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**S. 854**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Davis

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Currently residing in the Senate Committee on **Medical Affairs**

Summary: Safer Syringe Program

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/30/2023 Senate Prefiled

 11/30/2023 Senate Referred to Committee on **Medical Affairs**

 1/9/2024 Senate Introduced and read first time (Senate Journal‑page 60)

 1/9/2024 Senate Referred to Committee on **Medical Affairs** (Senate Journal‑page 60)

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**VERSIONS OF THIS BILL**

[11/30/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/854_20231130.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS by amending chapter 53, title 44, relating to poisons, drugs, and other controlled substances, SO AS TO ESTABLISH THE SAFER SYRINGE PROGRAM, TO PROVIDE WHO MAY ESTABLISH AND OPERATE A SAFER SYRINGE PROGRAM, TO PROVIDE WHAT SERVICES THE PROGRAM MAY OFFER, AND TO PROVIDE IMMUNITY FROM CRIMINAL AND CIVIL LIABILITY FOR PROGRAM EMPLOYEES, PARTICIPANTS, AND LAW ENFORCEMENT; AND BY AMENDING SECTION 44-130-20, RELATING TO DEFINITIONS IN THE SOUTH CAROLINA OVERDOSE PREVENTION ACT, SO AS TO ADD ORGANIZATIONS PROVIDING SAFER SYRINGE SERVICES TO THE DEFINITION OF COMMUNITY DISTRIBUTOR.

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

SECTION 1. Chapter 53, Title 44 of the S.C. Code is amended by adding:

 Article 8

 Safer Syringe Program

 Section 44-53-1150. For the purposes of this article:

 (1) “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, alcohol and drug screening, and treatment to individuals at risk of experiencing an opioid related overdose.

 (2) “Controlled substance” has the same meaning as provided in Section 44-53-110(6).

 (3) “Controlled substance analogue” has the same meaning as provided in Section 44-53-110(7).

 (4) “Department” means the Department of Public Health.

 (5) “Hypodermic needle” means a hollow needle used to inject substances into the body.

 (6) “Medications for addiction treatment” means drugs approved by the United States Food and Drug Administration for the treatment of substance use disorders or the use of such drugs in combination with counseling and behavioral therapies, to provide a “whole-patient” approach to the treatment of substance use disorders and any concomitant conditions associated with it.

 (7) “Opioid antidotes” has the same meaning as provided in Section 44-130-20(7).

 (8) “Participant” means an individual who receives services through a safer syringe program.

 (9) “Program employee” means an employee or volunteer who administers the program pursuant to this article.

 (10) “Residue” means the remains of a controlled substance or other drug attached to or contained within a hypodermic needle or syringe or other supplies.

 (11) “Safer syringe program” or “program” means a comprehensive program engaged in the distribution, furnishing, and collection of hypodermic needles, syringes, or other supplies to participants.

 (12) “Syringe” means a device used to inject fluids into or withdraw them from the body or its cavities, such as an instrument that consists of a hollow barrel fitted with a plunger and a hypodermic needle.

 (13) “Supplies” means hypodermic needles, syringes, drug checking supplies and equipment, including fentanyl test strips, preparation containers, cotton, filters, alcohol wipes, water, saline, tourniquets, disposal containers, wound care items, emergency opioid antagonists, and other items used in the consumption of drugs.

 Section 44-53-1160. A community distributor may establish and operate a safer syringe program.

 Section 44-53-1170. A safer syringe program may:

 (1) provide program participants with education regarding the proper disposal of used hypodermic needles and syringes and other supplies and furnish or make available one or more of the following disposal options for used hypodermic needles and syringes:

 (a) an onsite hypodermic needle and syringe collection and disposal program that meets applicable state and federal standards;

 (b) mail-back sharps containers authorized by the United States Postal Service; and/or

 (c) sharps containers for use off-site by program participants that meet applicable state and federal standards;

 (2) provide hypodermic needles, syringes, and other supplies at no cost and in quantities sufficient to ensure that hypodermic needles, syringes, and other supplies are not shared or reused. All new hypodermic needles and syringes shall be provided in sealed sterile packaging;

 (3) provide program participants emergency opioid antidotes and instructions and training on how to use such medication; and

 (4) employ locally relevant outreach strategies such as vending machines and mail-based or mobile distribution in addition to or in place of a free-standing location to enhance sustainability and coverage for hard-to-reach populations.

 Section 44-53-1180. (A) A program employee or participant who is in full compliance with the provisions of this article shall not be in violation of Chapter 53, Title 44 for possession or distribution of needles, hypodermic syringes, or other injection supplies, or residual amounts of controlled substances or controlled substance analogues contained in used needles, used hypodermic syringes, or used injection supplies if the possession or distribution is directly related to the administration or utilization of the program's services.

 (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 2. Section 44-130-20(2) of the S.C. 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, safer syringe services pursuant to Article 8, Chapter 53, Title 44, alcohol and drug screening, and treatment to individuals at risk of experiencing an opioid-related overdose.

SECTION 3. This act takes effect upon approval by the Governor.

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