

**FINAL
FISCAL NOTE**

Drafting Number: LLS 10-0926	Date: June 3, 2010
Prime Sponsor(s): Sen. Steadman Rep. Weissmann	Bill Status: Signed into Law
	Fiscal Analyst: Janis Baron (303-866-3523)

TITLE: CONCERNING AUTHORIZATION FOR GOVERNMENT AGENCIES TO APPROVE CLEAN SYRINGE EXCHANGE PROGRAMS TO REDUCE THE SPREAD OF BLOOD-BORNE DISEASE.

Fiscal Impact Summary	FY 2010-2011	FY 2011-2012
State Revenue		
State Expenditures		
FTE Position Change		
Effective Date: The Governor signed the bill into law on May 26, 2010, and unless a referendum petition is filed, the bill will take effect August 11, 2010.		
Appropriation Summary for FY 2010-2011: None required.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

The bill authorizes a county board of health or a district board of health to approve a clean syringe exchange program proposed by a county public health agency or a district public health agency. The bill delineates the requirements that each clean syringe exchange program must meet. Prior to any program approval, the board shall consult with the agency and interested stakeholders to consider the scope of the problem being addressed, concerns of law enforcement, and the parameters of the proposed program. If the board approves a program operated through contract with a nonprofit organization, the contract shall be subject to an annual review/reauthorization process. Each board that authorizes a clean syringe exchange program is subject to reporting requirements. Lastly, the bill exempts an employee or volunteer of an approved clean syringe exchange program from drug paraphernalia laws, including a class 2 misdemeanor for the manufacture, sale or delivery of drug paraphernalia, and a class 2 misdemeanor for the advertisement of drug paraphernalia.

State Revenue and Expenditures

The bill neither increases nor decreases state revenue and expenditures. It does not create new criminal penalties, rather it creates an exemption from drug paraphernalia laws for certain persons. Beginning in FY 2011-12, the Department of Public Health and Environment can compile and summarize reports received from boards on the results of any approved programs within existing appropriations.

Local Government Impact

Because the bill is discretionary, it is assessed at having a local conditional fiscal impact. Any local costs incurred are contingent upon approval and establishment of a clean syringe exchange program. Local costs are not quantified.

A May 2008 publication by the Council of State Governments states that there were 186 syringe exchange programs in 36 states, the Indian Nations, Washington, D.C., and Puerto Rico, as of November 2007. Of these, approximately one-half were operating legally. New York state provides \$5.6 million annually to support 17 syringe exchange and related services programs. The FY 2008 budget for New Mexico included \$1.4 million for syringe exchange through its public health offices and community-based organizations.

Departments Contacted

Judicial Public Health and Environment