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Date: (Filing No. H- )

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 878, L.D. 1364, “An Act to Prevent Opioid Overdose Deaths by Establishing Safe Consumption Sites”

Amend the bill by striking out the title and substituting the following:

**'An Act to Prevent Opioid Overdose Deaths by Authorizing Harm Reduction Health Centers'**

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 5 MRSA §20056** is enacted to read:

**§20056. Harm reduction health centers**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Client" means a person who is allowed by a center approved under this section to consume previously obtained controlled substances on the premises or who receives health screening, disease prevention, recovery assistance or other services offered by the center on the premises of the center.

B. "Harm reduction health center" or "center" means a facility that provides health screening, disease prevention and recovery assistance services and that allows persons to consume previously obtained controlled substances on the premises.

C. "Protected person" means a person acting in accordance with this section, including:

- (1) A client;
- (2) A municipal employee involved in the approval of a center under this section;
- (3) An owner or employee of a center approved under this section;
- (4) A volunteer or other individual performing services at a center approved under this section; and

**COMMITTEE AMENDMENT**

1                   (5) An owner or manager of property on which a center approved under this  
2                   section is operating.

3                   **2. Municipal approval.** Notwithstanding any provision of law to the contrary, a center  
4                   may not operate in a municipality without approval from that municipality in accordance  
5                   with this section. A municipality may approve a center that meets the requirements of  
6                   subsection 3. Prior to approving a center, the municipality shall hold a public hearing with  
7                   an opportunity for public comment regarding the center. Notice of the meeting must be  
8                   sufficient to ensure adequate participation in the meeting by members of the public.

9                   **3. Center requirements.** To qualify for municipal approval under subsection 2, a  
10                   center must:

11                   A. Provide a hygienic location supervised by a health care professional and other  
12                   trained staff where a client may self-administer previously obtained controlled  
13                   substances;

14                   B. Provide sterile drug use supplies, collect used hypodermic apparatuses, provide  
15                   secure hypodermic apparatus disposal services and provide education about the safe  
16                   disposal of hypodermic apparatuses;

17                   C. Provide overdose prevention education, including information on obtaining  
18                   naloxone hydrochloride;

19                   D. Distribute and administer naloxone hydrochloride;

20                   E. Develop an overdose response protocol for monitoring clients while in the center,  
21                   including, but not limited to, a response for opioid and stimulant overdoses, use of a  
22                   pulse oximeter, administration of naloxone hydrochloride, administration of  
23                   cardiopulmonary resuscitation and use of an automated external defibrillator;

24                   F. Provide testing for human immunodeficiency virus, viral hepatitis and sexually  
25                   transmitted diseases and educate clients on the risks of contracting human  
26                   immunodeficiency virus, viral hepatitis and sexually transmitted diseases;

27                   G. Provide referrals to services, including substance use disorder counseling and  
28                   treatment, primary medical care, mental health services and social services;

29                   H. Establish eligibility criteria for clients;

30                   I. Require that all center staff present during open hours be certified in  
31                   cardiopulmonary resuscitation and first aid;

32                   J. Require that all center staff present during open hours be authorized and trained to  
33                   provide emergency administration of naloxone hydrochloride;

34                   K. Have an established relationship with the nearest hospital emergency department;

35                   L. Establish operating procedures for the center, including, but not limited to, standard  
36                   hours of operation, training standards for center staff, a minimum number of center  
37                   staff members required to be at the center during the hours of operation and the  
38                   maximum number of clients who can be served at one time;

39                   M. Establish a plan for center staff and workplace safety;

40                   N. Provide reasonable and adequate security of the facility and equipment;

1 O. Establish and make public a policy that facilitates communication from and to  
2 neighboring businesses and residences to address any neighborhood concerns or  
3 complaints; and

4 P. Be funded wholly through grants or private donations.

5 As a condition of approval under subsection 2, the municipality shall require the center to  
6 provide an annual report in accordance with subsection 4 and to conduct a peer-reviewed  
7 study in accordance with subsection 5.

8 **4. Annual report.** As a condition of approval under subsection 2, a municipality shall  
9 require the center to provide an annual report to the municipality and to the department that  
10 includes:

11 A. The number of clients using the center;

12 B. Aggregate information regarding the demographics of clients;

13 C. The number of overdoses experienced and the number of overdoses reversed at the  
14 center; and

15 D. The number of clients referred to substance use disorder treatment, primary medical  
16 care or similar services.

17 **5. Peer-reviewed study.** As a condition of approval under subsection 2, a municipality  
18 shall require the center to partner with an independent entity or organization to conduct a  
19 peer-reviewed study of the information provided pursuant to subsection 4 and any other  
20 data gathered by the center regarding:

21 A. The efficacy of the center, including, but not limited to, number of clients using the  
22 center, aggregate information regarding demographics of the clients, overdoses at the  
23 center, overdose reversals at the center, clients referred to treatment, hospitalizations  
24 of clients after treatment at the center, fatalities in hospitals after treatment at the center  
25 and fatalities at the center; and

26 B. Effects on the community of the center, including, but not limited to, an increase or  
27 decrease in crime, hypodermic apparatus litter, public drug use and aggregate  
28 information on the attitudes of nearby businesses and community members.

29 An independent entity or organization conducting a study under this subsection must be a  
30 private, nonprofit and nonpartisan research organization or a research university in the  
31 United States. The cost of a study under this subsection must be paid by the center and  
32 must be wholly funded through grants or private donations. Upon completion of a study  
33 under this subsection, the center must provide a copy of the study report to the municipality  
34 that approved the center and to the department, which shall submit a copy to the Legislature  
35 and to the Governor's office.

36 **6. Immunity from arrest or prosecution.** Notwithstanding any provision of law to  
37 the contrary, a protected person acting in accordance with this section is immune from  
38 arrest or prosecution for a violation of law if the grounds for the arrest or prosecution are  
39 the protected person's actions in accordance with this section.

40 This subsection does not create any immunity for a person with respect to any activity of  
41 the person that is not authorized or approved under this section.



1 which clients may receive health screening, disease prevention and recovery assistance  
2 services and may self-administer previously obtained controlled substances on the  
3 premises. The amendment also provides immunity from arrest, prosecution, revocation  
4 proceedings or termination proceedings for persons using, employed by or otherwise  
5 associated with a harm reduction health center when acting in accordance with the  
6 provisions of the amendment. It also provides additional protections to such persons for  
7 actions in accordance with those provisions.

8 **FISCAL NOTE REQUIRED**

9 **(See attached)**