

1 H.222

2 An act relating to reducing overdoses

3 The House concurs in the Senate proposal of amendment with further  
4 amendment thereto as follows:

5 First: In Sec. 9, 24 V.S.A. § 4412, in subdivision (1)(G)(i), by striking out  
6 the phrase “persons in recovery” and inserting in lieu thereof the word  
7 “tenants”

8 Second: By striking out Sec. 11, 18 V.S.A. § 4201, in its entirety and  
9 inserting in lieu thereof a new Sec. 11 to read as follows:  
10 Sec. 11. 18 V.S.A. § 4201 is amended to read:

11 § 4201. DEFINITIONS

12 As used in this chapter, ~~unless the context otherwise requires:~~

13 \* \* \*

14 (45) “Approved drug-checking service provider” means a provider who  
15 complies with operating guidelines developed by the Department of Health  
16 pursuant to section 4240a of this title.

17 (46) “Drug-checking” means the testing of a substance to determine its  
18 chemical composition or assist in determining whether the substance contains  
19 contaminants, toxic substances, or hazardous compounds.

1       Third: By striking out Sec. 12, 18 V.S.A. § 4240a, in its entirety and  
2 inserting in lieu thereof a new Sec. 12 to read as follows:

3       Sec. 12. 18 V.S.A. § 4240a is added to read:

4       § 4240a. OVERDOSE PREVENTION; DRUG-CHECKING FOR  
5               CONTAMINANT DETECTION

6       (a) Notwithstanding any other provision of law, it shall not be a violation of  
7 this chapter for an approved drug-checking service provider to receive,  
8 possess, transport, or store samples of a substance that may contain a regulated  
9 drug solely for purposes of analyzing the substance to determine its chemical  
10 composition and disseminate information regarding the analysis to the provider  
11 of the substance.

12       (b) On-site approved drug-checking service providers shall be permitted to:

13               (1) collect voluntarily provided residual samples of substances  
14 potentially containing regulated drugs, possess, transport, or store samples of a  
15 regulated drug solely for purposes of analyzing the substances to determine its  
16 chemical composition as a lifesaving intervention;

17               (2) use any available technologies to analyze the contents of samples to  
18 obtain timely, highly accurate information regarding the composition of drugs  
19 to prevent overdose and mitigate health risks;

1           (3) provide results of analysis obtained from drug-checking technology  
2 to the person requesting drug services;

3           (4) disseminate data containing only the results of analysis and  
4 containing no personally identifiable information to community members at  
5 risk of overdose; and

6           (5) if necessary, arrange for a sample of a drug or substance to be tested  
7 by an approved laboratory.

8           (c) In operating any drug-checking service, personally identifiable  
9 information may be collected from a person providing a controlled substance  
10 to an approved drug-checking service provider only as necessary to  
11 communicate drug-checking results to the person. Personally identifiable  
12 information collected solely for the purposes of communicating drug-checking  
13 results shall not be retained or shared by an approved drug-checking service  
14 provider.

15           (d) An employee, contractor, volunteer, or other person acting in the good  
16 faith provision of drug-checking services and, acting in accordance with  
17 established protocols shall not:

18           (1) be subject to arrest, charge, or prosecution for a violation pursuant to  
19 this chapter, including for attempting to, aiding and abetting in, or conspiracy  
20 to commit a violation of this chapter;

1           (2) have their property subject to forfeiture, any civil or administrative  
2 penalty, or liability of any kind, including disciplinary action by a professional  
3 licensing board, credentialing restrictions, contractual or civil liability, or  
4 medical staff or other employment action; or

5           (3) be denied any right or privilege for actions, conduct, or omissions  
6 relating to the operation of a drug-checking service in compliance with this  
7 chapter and any rules adopted pursuant to this chapter.

8           (e) An individual possessing a regulated substance and who provides any  
9 portion of the substance to an approved drug-checking service provider  
10 pursuant to this section for purposes of obtaining drug-checking services shall  
11 not be subject to arrest, charge, or prosecution for possession of a regulated  
12 substance pursuant to this chapter or civil or administrative penalty or  
13 disciplinary action by a professional licensing board for a violation of this  
14 chapter based on the individual's use or attempted use of drug-checking  
15 services in accordance with this section. The immunity provisions of this  
16 subsection shall apply only to the use and derivative use of evidence gained as  
17 a proximate result of an individual seeking drug-checking services and shall  
18 not preclude prosecution of the individual on the basis of evidence obtained  
19 from an independent source.

1       (f) Local governments shall not collect, maintain, use, or disclose any  
2       personal information relating to an individual from whom local government  
3       receives any drug or substance for checking or disposal.

4       (g) The result of a test carried out by an approved drug-checking service  
5       provider shall not be admissible as evidence in any criminal or civil  
6       proceeding.

7       (h)(1) The Department shall provide technical assistance to and develop  
8       operating guidelines for drug-checking service providers.

9       (2) The Department shall coordinate the collection and dissemination of  
10       deidentified data related to drug-checking services to inform prevention and  
11       public health initiatives.

12       Fourth: In Sec. 13, 18 V.S.A. § 4774, in subdivision (a)(2), in the first  
13       sentence, by inserting the phrase “annually on or before January 15” after  
14       “subchapter, ~~as part of its annual budget submission,~~”

15       Fifth: In Sec. 14, appropriation; Opioid Abatement Special Fund, in  
16       subdivision (3)(A), by striking out the phrase “and within syringe service  
17       organizations”