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H.387

Introduced by Representatives Dame of Essex and Troiano of Stannard

Referred to Committee on

Date:

Subject: Health; substance abuse treatment; ibogaine; dispensary

Statement of purpose of bill as introduced: This bill proposes to establish an ibogaine dispensing pilot program for the treatment of persons with substance abuse disorder.

An act relating to dispensing ibogaine for substance abuse treatment

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

Sec. 1. PILOT; IBOGAINE DISPENSARY

(a) The Commissioner of Public Safety, in consultation with the Commissioner of Health, shall develop and implement a pilot program to dispense ibogaine for the treatment of individuals addicted to drugs or alcohol. The pilot program shall enable registered patients to obtain therapeutic ibogaine from a dispensary operated within the State.

(b)(1) To become a registered patient, a person must be diagnosed with a severe and persistent substance abuse disorder by a health care provider in the course of a bona fide health care provider-patient relationship.

1 (2) The Department of Public Safety shall develop a medical
2 verification form to be completed by a health care provider and submitted by a
3 patient applying for registration in the program. The form shall include:

4 (A) a statement that a bona fide health care provider-patient
5 relationship exists;

6 (B) a statement that reasonable medical efforts have been made over
7 a reasonable amount of time without success to reduce or terminate the
8 patient's reliance on drugs or alcohol;

9 (C) a statement that the patient has a severe and persistent substance
10 abuse disorder, including the specific addiction for which ibogaine-assisted
11 therapy is sought;

12 (D) a signature line certifying in substantial part that the signatory
13 meets the definition of a health care provider as used in this act, is in good
14 standing with his or her licensing board, and that the facts stated in the medical
15 verification form are accurate to the best of his or her knowledge; and

16 (E) the health care provider's contact information, license number,
17 and the category of his or her health care profession.

18 (3) The Department shall approve a registration application within
19 30 days of submission to the Department when it is satisfied that the medical
20 verification form confirms the existence of both a bona fide health care
21 provider-patient relationship and severe and persistent substance abuse

1 disorder, as well as the health care provider's good standing with his or her
2 licensing board. If the application is approved, the Department shall issue the
3 applicant a registration card which shall include the registered patient's name,
4 photograph, and registration number.

5 (c) The Department may collect a fee for the administration of a patient's
6 application pursuant to this act. Any fees collected shall offset the costs of
7 processing applications.

8 (d)(1) The Department shall contract with a nonprofit organization to
9 operate an ibogaine dispensary as part of this pilot program. The dispensary
10 shall acquire, possess, cultivate, manufacture, transfer, transport, supply, sell,
11 and dispense ibogaine to registered patients.

12 (2) The dispensary shall not be located within 1,000 feet of the property
13 line of a preexisting public or private school or licensed or regulated child care
14 facility.

15 (3) The dispensary shall implement appropriate security measures to
16 deter and prevent the unauthorized entrance into areas containing ibogaine and
17 the theft of ibogaine and shall ensure that there is an operational security alarm
18 system on the premises. All cultivation of ibogaine shall take place in an
19 enclosed, locked facility, which is either indoors or not otherwise visible to the
20 public and which can only be accessed by employees of the dispensary who
21 have valid entry identification cards.

1 (4) The Department shall perform unannounced on-site assessments at
2 least twice annually for the duration of the pilot program. During an
3 assessment, the Department may review the dispensary's confidential records,
4 including its dispensing records, which shall track transactions according to a
5 registered patient's registration number to protect patient confidentiality.

6 (5) The dispensary may only sell ibogaine to a registered patient with a
7 valid identification card.

8 (6) The dispensary shall destroy or dispose of ibogaine, including
9 clones, seeds, and parts that are not useable for the treatment of severe and
10 persistent substance abuse disorder, in a manner approved by the Department.

11 (e) The Department may establish policies and restrictions regarding the
12 location in which ibogaine shall be ingested and the activities that a registered
13 patient may participate in while under the influence of ibogaine. A registered
14 patient shall sign a form consenting to these terms at the point of sale.

15 (f) On or before January 15, 2018, the Commissioner shall submit a report
16 to the House Committees on Human Services and on Judiciary and to the
17 Senate Committees on Health and Welfare and on Judiciary with his or her
18 findings and recommendations pertaining to the pilot program. The report
19 shall include the Commissioner's recommendation as to whether the pilot
20 program should be expanded or made permanent.

21 (g) The ibogaine pilot program shall cease to exist on July 1, 2018.

1 (h) As used in this act:

2 (1) “Bona fide health care provider-patient relationship” means a
3 treating or consulting relationship of not less than six months’ duration, in the
4 course of which a health care provider has completed a full assessment of the
5 registered patient’s medical history and current medical condition, including a
6 personal physical examination.

7 (2) “Health care provider” means an individual experienced in treating
8 patients with substance abuse disorder and who is licensed to practice medicine
9 pursuant to 26 V.S.A. chapter 23 or 33, licensed as an advanced practice
10 registered nurse pursuant to 26 V.S.A. chapter 28, or certified as a physician
11 assistant pursuant to 26 V.S.A. chapter 31.

12 (3) “Ibogaine” means a naturally occurring psychoactive substance
13 found in the root bark of the iboga plant.

14 (4) “Substance abuse disorder” means the misuse of alcohol or other
15 drugs consistent with the description in the Diagnostic and Statistical Manual
16 of Mental Disorders (DSM-5) or its predecessor.

17 Sec. 2. EFFECTIVE DATE

18 This act shall take effect on July 1, 2015.