



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: [Sub. H.B. 182 of the 129th G.A.](#)

Date: February 13, 2012

Status: As Reported by House Health & Aging

Sponsor: Reps. Foley and Antonio

Local Impact Statement Procedure Required: No

Contents: To authorize the establishment of syringe exchange programs

State Fiscal Highlights

- **Ohio Department of Alcohol and Drug Addiction Services.** The Ohio Department of Alcohol and Drug Addiction Services will realize an increase in costs relating to the requirement that rules regarding wallet certificates be adopted. This cost should be minimal.

Local Fiscal Highlights

- **Local boards of health.** The bill allows a local board of health to establish a syringe exchange program or to contract with a private, nonprofit organization to establish a program. If a local board chooses to implement such a program, its costs would increase.

Detailed Fiscal Analysis

Establishment of syringe exchange program

The bill permits a local board of health to establish a syringe exchange program. The bill specifies that any costs associated with this establishment are the responsibility of the board. Prior to establishing a program, the board must meet with interested parties to consider a variety of issues. If a program is established, then the bill outlines the minimum requirements and requires the board to establish policies and procedures regarding the program. In addition, the bill allows the board to contract with a private, nonprofit organization to operate the program on the board's behalf. Under the bill, a local board of health that establishes a syringe exchange program would be required to submit program details in its annual report.

The bill requires the Ohio Department of Alcohol and Drug Addiction Services to adopt rules to establish statewide standards for the wallet certificates to be issued to participants of syringe exchange programs.

Background information

There are currently two syringe exchange programs in Ohio. The first is operated by the Free Medical Clinic of Greater Cleveland. According to the Cleveland Plain Dealer,¹ as of July 2010, the program had over 1,150 participants. According to the article the George Gund Foundation and the AIDS Funding Collaborative provide the majority of funding for the syringe exchange program. The George Gund Foundation is a private, nonprofit institution. The AIDS Funding Collaborative is one of 30 community partnerships of AIDS United, which combines private funding and advocacy with a network of state and local partners.

The second exchange program is in the city of Portsmouth. The name of the program is "Prevention Not Permission" and it is operated by the Portsmouth City Health Department. The program was created through a resolution, which contained an emergency order allowing the Department to conduct a syringe program, on January 26, 2011.

Fiscal impact

Under the bill, a local board of health that chooses to establish and implement a syringe exchange program would experience an increase in costs. In 2010 the U.S. Department of Health and Human Services issued guidelines to state and local entities concerning the use of federal funds for syringe exchange programs.

¹ http://www.cleveland.com/healthfit/index.ssf/2010/09/cleveland_has_ohios_only_legal.html.

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In addition, it is possible that there could be indirect savings for the state associated with reduced cases of blood-borne diseases. Examples of programs that provide health care services to treat blood-borne diseases are the Medicaid Program, which is operated by the Ohio Department of Job and Family Services and the Ryan White/Ohio HIV Drug Assistance Program, which is operated by the Ohio Department of Health. It is also possible that there could be indirect costs to the state since any syringe exchange program is required under the bill to refer participants to the appropriate board of alcohol, drug addiction, and mental health services and to encourage participants to seek appropriate medical, mental health, and other social services.

Criminal liability

The bill provides that employees and volunteers carrying out program duties are not subject to criminal liability under drug paraphernalia laws. Additionally, injection drug users within 1,000 feet of a program facility who are in possession of a wallet certificate stating that the user is in a syringe exchange program are also not subject to these laws.