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SENATE BILL No. 91

Proposed Changes to January 27, 2026 printing by AM009108

DIGEST OF PROPOSED AMENDMENT

Program requirements. Requires a qualified entity that operates a syringe exchange program (program) to: (1) provide only one sterile syringe and needle in exchange for each used sterile syringe and needle; and (2) maintain data concerning drug treatment referrals. Establishes requirements for program participation. Changes the expiration of the chapter in the bill from 2036 to 2028.

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. The legislative body of
- 4 the municipality or the executive body of the county may impose a
- 5 syringe exchange ratio requirement, as determined by the
- 6 municipality or county, on a program that operates within the
- 7 jurisdiction of the municipality or county, including a requirement
- 8 that the program provide only one (1) sterile syringe and needle in
- 9 exchange for each used sterile syringe and needle.
- 10 > SECTION [1]. IC 16-41-7.5-6, AS AMENDED BY
- 11 P.L.112-2020, SECTION 26, IS AMENDED TO READ AS
- 12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. A qualified
- 13 entity that operates a program under this chapter must do the following:
- 14 (1) Annually register the program in a manner prescribed by the
- 15 state department with the:
- 16 (A) state department; and
- 17 (B) local health department in the county or municipality
- 18 where services will be provided by the qualified entity if the

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- 1 qualified entity is not the local health department.
- 2 (2) Have one (1) of the following licensed in Indiana provide
- 3 oversight to the qualified entity's programs:
- 4 (A) A physician.
- 5 (B) A registered nurse.
- 6 (C) A physician assistant.
- 7 (3) Store and dispose of all syringes and needles collected in a
- 8 safe and legal manner.
- 9 (4) Provide education and training on drug overdose response
- 10 and treatment, including the administration of an overdose
- 11 intervention drug.
- 12 (5) Provide drug addiction treatment information and referrals to
- 13 drug treatment programs, including programs in the local area
- 14 and programs that offer medication assisted treatment that
- 15 includes a federal Food and Drug Administration approved long
- 16 acting, nonaddictive medication for the treatment of opioid or
- 17 alcohol dependence.
- 18 (6) ~~<Provide>~~ Provide syringe and needle distribution and
- 19 collection without collecting or recording personally identifiable
- 20 information. Provide only one (1) sterile syringe and needle
- 21 ~~<distribution and collection:~~
- 22 ~~(A) without collecting or recording personally~~
- 23 ~~identifiable information; and~~
- 24 ~~(B) if applicable, in accordance with a syringe exchange~~
- 25 ~~ratio required under section 5.5 of this chapter.~~
- 26 ~~(7) Accept a syringe from an individual, regardless of the~~
- 27 ~~individual's participation in the program, for proper~~
- 28 ~~disposal.~~
- 29 ~~(8) Provide a safe syringe disposal container to a program~~
- 30 ~~participant and, upon request, to any other individual.~~
- 31 ~~(7)(9)>~~ in exchange for each used sterile syringe and needle.
- 32 (7) Operate in a manner consistent with public health and
- 33 safety.
- 34 ~~<(8) <(10)>~~ Ensure the program is medically appropriate and
- 35 part of a comprehensive public health response.
- 36 ~~<(9) <(11)>~~ Keep sufficient quantities of an overdose
- 37 intervention drug (as defined in IC 16-18-2-263.9) in stock and
- 38 to administer in accordance with IC 16-42-27.
- 39 ~~<(10) <(12)>~~ Provide testing for communicable diseases, and
- 40 if an individual tests positive for a communicable disease,
- 41 provide health care services or a referral to a health care provider
- 42 for the services.

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DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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1 ◇(11) ~~(13)~~→Establish a referral process for program
 2 participants in need of:
 3 (A) information or education concerning communicable
 4 diseases; or
 5 (B) health care.
 6 (1~~4~~)**[2]** Maintain data concerning ~~the following:~~
 7 ~~(A) HIV and hepatitis C testing and treatment referrals;~~
 8 ~~(B) Drug~~**[drug]** treatment referrals made under
 9 subdivision (5)**[, including treatment efficacy.**
 10 SECTION 2. IC 16-41-7.5-6.4 IS ADDED TO THE INDIANA
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
 12 [EFFECTIVE UPON PASSAGE]: Sec. 6.4. To be eligible to
 13 participate in a program operated under this chapter, an
 14 individual must:
 15 (1) be a resident of a county within the Indiana housing and
 16 community development authority's balance of state
 17 continuum of care region in which the qualified entity is
 18 located; and
 19 (2) present valid identification].
 20 SECTION 3. IC 16-41-7.5-6.5 IS ADDED TO THE INDIANA
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. A qualified entity that**
 23 **operates a program under this chapter may not provide chemical**
 24 **reagents or precursors (as defined in IC 35-48-4-14.5).**
 25 SECTION 4. IC 16-41-7.5-14, AS AMENDED BY P.L.130-2021,
 26 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 UPON PASSAGE]: Sec. 14. This chapter expires July 1, 2026.
 28 **20~~36~~ [28].**
 29 SECTION 5. **An emergency is declared for this act.**

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