance use disorders.

3. Notwithstanding any other law to the contrary, an employee of, or a volunteer or participant in, a needle exchange program shall not be arrested, charged with or prosecuted for possession of any of the following:

a. A hypodermic needle, syringe, or other equipment, products, or materials obtained from or returned to a needle exchange program.

b. A residual amount of a controlled substance contained in a used hypodermic needle, used hypodermic syringe, or other used equipment, products, or materials obtained from or returned to a needle exchange program.

4. a. Each needle exchange program employee, volunteer, and participant shall be issued an identification card that identifies their relationship with the program. Possession of a valid identification card shall provide a rebuttable presumption that the person possessing the card is entitled to the immunity in Section 3.

b. A needle exchange program identification card shall include a unique identifier assigned to each individual needle exchange program participant, employee, or volunteer and must be verifiable by the department.

5. a. If a law enforcement officer in good faith issues a charge in violation of subsection 4, the law enforcement officer shall not be held civilly or criminally liable.

b. Interfering with the operation of a registered needle exchange program, including but not limited to the confiscation of a valid needle exchange identification card, is prohibited.