



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1326

H.P. 920

House of Representatives, April 4, 2017

**An Act To Reduce Morbidity and Mortality Related to Opioid
Misuse**

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative VACHON of Scarborough.
Cosponsored by Senator MASON of Androscoggin and
Representatives: CHACE of Durham, DENNO of Cumberland, JORGENSEN of Portland,
MALABY of Hancock, PARKER of South Berwick, SEAVEY of Kennebunkport, STEWART
of Presque Isle, Senator: MAKER of Washington.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 17-A MRSA §1111**, as amended by PL 2007, c. 346, Pt. B, §4, is repealed.

3 **Sec. 2. 17-A MRSA §1111-A, sub-§2**, as enacted by PL 1981, c. 266, is
4 amended to read:

5 2. For purposes of this section, drug paraphernalia does not include hypodermic
6 ~~apparatus apparatuses. Possession of, furnishing~~ **Furnishing** or trafficking in hypodermic
7 ~~apparatus constitute apparatuses constitutes a separate offenses~~ **offense** under ~~sections~~
8 ~~section 1110 and 1111.~~

9 **Sec. 3. 17-A MRSA §1125** is enacted to read:

10 **§1125. Exemption from criminal liability for person who seeks medical assistance**

11 A person who experiences a drug overdose and is in need of medical assistance or a
12 person acting in good faith who seeks medical assistance for another experiencing a drug
13 overdose may not be arrested, prosecuted or incarcerated under section 1107-A, 1108 or
14 1111-A or chapter 49 if the grounds for the arrest, prosecution or incarceration were
15 obtained as a result of the person's seeking medical assistance for the drug overdose.

16 **Sec. 4. 17-A MRSA §1301, sub-§6**, as amended by PL 2011, c. 464, §22, is
17 further amended to read:

18 6. In addition to any other authorized sentencing alternative, the court shall impose a
19 minimum fine of \$400, none of which may be suspended, for a person convicted of a
20 crime under section 1103; 1104; 1105-A; 1105-B; 1105-C; 1105-D; 1106; 1107-A; 1108;
21 1109; 1110; ~~1111~~; 1111-A, subsection 4-A; 1116; 1117; or 1118.

22 **Sec. 5. 22 MRSA §2353, sub-§4**, as corrected by RR 2015, c. 1, §19, is amended
23 to read:

24 **4. Community-based drug overdose prevention programs; standing orders for**
25 **naloxone hydrochloride.** Acting under standing orders from a licensed health care
26 professional authorized by law to prescribe naloxone hydrochloride, a public health
27 agency that provides services to populations at high risk for a drug overdose may
28 establish an overdose prevention program in accordance with ~~rules adopted by the~~
29 ~~department and the provisions of this subsection~~ paragraph C.

30 A. Notwithstanding any other provision of law, an overdose prevention program
31 established under this subsection may store and dispense naloxone hydrochloride
32 without being subject to the provisions of Title 32, chapter 117 as long as these
33 activities are undertaken without charge or compensation.

34 B. An overdose prevention program established under this subsection may distribute
35 unit-of-use packages of naloxone hydrochloride and the medical supplies necessary
36 to administer the naloxone hydrochloride to a person who has successfully completed
37 training provided by the overdose prevention program that meets the protocols and
38 criteria established by the department, so that the person may possess and administer

1 naloxone hydrochloride to an individual who appears to be experiencing an opioid-
2 related drug overdose.

3 C. An overdose prevention program established under this subsection must:

4 (1) Educate consumers about safe injection practices, including opioid overdose
5 prevention;

6 (2) Provide referrals to additional services, including treatment and recovery
7 services for persons with substance use disorders; and

8 (3) Collect and report basic demographic and service-level data derived from the
9 services provided.

10 ~~The department shall adopt rules to implement this subsection. Rules adopted pursuant to~~
11 ~~this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter~~
12 ~~2-A.~~

13 **Sec. 6. 22 MRSA §2383-B, sub-§6**, as amended by PL 2015, c. 27, §1, is further
14 amended to read:

15 **6. Lawful possession of hypodermic apparatuses by livestock owners; sale to**
16 **livestock owners.** A person who owns livestock is authorized to possess and have
17 control of hypodermic apparatuses for the purpose of administering antibiotics, vitamins
18 and vaccines to treat medical conditions or promote the health of that person's livestock;
19 ~~and such possession and control are expressly authorized within the meaning of Title~~
20 ~~17-A, section 1111, subsection 1, paragraph A.~~ For the purposes of this subsection,
21 "livestock" means cattle, equines, sheep, goats, swine, members of the genus Lama,
22 poultry, rabbits and cervids as defined in Title 7, section 1333, subsection 1.

23 A. An agricultural supply store authorized to sell hypodermic apparatuses pursuant
24 to Title 32, section 13787-A, subsection 1 may furnish or sell, without limit in
25 number, hypodermic apparatuses to a person authorized to possess and have control
26 of hypodermic apparatuses pursuant to this subsection, and such furnishing or sale is
27 expressly authorized within the meaning of Title 17-A, section 1110, subsection 1-B.

28 **Sec. 7. 32 MRSA §13787-A, sub-§3, ¶B**, as enacted by PL 1993, c. 394, §2, is
29 repealed.

30 **Sec. 8. Appropriations and allocations.** The following appropriations and
31 allocations are made.

32 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

33 **Syringe exchange programs**

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

36

1	GENERAL FUND	2017-18	2018-19
2	All Other	\$75,000	\$75,000
3			
4	GENERAL FUND TOTAL	<u>\$75,000</u>	<u>\$75,000</u>

5 **Community-based overdose prevention programs**

6 Initiative: Provides funds to support naloxone hydrochloride distribution through
7 community-based overdose prevention programs under the Maine Revised Statutes, Title
8 22, section 2353, subsection 4. The award of funds under this initiative for fiscal year
9 2017-18 must occur no later than 60 days after the effective date of this Act.

10

11	GENERAL FUND	2017-18	2018-19
12	All Other	\$50,000	\$50,000
13			
14	GENERAL FUND TOTAL	<u>\$50,000</u>	<u>\$50,000</u>

15 **HEALTH AND HUMAN SERVICES,**
16 **DEPARTMENT OF**
17 **DEPARTMENT TOTALS**

18		2017-18	2018-19
19	GENERAL FUND	\$125,000	\$125,000
20			
21	DEPARTMENT TOTAL - ALL FUNDS	<u>\$125,000</u>	<u>\$125,000</u>

22 **SUMMARY**

23 This bill:

- 24 1. Repeals the provision making possession of a hypodermic apparatus a crime;
- 25 2. Creates a medical assistance exemption from criminal liability, including arrest,
26 prosecution or incarceration, for a person who seeks medical assistance for that person's
27 self or another who experiences a drug overdose if the grounds for the arrest, prosecution
28 or incarceration were obtained as a result of the person's seeking medical assistance;
- 29 3. Removes Department of Health and Human Services rule-making authority over
30 establishing community-based drug overdose prevention programs and adds statutory
31 criteria for the establishment of the programs; and
- 32 4. Appropriates to the Department of Health and Human Services \$75,000 for
33 syringe exchange programs and \$50,000 for naloxone hydrochloride distribution through
34 community-based drug prevention programs for each year of the current biennium.