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Heffernan, K. Johnson, Lambert, Morrison, Neal, Phillips,  
Romer, Wilson-Anton

DELAWARE STATE SENATE  
152nd GENERAL ASSEMBLY

SENATE BILL NO. 52

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STERILE NEEDLE AND  
SYRINGE EXCHANGE PROGRAM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1           Section 1. Amend Chapter 79, Title 29 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows:

3           Subchapter VIII. Sterile Needle and Syringe ~~Exchange~~ Service Program for the Prevention of AIDS and Other  
4 Diseases

5           Section 2. Amend § 7990, Title 29 of the Delaware Code by making deletions as shown by strike through and  
6 insertions as shown by underline as follows:

7           § 7990. Definitions.

8           As used in this subchapter:

9           (4) "Participant" means an injection drug user who ~~exchanges~~ obtains a sterile needle and syringe unit  
10 ~~pursuant to~~ under the program established in § 7991 of this title.

11           Section 3. Amend § 7991, Title 29 of the Delaware Code by making deletions as shown by strike through and  
12 insertions as shown by underline as follows:

13           § 7991. Establishment of program.

14           The Director of the State Division of Public Health shall maintain a sterile needle and syringe ~~exchange-service~~  
15 program. The program ~~shall~~ is to be administered by the Director or the Director's designees. The Director ~~is authorized to~~  
16 may designate private providers of services to operate the program.

17           Section 4. Amend § 7992, Title 29 of the Delaware Code by making deletions as shown by strike through and  
18 insertions as shown by underline as follows:

19           § 7992. Operation of the program.

20           The program shall:

21 (2) ~~Provide for a 1-for-1 exchange, whereby participants shall receive 1 sterile needle and syringe unit in~~  
22 ~~exchange for each used 1.~~ Provide needles and syringes on an as-needed basis, whereby a participant receives sterile  
23 needles and syringes based on need and usage.

24 (4) Be designed and maintained to provide maximum security of ~~exchange-program~~ sites and equipment,  
25 including security measures that shall be required to allow for: identification of program needles; a full accounting of  
26 the number of needles distributed; the number in storage; safe disposal of returned needles, and any other measures that  
27 may be required to control the use and dispersal of sterile needles and syringes, provided however that a participant  
28 may ~~exchange-return~~ used needles and syringes at any ~~exchange-program~~ site if more than 1 site is available.

29 Section 5. Amend § 7993, Title 29 of the Delaware Code by making deletions as shown by strike through and  
30 insertions as shown by underline as follows:

31 § 7993. Criminal liability.

32 (a) ~~Exchanges-Distribution or return of needles and syringes~~ under the sterile needle and syringe ~~exchange-service~~  
33 program ~~shall be~~ is exempt from the provisions of §§ 4762, 4771, and 4772 of Title 16 for the participant or for the  
34 employees of the Division or designated program staff, whenever the possession or distribution of the controlled  
35 paraphernalia or hypodermic syringe or needle is a direct result of the employee's or participant's activities in connection  
36 with the work of the program authorized under this subchapter.

#### SYNOPSIS

This Act directs the State's current needle exchange program to take a needs-based approach.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Pinkney