

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 an approved drug-checking service provider only as necessary to
9 communicate drug-checking results to the person. Personally identifiable
10 information collected solely for the purposes of communicating drug-checking
11 results shall not be retained or shared by an approved drug-checking service
12 provider.

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

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

19 (2) have their property subject to forfeiture, any civil or administrative
20 penalty, or liability of any kind, including disciplinary action by a professional

1 licensing board, credentialing restrictions, contractual or civil liability, or
2 medical staff or other employment action; or

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

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

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

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

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

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

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

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

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17 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE