

2018 Regular Session

HOUSE BILL NO. 661

BY REPRESENTATIVE JAMES

DRUGS: Provides relative to drug paraphernalia

1 AN ACT

2 To amend and reenact R.S. 40:1021(A)(5) and 1024(C) and to enact R.S. 40:1024(D) and
3 (E), relative to drug paraphernalia; to provide for definitions; to provide for the
4 creation of a needle exchange program; to provide for the purpose and duties of the
5 program; to provide for exceptions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1021(A)(5) and 1024(C) are hereby amended and reenacted and
8 R.S. 40:1024(D) and (E) are hereby enacted to read as follows:

9 §1021. Definitions

10 A. As used in this Part, unless the context clearly otherwise indicates, the
11 term "drug paraphernalia" shall mean and include, but not be limited to:

12 * * *

13 (5) Testing equipment used, intended for use, or designed for use in
14 identifying, or in analyzing the strength, effectiveness, or purity of controlled
15 substances, except for testing equipment designed for use in identifying the presence
16 of fentanyl.

17 * * *

18 §1024. Exceptions; defenses; local needle exchanges

19 * * *

1 C. ~~Any provision of law to the contrary herein notwithstanding, the~~
2 ~~provisions of this Part shall not prohibit the establishment and implementation of a~~
3 ~~needle exchange program within the jurisdiction of a local governing authority,~~
4 ~~including but not limited to a city, town, or parish, upon the express approval of the~~
5 ~~local governing authority.~~ Any provision of law to the contrary herein
6 notwithstanding, any governmental or nongovernmental entity, including a local or
7 district health department or an organization that promotes scientifically proven
8 ways of mitigating health risk associated with drug use and other high-risk
9 behaviors, may establish and implement a needle exchange program. The objective
10 of the program shall include the following:

11 (1) Reduce the spread of HIV, AIDS, viral hepatitis, and other bloodborne
12 diseases in the state.

13 (2) Reduce needle stick injuries to law enforcement officers and other
14 emergency personnel.

15 D. Programs established pursuant to this Section may offer all of the
16 following:

17 (1) Disposal of used needles and hypodermic syringes.

18 (2) Needles, hypodermic syringes, and other drug use supplies in quantities
19 sufficient to ensure that needles, hypodermic syringes, and other drug use supplies
20 are not shared or reused.

21 (3) Educational materials on all of the following:

22 (a) Overdose prevention.

23 (b) The prevention of HIV, AIDS, and viral hepatitis transmission.

24 (c) Drug abuse prevention.

25 (d) Treatment for mental illness, including treatment referrals.

26 (e) Treatment for substance abuse, including referrals for medication assisted
27 treatment.

1 (4)(a) Access to naloxone kits that contain naloxone hydrochloride that is
2 approved by the federal Food and Drug Administration for the treatment of a drug
3 overdose.

4 (b) Supplies and materials distributed by a program pursuant to this Section
5 shall be distributed at no cost.

6 E. Notwithstanding any other provision of law, no employee, volunteer, or
7 participant of a program established pursuant to this Section shall be arrested,
8 charged with, or prosecuted for possession of any of the following:

9 (1) Needles, hypodermic syringes, or other drug use supplies obtained from
10 or returned to a program established pursuant to this Section.

11 (2) Residual amounts of a controlled substance contained in used drug use
12 supplies obtained from or returned to a program established pursuant to this Section.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 661 Original

2018 Regular Session

James

Abstract: Creates a drug paraphernalia needle exchange program.

Present law defines "drug paraphernalia".

Proposed law excludes fentanyl testing equipment as "drug paraphernalia".

Proposed law creates a needle exchange program for the following purposes:

- 1) Reduce the spread of HIV, AIDS, viral hepatitis, and other bloodborne diseases in the state.
- (2) Reduce needle stick injuries to law enforcement officers and other emergency personnel.

Proposed law provides an exception for criminal liability to persons employed with a needle exchange program acting in their official capacity.

(Amends R.S. 40:1021(A)(5) and 1024(C); Adds R.S. 40:1024(D) and (E))