



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: [Am. H.B. 92 of the 130th G.A.](#)

Date: October 8, 2013

Status: As Passed by the House

Sponsor: Reps. Antonio and Sears

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, following consultation with interested parties, to establish a syringe exchange program. The bill specifies that any costs associated with this establishment are the responsibility of the board. 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 permits 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 comprehensive annual report submitted to the Ohio Department of Health. Under the bill, a local board of health that chooses to establish and implement a syringe exchange program would experience an increase in costs.

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. 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.

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 laws regarding possessing criminal tools, possessing drug abuse instruments, possessing drug paraphernalia, or furnishing or selling hypodermics when carrying out program duties. 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 not subject to criminal liability under any of the following laws with regard to the user's possession of a syringe or hypodermic needle: laws regarding possessing criminal tools, possessing drug abuse instruments, or using or possessing drug paraphernalia.

Background information

There are currently two syringe exchange programs in Ohio. The first is operated by the Free Medical Clinic of Greater Cleveland. 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.

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