



Reprinted  
February 18, 2026

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# ENGROSSED SENATE BILL No. 91

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DIGEST OF SB 91 (Updated February 17, 2026 2:44 pm - DI 147)

**Citations Affected:** IC 16-41.

**Synopsis:** Syringe exchange program. Prohibits a qualified entity that operates a syringe exchange program (program) from establishing or operating a fixed site for the distribution or exchange of a syringe or needle within 1,000 feet of specified facilities. Creates an exception. Allows the Indiana department of health to deny, suspend, or revoke a qualified entity's annual registration for a violation. Amends the duties of a qualified entity that operates a program. Establishes requirements  
(Continued next page)

**Effective:** Upon passage.

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**Crider, Charbonneau, Clark, Yoder,  
Walker K, Bohacek, Jackson L,  
Randolph Lonnie M, Pol Jr.**  
(HOUSE SPONSORS — CLERE, LAWSON, ZIMMERMAN,  
GARCIA WILBURN)

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December 9, 2025, read first time and referred to Committee on Health and Provider Services.

January 8, 2026, reported favorably — Do Pass.

January 26, 2026, read second time, amended, ordered engrossed.

January 27, 2026, engrossed. Read third time, passed. Yeas 33, nays 13.

HOUSE ACTION

January 29, 2026, read first time and referred to Committee on Public Health.

February 10, 2026, amended, reported — Do Pass.

February 17, 2026, read second time, amended, ordered engrossed.

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Digest Continued

for program participation. Prohibits a qualified entity that operates a program from providing chemical reagents or precursors. Requires the state health commissioner to investigate any complaint regarding a qualified entity's noncompliance with the qualified entity's duties concerning the operation of a program. Permits the state health commissioner to suspend or terminate the approval of a qualified entity for noncompliance. Extends the expiration of the program to July 1, 2031.

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February 18, 2026

Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 91

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A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1           SECTION 1. IC 16-41-7.5-5.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. (a) Except as provided in**  
4 **subsection (b), a qualified entity that operates a program under**  
5 **this chapter may not establish or operate a fixed site for the**  
6 **distribution or exchange of a syringe or needle within one thousand**  
7 **(1,000) feet of a:**  
8           **(1) public school (as defined in IC 20-18-2-15);**  
9           **(2) nonpublic school (as defined in IC 20-18-2-12);**  
10           **(3) child care center licensed under IC 12-17.2-4; or**  
11           **(4) building or structure that is primarily used for religious**  
12           **worship;**  
13           **as measured in a straight line from the nearest point of the site to**  
14           **the nearest point on the property line of a facility described in**  
15           **subdivisions (1) through (4).**  
16           **(b) A qualified entity may establish or operate a fixed site for**  
17           **the distribution or exchange of a syringe or needle within one**

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1 thousand (1,000) feet of a facility described in subsection (a) if the  
 2 operator of the facility approves the establishment or operation of  
 3 the fixed site in writing.

4 (c) This section does not prohibit a qualified entity that operates  
 5 a program under this chapter from providing any of the following  
 6 services at a fixed site described in subsection (a):

7 (1) Distributing an overdose intervention drug.

8 (2) Providing a referral or education services.

9 (3) Accepting a used syringe or needle for safe disposal.

10 (d) If a qualified entity that operates a program under this  
 11 chapter violates this section, the state department may deny,  
 12 suspend, or revoke the qualified entity's annual registration.

13 SECTION 2. IC 16-41-7.5-6, AS AMENDED BY P.L.112-2020,  
 14 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 UPON PASSAGE]: Sec. 6. A qualified entity that operates a program  
 16 under this chapter must do the following:

17 (1) Annually register the program in a manner prescribed by the  
 18 state department with the:

19 (A) state department; and

20 (B) local health department in the county or municipality  
 21 where services will be provided by the qualified entity if the  
 22 qualified entity is not the local health department.

23 (2) Have one (1) of the following licensed in Indiana provide  
 24 oversight to the qualified entity's programs:

25 (A) A physician.

26 (B) A registered nurse.

27 (C) A physician assistant.

