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H.419

Introduced by Representatives Colburn of Burlington, Kornheiser of  
Brattleboro, Anthony of Barre City, Bluemle of Burlington,  
Christie of Hartford, Cina of Burlington, Donnally of Hyde  
Park, Killacky of South Burlington, Lippert of Hinesburg,  
McCullough of Williston, Rachelson of Burlington, Stebbins of  
Burlington, Surprenant of Barnard, Toleno of Brattleboro,  
Troiano of Stannard, Vyhovsky of Essex, and White of Hartford

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

\* \* \*

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

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

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

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

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

15       (k) A safer drug consumption program shall:

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

18              (2) provide sterile injection supplies, collect used hypodermic needles  
19       and syringes, and provide secure hypodermic needle and syringe disposal  
20       services;

21              (3) answer questions on safe consumption practices;

- 1           (4) administer first aid, if needed, and monitor and treat potential  
2           overdoses;
- 3           (5) provide referrals to addiction treatment, medical, and social services  
4           upon request;
- 5           (6) educate participants on the risks of contracting HIV and viral  
6           hepatitis, wound care, and safe sex education;
- 7           (7) provide overdose prevention education and access to or referrals to  
8           obtain naloxone;
- 9           (8) educate participants regarding proper disposal of hypodermic  
10           needles and syringes;
- 11           (9) provide reasonable security of the program site;
- 12           (10) establish operating procedures for the program as well as eligibility  
13           criteria for program participants; and
- 14           (11) train staff members to deliver services offered by the program.
- 15           (l) An entity may apply to the Vermont Department of Health or a district  
16           or municipal board of health for approval to operate a safer drug consumption  
17           program. Entities may apply to establish and operate more than one program.  
18           The Department of Health or district or municipal board shall approve or deny  
19           the application within 45 days of receipt of the application and shall provide a  
20           written explanation to the applicant of the basis for a denial. Approval for a  
21           program shall be for a period of two years and may be renewed. An entity

1 operating a safer drug consumption program shall submit an annual report to  
2 the approving agency at a date set by the agency that shall include:

3 (1) the number of program participants;

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

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

8 (4) the number of overdoses and the number of overdoses reversed on-  
9 site; and

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

12 Sec. 2. EFFECTIVE DATE

13 This act shall take effect on July 1, 2021.