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H.102

Introduced by Representatives Colburn of Burlington, Cina 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 that 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, 2019.