

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Human Services to which was referred House Bill No.
3 222 entitled “An act relating to reducing overdoses” respectfully reports that it
4 has considered the same and recommends that the House concur in the Senate
5 proposal of amendment with further proposals of amendment as follows:

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

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

11 Sec. 11. 18 V.S.A. § 4201 is amended to read:

12 § 4201. DEFINITIONS

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

14 * * *

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

18 (46) “Drug-checking” means the testing of a substance to determine its
19 chemical composition or assist in determining whether the substance contains
20 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 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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 Fourth: In Sec. 14, appropriation; Opioid Abatement Special Fund, in
8 subdivision (3)(A), by striking out the phrase “and within syringe service
9 organizations”

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12 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE