

1 H.712

2 Introduced by Representatives Waite-Simpson of Essex, Pearson of

3 Burlington, and Burditt of West Rutland

4 Referred to Committee on

5 Date:

6 Subject: Health; noncriminal, public health approach to illicit drug use; study

7 Statement of purpose of bill as introduced: This bill proposes to direct the

8 Office of Legislative Council to examine the issue of a noncriminal, public

9 health approach to low-level possession and use of illicit drugs in Vermont and

10 to report its findings to the General Assembly on or before January 15, 2015.

11 An act relating to a study of a noncriminal, public health approach to illicit
12 drug use

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. LEGISLATIVE FINDINGS

15 The General Assembly finds:

16 (1) Gil Kerlikowske, the Director of the Office of National Drug Control

17 Policy, stated that the United States must “address our drug problem as a

18 public health issue, not just a criminal justice issue.”

19 (2) According to the White House, “The ACA [Affordable Care Act]

20 includes freedom from substance use disorders as one of the ten elements of

1 essential health benefits. This means that all health insurance sold on Health
2 Insurance Exchanges or provided by Medicaid to certain newly eligible adults
3 starting in 2014 must include services for substance use disorders.”

4 (3) According to the Substance Abuse and Mental Health Services
5 Administration (SAMHSA), “The Mental Health Parity and Addiction Equity
6 Act requires insurance groups that offer coverage for mental health or
7 substance use disorders to provide the same level of benefits that they do for
8 general medical treatment.”

9 (4) In 2001, Portugal developed a comprehensive health-based approach
10 by decriminalizing drug use and possession and reclassifying them as
11 administrative violations. According to the United Nations Office on Drugs
12 and Crime, “Portugal’s policy has reportedly not led to an increase in drug
13 tourism. It also appears that a number of drug-related problems have
14 decreased.”

15 (5) Following the adoption of a health-based approach to drug use and
16 possession in Portugal:

17 (A) Adolescent drug use and problematic drug use have decreased.

18 (B) The number of people arrested and sent to criminal courts for
19 drug law violations has declined by one-half.

20 (C) The number of people in its prison system for drug law violations
21 has declined by more than one-half.

1 (D) The number of people in drug treatment increased by more than
2 60 percent between 1998 and 2008.

3 (E) The number of drug-related deaths involving opiates as the
4 primary substance involved declined from 95 percent to 59 percent between
5 1999 and 2008.

6 (F) New diagnoses of HIV and AIDS among people who inject drugs
7 have also declined by two-thirds between 2000 and 2008.

8 (6) Vermont's Supreme Court Justice Paul Reiber recently called the
9 results of Portugal's policy "astonishing" and went on to say that only broad
10 change will have the impact needed to address the problem.

11 (7) Given the successes of Portugal's health-based, noncriminal
12 approach to drugs and drug abuse, Vermont should begin to examine the
13 benefits of such an approach.

14 Sec. 2. STUDY

15 (a) The Office of Legislative Council shall examine the issue of a
16 noncriminal public health approach to low-level possession and use of illicit
17 drugs in Vermont. The Legislative Council shall consult with interested
18 stakeholders, including the Vermont Department of Health, the Department of
19 Public Safety, the Department of Corrections, the Defender General, the
20 Department of State's Attorneys and Sheriffs, the HowardCenter's Safe

1 Recovery Support and Education Program, the Vermont Association of
2 Hospitals and Health Systems, and the Department of Vermont Health Access.

3 (b) The Office of Legislative Council shall report its findings to the
4 General Assembly on or before January 15, 2015.

5 Sec. 3. EFFECTIVE DATE

6 This act shall take effect on passage.