

The House Committee on Health and Human Services offers the following substitute to HB 161:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-13-32 of the Official Code of Georgia Annotated, relating to
2 transactions in drug related objects, so as to provide that employees and agents of harm
3 reduction organizations are not subject to certain offenses relating to hypodermic needles;
4 to provide for a definition; to provide for rules and regulations; to provide for related matters;
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 16-13-32 of the Official Code of Georgia Annotated, relating to transactions
9 in drug related objects, is amended by revising subsection (c) as follows:

10 "(c) It shall be unlawful for any person or corporation, other than a licensed pharmacist,
11 a pharmacy intern or pharmacy extern as defined in Code Section 26-4-5, ~~or~~ a practitioner
12 licensed to dispense dangerous drugs, or a person employed by or an agent of a harm
13 reduction organization, to sell, lend, rent, lease, give, exchange, or otherwise distribute to
14 any person a hypodermic syringe or needle designed or marketed primarily for human use.
15 It shall be an affirmative defense that the hypodermic syringe or needle was marketed for
16 a legitimate medical purpose. As used in this subsection, the term 'harm reduction
17 organization' means an organization which provides direct assistance and services, such as
18 syringe exchanges, drug treatment, and screening, to at-risk individuals to slow the spread
19 of HIV and other infectious diseases among intravenous drug users. The Department of
20 Public Health shall be authorized to promulgate rules and regulations for the purpose of
21 supervising the activities of a harm reduction organization."

22 **SECTION 2.**

23 All laws and parts of laws in conflict with this Act are repealed.