28 (3) Store and dispose of all syringes and needles collected in a  
 29 safe and legal manner.

30 (4) Provide education and training on drug overdose response and  
 31 treatment, including the administration of an overdose  
 32 intervention drug.

33 (5) Provide drug addiction treatment information and referrals to  
 34 drug treatment programs, including programs in the local area and  
 35 programs that offer medication assisted treatment that includes a  
 36 federal Food and Drug Administration approved long acting,  
 37 nonaddictive medication for the treatment of opioid or alcohol  
 38 dependence.

39 (6) Provide syringe and needle distribution and collection without  
 40 collecting or recording personally identifiable information.

41 **Provide only one (1) sterile syringe and needle in exchange for**  
 42 **each used syringe and needle.**



- 1 (7) Operate in a manner consistent with public health and safety.  
 2 (8) Ensure the program is medically appropriate and part of a  
 3 comprehensive public health response.  
 4 (9) Keep sufficient quantities of an overdose intervention drug (as  
 5 defined in IC 16-18-2-263.9) in stock and to administer in  
 6 accordance with IC 16-42-27.  
 7 (10) Provide testing for communicable diseases, and if an  
 8 individual tests positive for a communicable disease, provide  
 9 health care services or a referral to a health care provider for the  
 10 services.

11 (11) Establish a referral process for program participants in need  
 12 of:

- 13 (A) information or education concerning communicable  
 14 diseases; or  
 15 (B) health care.

16 **(12) Maintain data concerning drug treatment referrals made**  
 17 **under subdivision (5), including treatment efficacy.**

18 SECTION 3. IC 16-41-7.5-6.4 IS ADDED TO THE INDIANA  
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 20 [EFFECTIVE UPON PASSAGE]: **Sec. 6.4. To be eligible to**  
 21 **participate in a program operated under this chapter, an**  
 22 **individual must:**

23 **(1) be a resident of either:**

24 **(A) a county within the Indiana housing and community**  
 25 **development authority's balance of state continuum of care**  
 26 **region in which the qualified entity is located; or**

27 **(B) Marion County or a county that is contiguous to**  
 28 **Marion County, if the qualified entity is located in Marion**  
 29 **County; and**

30 **(2) present valid identification.**

31 SECTION 4. IC 16-41-7.5-6.5 IS ADDED TO THE INDIANA  
 32 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 33 [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. A qualified entity that**  
 34 **operates a program under this chapter may not provide chemical**  
 35 **reagents or precursors (as defined in IC 35-48-4-14.5).**

36 SECTION 5. IC 16-41-7.5-7, AS ADDED BY P.L.208-2015,  
 37 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 UPON PASSAGE]: **Sec. 7. (a) The following may terminate the**  
 39 **approval of a qualified entity:**

40 **(+) The legislative body of the municipality, the executive body**  
 41 **of the county, or the local health department that approved the a**  
 42 **qualified entity to operate a program under this chapter may**



1           **terminate the qualified entity's approval.**  
 2           **(b) If the state department receives a complaint regarding**  
 3 **noncompliance of a qualified entity that operates a program under**  
 4 **this chapter, the state health commissioner shall investigate and**  
 5 **determine the qualified entity's compliance with section 6 of this**  
 6 **chapter. ~~(2) The state health commissioner,~~ If the state health**  
 7 **commissioner determines that the qualified entity has failed to comply**  
 8 **with section 6 of this chapter, the state health commissioner may**  
 9 **suspend or terminate the approval of a qualified entity.**  
 10           ~~(b)~~ **(c) If a person described in subsection (a)(1) or (a)(2)**  
 11 **subsection (a) or (b) terminates the approval of a qualified entity, the**  
 12 **person shall notify the other person with authority to terminate that is**  
 13 **described in ~~subsection (a)~~ subsection (a) or (b) of the termination.**  
 14           SECTION 6. IC 16-41-7.5-14, AS AMENDED BY P.L.130-2021,  
 15 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 UPON PASSAGE]: Sec. 14. This chapter expires July 1, ~~2026.~~ **2031.**  
 17           SECTION 7. **An emergency is declared for this act.**



## COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 91, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 91 as introduced.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 10, Nays 2

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 SENATE MOTION

Mr. President: I move that Senate Bill 91 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-41-7.5-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.5. The legislative body of the municipality or the executive body of the county may impose a syringe exchange ratio requirement, as determined by the municipality or county, on a program that operates within the jurisdiction of the municipality or county, including a requirement that the program provide only one (1) sterile syringe and needle in exchange for each used sterile syringe and needle.**

SECTION 2. IC 16-41-7.5-6, AS AMENDED BY P.L.112-2020, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. A qualified entity that operates a program under this chapter must do the following:

- (1) Annually register the program in a manner prescribed by the state department with the:
  - (A) state department; and
  - (B) local health department in the county or municipality where services will be provided by the qualified entity if the qualified entity is not the local health department.
- (2) Have one (1) of the following licensed in Indiana provide oversight to the qualified entity's programs:
  - (A) A physician.
  - (B) A registered nurse.

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- (C) A physician assistant.
- (3) Store and dispose of all syringes and needles collected in a safe and legal manner.
- (4) Provide education and training on drug overdose response and treatment, including the administration of an overdose intervention drug.
- (5) Provide drug addiction treatment information and referrals to drug treatment programs, including programs in the local area and programs that offer medication assisted treatment that includes a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.
- (6) Provide syringe and needle distribution and collection:
- (A) without collecting or recording personally identifiable information; **and**
  - (B) if applicable, in accordance with a syringe exchange ratio required under section 5.5 of this chapter.**
- (7) Accept a syringe from an individual, regardless of the individual's participation in the program, for proper disposal.**
- (8) Provide a safe syringe disposal container to a program participant and, upon request, to any other individual.**
- ~~(7)~~ **(9)** Operate in a manner consistent with public health and safety.
- ~~(8)~~ **(10)** Ensure the program is medically appropriate and part of a comprehensive public health response.
- ~~(9)~~ **(11)** Keep sufficient quantities of an overdose intervention drug (as defined in IC 16-18-2-263.9) in stock and to administer in accordance with IC 16-42-27.
- ~~(10)~~ **(12)** Provide testing for communicable diseases, and if an individual tests positive for a communicable disease, provide health care services or a referral to a health care provider for the services.
- ~~(11)~~ **(13)** Establish a referral process for program participants in need of:
- (A) information or education concerning communicable diseases; or
  - (B) health care.
- (14) Maintain data concerning the following:**
- (A) HIV and hepatitis C testing and treatment referrals.**
  - (B) Drug treatment referrals made under subdivision (5).**

SECTION 3. IC 16-41-7.5-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

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[EFFECTIVE UPON PASSAGE]: **Sec. 6.5. A qualified entity that operates a program under this chapter may not provide chemical reagents or precursors (as defined in IC 35-48-4-14.5)."**

Renumber all SECTIONS consecutively.

(Reference is to SB 91 as printed January 9, 2026.)

CRIDER

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### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 91, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:  
 "SECTION 1. IC 16-41-7.5-6, AS AMENDED BY P.L.112-2020, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. A qualified entity that operates a program under this chapter must do the following:

- (1) Annually register the program in a manner prescribed by the state department with the:
  - (A) state department; and
  - (B) local health department in the county or municipality where services will be provided by the qualified entity if the qualified entity is not the local health department.
- (2) Have one (1) of the following licensed in Indiana provide oversight to the qualified entity's programs:
  - (A) A physician.
  - (B) A registered nurse.
  - (C) A physician assistant.
- (3) Store and dispose of all syringes and needles collected in a safe and legal manner.
- (4) Provide education and training on drug overdose response and treatment, including the administration of an overdose intervention drug.
- (5) Provide drug addiction treatment information and referrals to drug treatment programs, including programs in the local area and programs that offer medication assisted treatment that includes a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol

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dependence.

~~(6) Provide syringe and needle distribution and collection without collecting or recording personally identifiable information.~~  
**Provide only one (1) sterile syringe and needle in exchange for each used syringe and needle.**

(7) Operate in a manner consistent with public health and safety.

