

CHAPTER 252-A

HYPODERMIC APPARATUS EXCHANGE PROGRAMS

§1341. Hypodermic apparatus exchange programs

1. Certification of programs. The Maine Center for Disease Control and Prevention may certify hypodermic apparatus exchange programs that meet the requirements established by rule under subsection 2, paragraphs A to D.

A. The Maine Center for Disease Control and Prevention may limit the number of hypodermic apparatuses provided by the certified hypodermic apparatus exchange programs to participants. [PL 2021, c. 545, §1 (AMD).]

B. The Maine Center for Disease Control and Prevention may not limit the number of hypodermic apparatuses that participants served by the programs may legally possess, transport or exchange. [PL 2007, c. 346, Pt. A, §1 (NEW).]
[PL 2021, c. 545, §1 (AMD).]

2. Rules. The Maine Center for Disease Control and Prevention shall adopt rules pursuant to the Maine Administrative Procedure Act establishing requirements for hypodermic apparatus exchange programs and for program certification requirements. The rules must include but are not limited to:

A. Procedures for the safe disposal of hypodermic apparatuses; [PL 1997, c. 340, §3 (NEW).]

B. Tracking the number of hypodermic apparatuses distributed and collected; [PL 2007, c. 346, Pt. A, §1 (AMD).]

C. Substance use disorder prevention and treatment education; [PL 2017, c. 407, Pt. A, §69 (AMD).]

D. Distribution of educational material regarding the dangers associated with the use of used hypodermic apparatuses; [PL 2015, c. 507, §1 (AMD).]

E. Application procedures for a certified hypodermic apparatus exchange program to apply for funds to operate the program including the purchase and disposal of hypodermic needles; [PL 2015, c. 507, §1 (NEW).]

F. Criteria for the award of funds to certified hypodermic apparatus exchange programs; [PL 2015, c. 507, §1 (NEW).]

G. Oversight of certified hypodermic apparatus exchange programs; [PL 2015, c. 507, §1 (NEW).]

H. Renewal every 5 years of department certification of hypodermic apparatus exchange programs; [PL 2015, c. 507, §1 (NEW).]

I. Complaint investigation procedures; and [PL 2015, c. 507, §1 (NEW).]

J. Criteria for decertification of hypodermic apparatus exchange programs. [PL 2015, c. 507, §1 (NEW).]

Rules adopted or amended pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2017, c. 407, Pt. A, §69 (AMD).]

3. Reports. The Maine Center for Disease Control and Prevention shall report to the joint standing committees of the Legislature having jurisdiction over judiciary matters and health and human services matters by January 15, 1999 and annually thereafter on hypodermic apparatus exchange programs

certified under this section. The report must include but is not limited to: the number, location and operators of hypodermic apparatus exchange programs; data on hypodermic apparatuses distributed and collected; and the number of persons served by the programs.

[PL 2007, c. 346, Pt. A, §1 (AMD).]

4. Funding. This subsection governs the use of state funds for hypodermic apparatus exchange programs certified pursuant to this section. This subsection is not intended to limit the ability of certified programs to secure other sources of funding or to discourage fund-raising for the purpose of operating such programs. The Maine Center for Disease Control and Prevention shall allocate any funds appropriated for hypodermic apparatus exchange programs among new and existing certified programs based on rates of intravenous drug use and negative health outcomes related to drug use in the geographic area surrounding a program; if applicable, the amount of services historically provided by the certified program; and other relevant factors. The award of funds must occur not later than 60 days after the effective date of this subsection and annually thereafter based on the availability of funding.

[PL 2015, c. 507, §2 (NEW).]

5. Authorized service models. A certified hypodermic apparatus exchange program may:

A. Operate mobile sites within the municipality where the program is certified, including rotating locations, variable schedules or temporary setups, as long as the program ensures the safe collection and disposal of hypodermic apparatuses and operates within parameters preapproved by the Maine Center for Disease Control and Prevention. For the purposes of this paragraph, "parameters" means a set of general operating conditions, such as geographic zones, time frames or site types, that allows certified hypodermic apparatus exchange programs to operate flexibly within those defined boundaries, rather than being limited to fixed locations; and [PL 2025, c. 408, §1 (NEW).]

B. Provide delivery services of hypodermic apparatuses within the program's service area, as long as the delivery ensures client confidentiality, safe handling and proper disposal. The program may deliver only to locations where it has been expressly invited by an individual or entity with legal authority to authorize access to that location. [PL 2025, c. 408, §1 (NEW).]

Expansion of sites under this subsection does not entitle a certified hypodermic apparatus exchange program to additional funds under an existing contract with the Maine Center for Disease Control and Prevention.

[PL 2025, c. 408, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 340, §3 (NEW). PL 2007, c. 346, Pt. A, §1 (AMD). PL 2015, c. 507, §§1, 2 (AMD). PL 2017, c. 407, Pt. A, §69 (AMD). PL 2021, c. 545, §1 (AMD). PL 2025, c. 408, §1 (AMD).

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