

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out all of section 1 and inserting the following:

Sec. 1. 22 MRSA §1341, sub-§§1 and 2, as amended by PL 2007, c. 346, Pt. A, §1, are further amended to read:

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 not limit the number of hypodermic apparatuses provided by the programs to participants.

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.

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;

B. Tracking the number of hypodermic apparatuses distributed and collected;

C. Drug abuse prevention and treatment education; ~~and~~

~~D. Measures to discourage the utilization of~~ Distribution of educational material regarding the dangers associated with the use of used hypodermic apparatuses;

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;

F. Criteria for the award of funds to certified hypodermic apparatus exchange programs;

G. Oversight of certified hypodermic apparatus exchange programs;

H. Renewal every 5 years of department certification of hypodermic apparatus exchange programs;

I. Complaint investigation procedures; and

J. Criteria for decertification of hypodermic apparatus exchange programs.

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

Sec. 2. 22 MRSA §1341, sub-§4 is enacted to read:

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.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

The amendment makes the following changes to the bill.

1. It adds language to indicate that the funds provided by the bill are not intended to be the sole source of funding for hypodermic apparatus exchange programs. It adds language to clarify that the intent of the bill is not to limit securing other sources of funding.

2. It establishes the same methodology for distributing funds for both existing and new programs.

3. It requires funds appropriated in the bill to be awarded no later than 60 days after the effective date of the legislation.

4. It removes the bill provisions related to restrictions on use of funds.

5. It amends the rule-making authority of the Maine Center for Disease Control and Prevention to ensure that the center may amend the rules regulating the hypodermic apparatus exchange programs with respect to the distribution of funds, renewal of certification, complaint investigation procedures and decertification criteria.

FISCAL NOTE REQUIRED

(See attached)