**A** **BILL**

TO ENACT THE SOUTH CAROLINA HARM REDUCTION ACT; TO AMEND TITLE 44 OF THE 1976 CODE, RELATING TO HEALTH, BY ADDING CHAPTER 139, TO CREATE A SYRINGE SERVICE PROGRAM; AND TO DEFINE NECESSARY TERMS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act must be known and may be cited as the “South Carolina Harm Reduction Act”.

SECTION 2. Title 44 of the 1976 Code is amended by adding:

“CHAPTER 139

South Carolina Harm Reduction Act

Section 44‑139‑10. As used in this chapter:

(1) ‘Controlled substance’ has the same meaning as provided in Section 44‑53‑110(6).

(2) ‘Controlled substance analogue’ has the same meaning as provided in Section 44‑53‑110(7).

(3) ‘Department’ means the South Carolina Department of Health and Environmental Control.

(4) ‘Participant’ means an intravenous drug user who exchanges a used hypodermic syringe, needle, or other object used to inject controlled substances or controlled substance analogues into the human body for a sterile hypodermic syringe or needle in compliance with program policies and procedures.

(5) ‘Program employee’ means an employee or volunteer who administers the program in accordance with the department’s policies and procedures.

(6) ‘Syringe services program’ or ‘program’ means the program established and administered by the department or a contracted partner or designee in accordance with this chapter.

Section 44-139-20. (A) The department shall establish and administer a syringe services program.

(B) The department shall develop policies and procedures for program employees and participants.

(C) At a minimum, the program shall offer to participants:

(1) the disposal of used needles, hypodermic syringes, or other objects used to inject controlled substances or controlled substance analogues into the human body;

(2) sterile needles and hypodermic syringes in accordance with the policies and procedures established by the department;

(3) educational materials on:

(a) overdose and drug abuse prevention;

(b) the prevention of blood‑borne illnesses;

(c) treatment for substance abuse; and

(d) treatment for mental illness;

(4) opioid antidotes, as defined in Section 44‑130‑20(7), in accordance with Chapter 130, Title 44; and

(5) substance abuse or mental health referrals, as needed or if requested by a participant.

Section 44‑139‑30. (A) There is established an advisory committee appointed by the department.

(B) The advisory committee shall include at least one representative from:

(1) the department;

(2) the South Carolina Department of Alcohol and Other Drug Abuse Services;

(3) the South Carolina Law Enforcement Division; and

(4) the South Carolina Department of Mental Health.

(C) The department may appoint other persons or government agency representatives to the advisory committee if the department determines that they are needed to ensure a thorough and unbiased evaluation of the program.

Section 44‑139‑40. The advisory committee shall:

(1) develop criteria for data collection and procedures for evaluating the program;

(2) develop written guidelines for security at program sites. Once guidelines are available, the advisory committee shall:

(a) provide the guidelines to the South Carolina Law Enforcement Division offices that have jurisdiction over program locations; and

(b) review the guidelines annually and update them as needed; and

(3) meet as necessary to analyze data and provide analytical findings to the department.

Section 44‑139‑50. The department shall make an annual report to the General Assembly based upon recommendations from the advisory committee. At a minimum, the report shall include:

(1) an evaluation of the program’s performance; and

(2) legislative recommendations.

Section 44‑139‑60. (A) A program employee or participant who is in full compliance with the program’s policies and procedures shall not be in violation of Chapter 53, Title 44 for possession or distribution of the following if the possession or distribution is directly related to the administration or utilization of the program’s services:

(1) needles, hypodermic syringes, or other injection supplies; or

(2) residual amounts of controlled substances or controlled substance analogues contained in used needles, used hypodermic syringes, or used injection supplies.

(B) In addition to any other applicable immunity or limitation on civil liability, a law enforcement officer who, acting in good faith, arrests or charges a person who is thereafter determined to be entitled to immunity from prosecution under this section shall not be subject to civil liability for the arrest or filing of charges.”

SECTION 3. Section 44‑130‑20(2) of the 1976 Code is amended to read:

“(2) ‘Community distributor’ means an organization, either public or private, which provides substance use disorder assistance and services, such as counseling, homeless services, advocacy, harm reduction, syringe services pursuant to Chapter 139, Title 44, alcohol and drug screening, and treatment to individuals at risk of experiencing an opioid related overdose.”

SECTION 4. This act takes effect upon approval by the Governor. The Department of Health and Environmental Control shall appoint an advisory committee pursuant to Section 44‑139‑30, as added by this act, within thirty days of the effective date of this chapter.

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