

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Human Services to which was referred House Bill No.
3 72 entitled “An act relating to a harm-reduction criminal justice response to
4 drug use” respectfully reports that it has considered the same and recommends
5 that the bill be amended by striking out all after the enacting clause and
6 inserting in lieu thereof the following:

7 Sec. 1. 18 V.S.A. § 4254 is amended to read:

8 § 4254. IMMUNITY FROM LIABILITY; OVERDOSE PREVENTION

9 * * *

10 (j)(1) The following persons shall not be cited, arrested, or prosecuted for a
11 violation of this chapter or subject to the property forfeiture provisions of this
12 chapter for participation in or with an overdose prevention center that has been
13 approved pursuant to subsection (m) of this section:

14 (A) a person using the services of an overdose prevention center;

15 (B) a staff member or administrator of an overdose prevention center,

16 including a health care professional, manager, employee, or volunteer; or

17 (C) a property owner who owns real property at which an overdose

18 prevention center is located and operates.

19 (2) The immunity provisions of this section apply only to the use and

20 derivative use of evidence gained as a proximate result of participation in or

21 with an overdose prevention center.

- 1 (k) An overdose prevention center:
- 2 (1) provides a space supervised by health care professionals or other
3 trained staff where persons who use drugs can consume preobtained drugs;
- 4 (2) provides harm reduction supplies, including sterile injection
5 supplies, collects used hypodermic needles and syringes, and provides secure
6 hypodermic needle and syringe disposal services;
- 7 (3) answers questions on safe consumption practices;
- 8 (4) administers first aid, if needed, and monitors and treats potential
9 overdoses;
- 10 (5) provides referrals to addiction treatment, medical services, and social
11 services upon request;
- 12 (6) educates participants on the risks of contracting HIV and viral
13 hepatitis, wound care, and safe sex education;
- 14 (7) provides overdose prevention education and access to or referrals to
15 obtain naloxone;
- 16 (8) educates participants regarding proper disposal of hypodermic
17 needles and syringes;
- 18 (9) provides reasonable security of the program site;
- 19 (10) establishes operating procedures for the program as well as
20 eligibility criteria for program participants; and
- 21 (11) trains staff members to deliver services offered by the program.

1 (l) The Department of Health, in collaboration with the statewide harm
2 reduction coalition, shall develop operating guidelines for overdose prevention
3 centers.

4 (m)(1) An entity may apply to the Department of Health or a district or
5 municipal board of health for approval to operate an overdose prevention
6 center. Entities may apply to establish and operate more than one program. A
7 safe syringe program may apply to operate an overdose prevention center.

8 (2) If an applicant complies with all applicable laws, rules, and
9 operating guidelines adopted pursuant to subsection (l) of this section, the
10 application shall be approved within 45 days after receipt. If the application is
11 denied, the applicant shall be provided with a written explanation of the basis
12 for the denial and the steps necessary to remedy the application. Approval for
13 a program shall be for a period of two years and may be renewed.

14 (n) An entity operating an overdose prevention center shall submit an
15 annual report to the approving agency at a date set by the agency that shall
16 include:

17 (1) the number of program participants;

18 (2) aggregate information regarding the characteristics of the program
19 participants;

20 (3) the number of hypodermic needles and syringes distributed for use
21 on-site;

1 (4) the number of overdoses and the number of overdoses reversed on-
2 site; and

3 (5) the number of participants directly and formally referred to other
4 services and the type of services.

5 Sec. 2. 18 V.S.A. § 4475(2) is amended to read:

6 (2) “Organized community-based needle exchange program” means a
7 program approved by the Commissioner of Health under section 4478 of this
8 title, the purpose of which is to provide access to clean needles and syringes,
9 ~~and which is operated by an AIDS service organization, a substance abuse~~
10 ~~treatment provider, or a licensed health care provider or facility.~~ Such
11 programs shall be operated in a manner that is consistent with the provisions of
12 10 V.S.A. chapter 159 (waste management; hazardous waste), and any other
13 applicable laws.

14 Sec. 3. 18 V.S.A. § 4478 is amended to read:

15 § 4478. NEEDLE EXCHANGE PROGRAMS

16 The Department of Health, in collaboration with the **statewide harm**
17 **reduction coalition**, shall develop operating guidelines for needle exchange
18 programs. If a program complies with such operating guidelines and with
19 existing laws and regulations, it shall be approved by the Commissioner of
20 Health. A needle exchange program may apply to be an overdose prevention

1 center pursuant to section 4254 of this title. ~~Such operating guidelines shall be~~
2 ~~established no later than September 30, 1999.~~

3 Sec. 4. 33 V.S.A. § 2004 is amended to read:

4 § 2004. MANUFACTURER FEE

5 (a) Annually, each pharmaceutical manufacturer or labeler of prescription
6 drugs that are paid for by the Department of Vermont Health Access for
7 individuals participating in Medicaid, Dr. Dynasaur, or VPharm shall pay a fee
8 to the Agency of Human Services. The fee shall be ~~4.75~~ 2.25 percent of the
9 previous calendar year's prescription drug spending by the Department and
10 shall be assessed based on manufacturer labeler codes as used in the Medicaid
11 rebate program.

12 * * *

13 Sec. 5. EFFECTIVE DATE

14 This act shall take effect July 1, 2023.

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17 (Committee vote: _____)

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Representative _____

FOR THE COMMITTEE