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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. 731, L.D. 1159, “An Act to Establish a Pilot Project Regarding Harm Reduction Health Centers”

Amend the bill in section 1 in the 3rd line (page 1, line 4 in L.D.) by striking out the following: "a 2-year" and inserting the following: 'one'

Amend the bill in section 1 in the 4th line (page 1, line 5 in L.D.) by inserting after the following: "center" the following: '2-year'

Amend the bill by striking out all of section 4 and inserting the following:

'Sec. 4. Immunity from liability. Notwithstanding any provision of law to the contrary, a covered entity is immune from liability with respect to authorized activity.

A. For the purposes of this section, "covered entity" means:

- (1) The State;
- (2) A municipality;
- (3) A state or municipal employee acting in the course of the employee's employment;
- (4) An owner, manager or employee of a harm reduction health center; or
- (5) A client or other person using a harm reduction health center.

B. For the purposes of this section, "immune from liability" means, with respect to a covered entity, that that entity may not:

- (1) Be arrested, charged or prosecuted for a crime;
- (2) Have property seized or subject to forfeiture under the Maine Revised Statutes, Title 15, chapter 517;
- (3) Be subject to inspection under Title 22, section 454-A;
- (4) Be subject to disciplinary action or credentialing restrictions by a professional licensing board;

COMMITTEE AMENDMENT

1 (5) Be subject to civil or contractual liability except with regard to the terms of the
2 contract entered into pursuant to this Act;

3 (6) Be subject to an employment action; or

4 (7) Be denied any right or privilege under law.

5 C. For the purposes of this section, "authorized activity" means any conduct or other
6 activity expressly authorized under rules adopted pursuant to this Act.'

7 Amend the bill by inserting after section 7 the following:

8 '**Sec. 8. Funding.** The project must be funded by outside private funding sources
9 only, including grant funding, and may not use any General Fund resources. If sufficient
10 outside funding is not secure, the project may not go forward.'

11 Amend the bill by inserting after section 8 the following:

12 '**Sec. 9. Appropriations and allocations.** The following appropriations and
13 allocations are made.

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

15 **Office of Substance Abuse and Mental Health Services Z199**

16 Initiative: Provides a one-time allocation for a pilot project establishing and operating one
17 harm reduction health center to provide counseling and health service referrals and a place
18 to use previously obtained controlled substances for clients of the center.

19	OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
20	All Other	\$981,506	\$1,030,581
21			
22	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$981,506</u>	<u>\$1,030,581</u>

23 '
24 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
25 number to read consecutively.

26 **SUMMARY**

27 This amendment, which is the minority report of the committee, clarifies that the pilot
28 project establishing and operating a harm reduction health center is limited to a single
29 center. It also requires that the project be funded only by outside private funding sources,
30 including grant funding, and may not use any General Fund resources. If sufficient outside
31 funding is not secure, the project may not go forward. The amendment also reorganizes
32 and clarifies the section in the bill relating to immunity from liability. The amendment also
33 adds an appropriations and allocations section.

34 **FISCAL NOTE REQUIRED**

35 **(See attached)**