(8) Ensure the program is medically appropriate and part of a comprehensive public health response.

(9) Keep sufficient quantities of an overdose intervention drug (as defined in IC 16-18-2-263.9) in stock and to administer in accordance with IC 16-42-27.

(10) Provide testing for communicable diseases, and if an individual tests positive for a communicable disease, provide health care services or a referral to a health care provider for the services.

(11) Establish a referral process for program participants in need of:

(A) information or education concerning communicable diseases; or

(B) health care.

**(12) Maintain data concerning drug treatment referrals made under subdivision (5), including treatment efficacy.**

SECTION 2. IC 16-41-7.5-6.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.4. To be eligible to participate in a program operated under this chapter, an individual must:**

**(1) be a resident of a county within the Indiana housing and community development authority's balance of state continuum of care region in which the qualified entity is located; and**

**(2) present valid identification."**

Delete page 2.

Page 3, delete lines 1 through 4.

Page 3, line 12, delete "2036." and insert "**2028.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 91 as reprinted January 27, 2026.)

BARRETT

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Committee Vote: yeas 9, nays 4.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 91 be amended to read as follows:

Page 2, delete lines 36 through 40, begin a new paragraph and insert:

**"(1) be a resident of either:**

**(A) a county within the Indiana housing and community development authority's balance of state continuum of care region in which the qualified entity is located; or**

**(B) Marion County or a county that is contiguous to Marion County, if the qualified entity is located in Marion County; and**

**(2) present valid identification."**

Page 3, line 6, delete "2028." and insert "2031."

(Reference is to ESB 91 as printed February 10, 2026.)

CLERE

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 91 be amended to read as follows:

Page 3, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 2. IC 16-41-7.5-7, AS ADDED BY P.L.208-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) ~~The following may terminate the approval of a qualified entity:~~

~~(1) The legislative body of the municipality, the executive body of the county, or the local health department that approved the a qualified entity to operate a program under this chapter may terminate the qualified entity's approval.~~

**(b) If the state department receives a complaint regarding noncompliance of a qualified entity that operates a program under this chapter, the state health commissioner shall investigate and determine the qualified entity's compliance with section 6 of this chapter. (2) The state health commissioner, If the state health**

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commissioner determines that the qualified entity has failed to comply with section 6 of this chapter, **the state health commissioner may suspend or terminate the approval of a qualified entity.**

~~(b)~~ **(c)** If a person described in ~~subsection (a)(1) or (a)(2)~~ **subsection (a) or (b)** terminates the approval of a qualified entity, the person shall notify the other person with authority to terminate that is described in ~~subsection (a)~~ **subsection (a) or (b)** of the termination.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 91 as printed February 10, 2026.)

MAYFIELD

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 91 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-41-7.5-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.5. (a) Except as provided in subsection (b), a qualified entity that operates a program under this chapter may not establish or operate a fixed site for the distribution or exchange of a syringe or needle within one thousand (1,000) feet of a:**

- (1) public school (as defined in IC 20-18-2-15);**
- (2) nonpublic school (as defined in IC 20-18-2-12);**
- (3) child care center licensed under IC 12-17.2-4; or**
- (4) building or structure that is primarily used for religious worship;**

**as measured in a straight line from the nearest point of the site to the nearest point on the property line of a facility described in subdivisions (1) through (4).**

**(b) A qualified entity may establish or operate a fixed site for the distribution or exchange of a syringe or needle within one thousand (1,000) feet of a facility described in subsection (a) if the operator of the facility approves the establishment or operation of the fixed site in writing.**

**(c) This section does not prohibit a qualified entity that operates a program under this chapter from providing any of the following services at a fixed site described in subsection (a):**

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- (1) Distributing an overdose intervention drug.**
- (2) Providing a referral or education services.**
- (3) Accepting a used syringe or needle for safe disposal.**
- (d) If a qualified entity that operates a program under this chapter violates this section, the state department may deny, suspend, or revoke the qualified entity's annual registration."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 91 as printed February 10, 2026.)

IRELAND

