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Written Testimony
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H. 72 As Introduced

This bill proposes to eliminate criminal and civil penalties for operation of a safer drug consumption program; repeal the crack statute; repeal the sunset of the decriminalization of small amount of buprenorphine; establish the Drug Use Standards Advisory Board within the Vermont Sentencing Commission for determining benchmarks for personal use dosage and personal use supply for regulated drugs; and require the Sentencing Commission to use benchmark recommendations from the Drug Use Standards Advisory Board to make recommendations regarding adjustments in the amounts for possession, dispensing, and sale of regulated drugs.

Thank you for this opportunity to offer some thoughts on the overall bill as it relates to prevention of substance use and substance use disorder. Primarily, there are two measures that will seek to normalize drug taking behavior in the middle of an overdose crisis.

Section 1

I am concerned about the “immunity from liability” offered in relation to safer drug consumption/safe injection programs. From a prevention lens, for Vermont’s youth it is critically important that we do not normalize drug use, nor create a perception that drug use is ‘safe’. Youth notice the messages sent by the leaders in their state. Steps towards safe injection sites could potentially begin that process of message normalization and begin to shift social norms in such a way that they minimize the dangers of drug use, and injection drug use in particular.

There is limited data about the success of safe injection sites in the United States; particularly in rural areas. Prevention programs are held to extremely high standards when we consider the introduction of new strategies - they must be based on evidence and driven by data. I am concerned that, in addition to the potentially confusing messaging sent to Vermont’s youth, we are not holding ourselves to a rigorous standard when it comes to weighing safer drug consumption/safe injection programs for impact on the opioid/injection drug use epidemic we are seeing in Vermont.

By taking a step like immunity from liability, we put Vermont on the road towards creation of safer drug consumption/safe injection programs, potentially in lieu of other, more data driven strategies that can be more equitably and universally applied across the entire state.

Section 2

I would encourage the Committee to reach out to the Department of Public Safety to assess any impact of the potential change in law.

Section 3

Based on the evaluation conducted by Johns Hopkins in relation to the decriminalization of buprenorphine, I have no objections to the repeal of the sunset on that decriminalization.

Section 4

In relation to the creation of a Drug Use Standards Advisory Board, my concern is specific to the stated, primary objective of the Board to establish personal use amounts specifically with a goal of “preventing and reducing the criminalization of personal drug use”. This is a significant step towards the decriminalization and potential legalization of all drugs for personal use.

There is not yet data or evidence in the United States which indicates that this is a model with proven results. In Oregon overdose deaths were not reduced, far fewer people than expected were successfully diverted into treatment programs, and there is not yet any indication that the overall strategy has been successful at addressing drug use, overdose deaths or public safety concerns.

And while there are countries in which this strategy has proven moderately successful, I would submit that those countries have significantly different social structures and that those interventions were initiated with a mix of permissions and penalties that were not replicated in the Oregon model.

Trying to engage in prevention efforts in an environment in which we normalize drug use is very challenging; decriminalization of personal use amounts is a giant step in that direction.

Once again, I am grateful for the opportunity to offer my thoughts in writing and appreciate the flexibility of the Committee in enabling me to do so.

Thank you.

