

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.

SENATE ENROLLED ACT No. 91

AN ACT to amend the Indiana Code concerning health.

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

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

SEA 91 — Concur



services at a fixed site described in subsection (a):

- (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.

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.
 - (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 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

SEA 91 — Concur



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 3. 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 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.

SECTION 4. IC 16-41-7.5-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [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).**

SECTION 5. 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:**

(†) 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 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.

SECTION 6. IC 16-41-7.5-14, AS AMENDED BY P.L.130-2021, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. This chapter expires July 1, ~~2026~~. **2031.**

SECTION 7. **An emergency is declared for this act.**



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 91 — Concur

