

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 everything after the enacting clause and inserting the following:

**Sec. 1. 22 MRSA §1341, sub-§1**, as amended by PL 2015, c. 507, §1, is 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.

**Sec. 2. 22 MRSA §1341, sub-§2, ¶F**, as enacted by PL 2015, c. 507, §1, is amended to read:

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

(1) Provide for the distribution of naloxone hydrochloride;

(2) Perform testing for HIV, AIDS and hepatitis C;

(3) Have a process or system to regularly seek input from persons with a history of drug use and incorporate the input into program planning, design, implementation and evaluation; and

(4) Maintain referral agreements with or have the capacity to provide:

(a) Psychosocial counseling services that are informed by the recognition of trauma;

(b) Medication-assisted substance use treatment services; and

(c) Infectious disease care;

**Sec. 3. 22 MRSA §1341, sub-§4**, as enacted by PL 2015, c. 507, §2, is amended 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. TheFor any funds appropriated for new and existing contracts for hypodermic apparatus

~~exchange 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 provide for a competitive bidding process to allocate the funds for contracts of \$50,000 or more and provide for an application process to allocate the funds for contracts of less than \$50,000. Funding decisions must take into consideration rates of intravenous drug use and negative health outcomes related to drug use in the geographic area surrounding a proposed program; if applicable, the amount of services historically provided by the certified program; the geographic distribution of services; the capacity of programs to adhere to best practices identified in subsection 2, paragraph F; 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.~~

**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

**Maine Center for Disease Control and Prevention 0143**

Initiative: Provides funds to support hypodermic apparatus exchange programs pursuant to the Maine Revised Statutes, Title 22, section 1341, subsection 4.

| <b>GENERAL FUND</b>       | <b>2019-20</b>     | <b>2020-21</b>     |
|---------------------------|--------------------|--------------------|
| All Other                 | \$1,700,000        | \$1,700,000        |
| <b>GENERAL FUND TOTAL</b> | <b>\$1,700,000</b> | <b>\$1,700,000</b> |

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

**SUMMARY**

This amendment, which is the unanimous report of the committee, removes the sections of the bill that decriminalize the crimes of furnishing or possessing hypodermic apparatuses. It removes the changes to the requirement to distribute educational materials. It removes the requirement to distribute naloxone hydrochloride and other safer drug use supplies. Instead of requiring that a hypodermic apparatus exchange program have a board, the amendment requires a program to have a process or system to regularly seek input from persons with a history of drug use. The amendment also makes changes to the allocation of funds appropriated for hypodermic apparatus exchange programs. The amendment also adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

**(See attached)**