

HOUSE BILL No. 1595

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-41-7.5.

Synopsis: Syringe exchange program. Requires the state health commissioner to appoint a panel to hold a public hearing to determine whether to operate a syringe exchange program in a county if the Indiana state department of health determines from available data that the county has experienced at least a 20% increase in opioid overdose emergency room visits or in hepatitis C cases.

Effective: July 1, 2019.

Fleming, Clere, Davisson, Ziemke

January 22, 2019, read first time and referred to Committee on Public Health.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1595

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, AS AMENDED BY P.L.198-2017,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 5. **Except as provided in section 5.5 of this**
4 **chapter**, before a qualified entity may operate a program in a county,
5 the following shall occur:
6 (1) The local health officer or the executive director must declare
7 to the executive body of the county or the legislative body of the
8 municipality the following:
9 (A) There is an epidemic of hepatitis C or HIV.
10 (B) That the primary mode of transmission of hepatitis C or
11 HIV in the county is through intravenous drug use.
12 (C) That a syringe exchange program is medically appropriate
13 as part of a comprehensive public health response.
14 (2) The legislative body of the municipality or the executive body
15 of the county must do the following:
16 (A) Conduct a public hearing that allows for public testimony.
17 (B) Take official action adopting the declarations under



1 subdivision (1) by the local health officer or the executive
 2 director in consideration of the public health for the area and,
 3 if the program complies with section 6 of this chapter and is
 4 within the jurisdictional limits of the county or municipality
 5 that the body represents, either:

- 6 (i) approve the operation of the program; or
- 7 (ii) submit a request under subdivision (3) to the state health
 8 commissioner.

9 (3) The legislative body of the municipality or the executive body
 10 of the county that took official action under subdivision (2) either:

11 (A) notifies the state health commissioner of the body's actions
 12 under subdivision (2), including:

- 13 (i) the period of time considered medically appropriate for
 14 the program;
- 15 (ii) whether a renewal or an extension of the program can
 16 occur; and
- 17 (iii) other measures taken concerning the epidemic that have
 18 proven ineffective; or

19 (B) if the body does not approve the operation of a program
 20 under subdivision (2)(B)(i) and submits a request under
 21 subdivision (2)(B)(ii), request that the state health
 22 commissioner declare a public health emergency and approve
 23 the operation of a program.

24 (4) If subdivision (3)(B) applies, the state health commissioner
 25 has declared a public health emergency for the county or
 26 municipality and approved the operation of a program.

27 SECTION 2. IC 16-41-7.5-5.5 IS ADDED TO THE INDIANA
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2019]: **Sec. 5.5. (a) The state health
 30 commissioner shall appoint a panel described in subsection (b) to
 31 hold a public hearing to determine whether to operate a program
 32 in a county if the state department determines from available data
 33 that the county has experienced either of the following in a
 34 particular calendar year:**

35 **(1) An increase in the number of opioid overdose emergency
 36 room visits of at least twenty percent (20%) from the previous
 37 calendar year.**

38 **(2) An increase in the number of hepatitis C cases of at least
 39 twenty percent (20%) from the previous calendar year.**

40 **(b) The state health commissioner shall appoint a panel in the
 41 qualifying county that consists of:**

42 **(1) two (2) physicians licensed under IC 25-22.5 who reside in**



1 the county; and
2 (2) one (1) registered nurse licensed under IC 25-23 who
3 resides in the county;
4 to determine whether a program will be established in the county.
5 (c) The state health commissioner shall appoint one (1) member
6 of the panel to serve as the chairperson of the panel.
7 (d) The panel shall hold a public hearing in the county to hear
8 from interested parties. Upon the conclusion of the meeting, the
9 panel shall vote on whether to implement a program. A majority
10 of the appointed panel voting in favor of implementing a program
11 is required to establish a program under this section.
12 (e) The county health department in the qualifying county shall
13 provide notice of the time and place of a hearing conducted under
14 this section in accordance with IC 5-14-1.5-5. In addition, notice of
15 the hearing must be published at least one (1) time in accordance
16 with IC 5-3-1-4.

