

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 syringe  
3 services programs are not subject to certain offenses relating to hypodermic needles; to  
4 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 registered  
13 syringe services program, to sell, lend, rent, lease, give, exchange, or otherwise distribute  
14 to any person a hypodermic syringe or needle designed or marketed primarily for human  
15 use. It shall be an affirmative defense that the hypodermic syringe or needle was marketed  
16 for a legitimate medical purpose. As used in this subsection, the term 'syringe services  
17 program' means an organization which provides harm reduction counseling, education, and  
18 referral services for substance use disorder treatment; training and provision of naloxone  
19 to reverse opioid overdoses; screening for HIV, viral hepatitis, sexually transmitted  
20 diseases, and tuberculosis; referrals and linkage to HIV, viral hepatitis, sexually transmitted  
21 diseases, and tuberculosis prevention, treatment, and care service; safer injection supplies;  
22 and evidence based interventions to reduce negative consequences of drug related  
23 behaviors. The Department of Public Health shall be authorized to promulgate rules and  
24 regulations for the purpose of supervising the activities of registered syringe services  
25 programs, including provisions for the registration of such programs."

26

**SECTION 2.**

27 All laws and parts of laws in conflict with this Act are repealed.