

House Bill 217 (AS PASSED HOUSE AND SENATE)

By: Representatives Gaines of the 117th, Cooper of the 43rd, Newton of the 123rd, Silcox of the 52nd, Dempsey of the 13th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-13-32 of the Official Code of Georgia Annotated, relating to
2 transactions in drug related objects, so as to provide that employees and agents of syringe
3 services programs are not subject to certain offenses relating to hypodermic syringes and
4 needles; to authorize the Department of Public Health to promulgate rules and regulations;
5 to provide for a definition; to provide for related matters; to repeal conflicting laws; and for
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 16-13-32 of the Official Code of Georgia Annotated, relating to transactions
10 in drug related objects, is amended by revising subsections (b) and (c) as follows:

11 "(b) Except as otherwise authorized in subsection (c) of this Code section, it shall be
12 unlawful for any person or corporation, knowing the drug related nature of the object, to
13 sell, lend, rent, lease, give, exchange, or otherwise distribute to any person any drug related
14 object. It shall also be unlawful for any person or corporation, knowing the drug related
15 nature of the object, to display for sale, or possess with the intent to distribute any drug
16 related object. Unless stated within the body of the advertisement or notice that the object
17 that is advertised or about which information is disseminated is not available for
18 distribution of any sort in this state, it shall be unlawful for any person or corporation,
19 knowing the drug related nature of the object, to distribute or disseminate in any manner
20 to any person any advertisement of any kind or notice of any kind which gives information,
21 directly or indirectly, on where, how, from whom, or by what means any drug related
22 object may be obtained or made.

23 (c)(1) It shall be unlawful for any person or corporation, other than a licensed
24 pharmacist, a pharmacy intern or pharmacy extern as defined in Code Section 26-4-5, ~~or~~
25 a practitioner licensed to dispense dangerous drugs, or a person employed by or acting
26 as an agent of a registered syringe services program, to sell, lend, rent, lease, give,

27 exchange, or otherwise distribute to any person a hypodermic syringe or needle designed
28 or marketed primarily for human use. It shall be an affirmative defense that the
29 hypodermic syringe or needle was marketed for a legitimate medical purpose.

30 (2) A person employed by or acting as an agent of a registered syringe services program
31 shall be immune from civil and criminal liability arising from the possession, distribution,
32 or exchange of hypodermic syringes or needles and related supplies as part of such
33 syringe services program.

34 (3) The Department of Public Health shall be authorized to promulgate rules and
35 regulations for the purpose of supervising the activities of syringe services programs,
36 including provisions for the registration of such programs.

37 (4) As used in this subsection, the term 'syringe services program' means an organization
38 which provides substance abuse and harm reduction counseling, education, and referral
39 services for substance abuse disorder treatment; training and provision of naloxone to
40 reverse opioid overdoses; screening for HIV, viral hepatitis, sexually transmitted
41 diseases, and tuberculosis; referrals and linkage to HIV, viral hepatitis, sexually
42 transmitted diseases, and tuberculosis prevention, treatment, and care services; safer
43 injection supplies; and evidence based interventions to reduce negative consequences of
44 drug related behaviors."

45 **SECTION 2.**

46 All laws and parts of laws in conflict with this Act are repealed.