

1  
2  
3  
4  
5  
6  
7  
8  
9  
  
10  
11  
12  
  
13  
14  
15  
16  
17  
18  
19  
20

H.108

Introduced by Representatives Colburn of Burlington and Rachelson of

Burlington

Referred to Committee on

Date:

Subject: Health; regulated drugs; immunity from liability

Statement of purpose of bill as introduced: This bill proposes to limit  
drug-related criminal liability and civil forfeiture actions against persons  
associated with an approved safer drug consumption program.

An act relating to limiting drug-related criminal liability and civil forfeiture  
actions against persons associated with an approved safer drug consumption  
program

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

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

§ 4254. IMMUNITY FROM LIABILITY

\* \* \*

(j)(1) The following persons shall not be cited, arrested, or prosecuted for a  
violation of this chapter or subject to the property forfeiture provisions of this  
chapter for participation in or with an approved safer drug consumption  
program:

1           (A) a person using the services of an approved safer drug  
2           consumption program;

3           (B) a staff member or administrator of an approved safer drug  
4           consumption program, including a health care professional, manager,  
5           employee, or volunteer; or

6           (C) a property owner who owns real property at which an approved  
7           safer drug consumption program is located and operates.

8           (2) The immunity provisions of this section apply only to the use and  
9           derivative use of evidence gained as a proximate result of participation in or  
10          with an approved safer drug consumption program.

11          (k) A safer drug consumption program shall:

12           (1) provide a space supervised by health care professionals or other  
13           trained staff where people who use drugs can consume pre-obtained drugs;

14           (2) provide sterile injection supplies, collect used hypodermic needles  
15           and syringes, and provide secure hypodermic needle and syringe disposal  
16           services;

17           (3) answer questions on safe consumption practices;

18           (4) administer first aid, if needed, and monitor and treat potential  
19           overdoses;

20           (5) provide referrals to addiction treatment, medical, and social services;

1           (6) educate participants on the risks of contracting HIV and viral  
2           hepatitis;

3           (7) provide overdose prevention education and access to or referrals to  
4           obtain naloxone;

5           (8) educate participants regarding proper disposal of hypodermic  
6           needles and syringes;

7           (9) provide reasonable security of the program site;

8           (10) establish operating procedures for the program as well as eligibility  
9           criteria for program participants; and

10          (11) train staff members to deliver services offered by the program.

11          (l) An entity may apply to the Vermont Department of Health or a district  
12          or municipal board of health for approval to operate a safer drug consumption  
13          program. Entities may apply to establish and operate more than one program.  
14          The Department of Health or district or municipal board shall approve or deny  
15          the application within 45 days of receipt of the application and shall provide a  
16          written explanation to the applicant of the basis for a denial. Approval for a  
17          program shall be for a period of two years and may be renewed. An entity  
18          operating a safer drug consumption program shall submit an annual report to  
19          the approving agency at a date set by the agency which shall include:

20          (1) the number of program participants;

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

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

5           (4) the number of overdoses experienced and the number of overdoses  
6 reversed on-site; and

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

9       Sec. 2. EFFECTIVE DATE

10       This act shall take effect on July 1, 2017.