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Date: (Filing No. H- )

**HEALTH AND HUMAN SERVICES**

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

COMMITTEE AMENDMENT “ ” to H.P. 1124, L.D. 1745, “An Act to Support Public Health by Protecting Certain Activities Conducted Under Comprehensive Community Drug Checking Initiatives”

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

**'An Act to Support Public Health by Clarifying Authorized Activities Regarding Drug Checking'**

Amend the bill by inserting after the title and before the enacting clause the following:

**'Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Distribution of Harm Reduction Access in Rural Maine Areas program, also known as Project DHARMA, is funded by federal grants and is ready for implementation except there are barriers of liability related to transportation and testing of drug samples and paraphernalia; and

**Whereas,** there is an urgent need for testing and drug checking due to increasingly dangerous substances in the drug supply; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

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

**'Sec. 1. 22 MRSA §2383-B, sub-§2, ¶E,** as amended by PL 2021, c. 434, §10, is further amended to read:

E. Physicians, dentists, podiatrists, pharmacists or other persons authorized by law or rule to administer, dispense, prescribe or sell scheduled or prescription drugs or controlled substances while acting within the course of their professional practice; ~~and~~

**COMMITTEE AMENDMENT**

1           **Sec. 2. 22 MRSA §2383-B, sub-§2, ¶G**, as enacted by PL 2013, c. 266, §10, is  
2 amended to read:

3           G. Persons conducting research at a school of pharmacology that is accredited or is a  
4 candidate for accreditation in good standing; and

5           **Sec. 3. 22 MRSA §2383-B, sub-§2, ¶H** is enacted to read:

6           H. Persons possessing, receiving, transporting or storing one or more drug samples  
7 contained in one or more sample collection instruments or drug paraphernalia for the  
8 purpose of drug checking. Possessing, receiving, transporting or storing one or more  
9 drug samples in accordance with this paragraph does not constitute a crime under Title  
10 17-A, sections 1103, 1104 and 1106.

11           **Sec. 4. 22 MRSA §2383-B, sub-§3, ¶A-3** is enacted to read:

12           A-3. "Controlled substance analog" means a substance that has a substantially similar  
13 chemical structure to that of a controlled substance.

14           **Sec. 5. 22 MRSA §2383-B, sub-§3, ¶A-4** is enacted to read:

15           A-4. "Drug checking" means the testing of a controlled substance, prescription drug  
16 or scheduled drug to determine its chemical composition or to assist in determining  
17 whether it contains contaminants, toxic substances or hazardous compounds.

18           **Sec. 6. 22 MRSA §2383-B, sub-§3, ¶A-5** is enacted to read:

19           A-5. "Drug paraphernalia" has the same meaning as in Title 17-A, section 1111-A,  
20 subsection 1.

21           **Sec. 7. 22 MRSA §2383-B, sub-§3, ¶A-6** is enacted to read:

22           A-6. "Drug sample" means a substance containing one or more scheduled or  
23 prescription drugs or controlled substances or controlled substance analogs in an  
24 amount insufficient to result in a person possessing the substance to be in violation of  
25 Title 17-A, section 1107-A.

26           **Sec. 8. 22 MRSA §2383-B, sub-§3, ¶B-2** is enacted to read:

27           B-2. "Person" means any individual, partnership, association, cooperative, limited  
28 liability company, trust, joint venture, government, political subdivision or any other  
29 legal, commercial or informal entity or group.

30           **Sec. 9. 22 MRSA §2383-B, sub-§3, ¶C-1** is enacted to read:

31           C-1. "Sample collection instrument" means an instrument used to collect a drug sample  
32 for purposes of drug checking.'

33           Amend the bill by adding before the summary the following:

34           '**Emergency clause.** In view of the emergency cited in the preamble, this legislation  
35 takes effect when approved.'

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

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**SUMMARY**

This amendment replaces the bill and adds an emergency preamble and clause. It clarifies that persons possessing, receiving, transporting or storing drug samples for the purpose of testing or drug checking are authorized to do so.

**FISCAL NOTE REQUIRED**

**(See attached)**