1	TO THE HONORABLE SENATE:
2	The Committee on Health and Welfare to which was referred House Bill
3	No. 222 entitled "An act relating to reducing overdoses" respectfully reports
4	that it has considered the same and recommends that the Senate propose to the
5	House that the bill be amended as follows:
6	First: In Sec. 2, regional stakeholder meetings; public needle and syringe
7	disposal programs, in the first sentence, by striking out "Health's Accountable
8	Communities for"
9	Second: In Sec. 6b, 18 V.S.A. § 4752, in subsection (e), after "Department
10	of Vermont Health Access", by inserting the phrase or the Department's
11	pharmacy benefits manager
12	Third: By striking out Sec. 8b in its entirety and inserting in lieu thereof a
13	new Sec. 8b to read as follows:
14	Sec. 8b. RULEMAKING; PRIOR AUTHORIZATION; BUPRENORPHINE
15	The Department of Vermont Health Access shall amend its rules pursuant to
16	3 V.S.A. chapter 25 to enable health care providers in office-based opioid-
17	treatment programs to prescribe 24 milligrams or less of the preferred
18	medication for buprenorphine without prior authorization in accordance with
19	33 V.S.A. § 19011.
20	Fourth: By inserting a new reader assistance heading and Secs. 11 and 12
21	after Sec. 10 to read as follows:

1	* * * Drug Checking for Contamination Detection * * *
2	Sec. 11. 18 V.S.A. § 4201 is amended to read:
3	§ 4201. DEFINITIONS
4	As used in this chapter, unless the context otherwise requires:
5	<mark>* * *</mark>
6	(45) "Drug-checking" means the testing of a substance to determine its
7	chemical composition or assist in determining whether the substance contains
8	contaminants, toxic substances, or hazardous compounds.
9	Sec. 12. 18 V.S.A. § 4240a is added to read:
10	§ 4240a. OVERDOSE PREVENTION; DRUG-CHECKING FOR
11	CONTAMINANT DETECTION
12	(a) Notwithstanding any other provision of law, it shall not be a violation of
13	this chapter to receive samples, possess, transport, or store samples of a
14	substance that may contain a regulated drug solely for purposes of analyzing
15	such substance to determine its chemical composition and disseminate
16	information regarding such analysis to the provider of such substance.
17	(b) On-site community drug-checking service providers authorized by the
18	Vermont Department of Health shall be permitted to:
19	(1) collect voluntarily provided residual samples of substances
20	potentially containing regulated drugs, possess samples, transport, or store

1	samples of regulated drug solely for purposes of analyzing such substances to
2	determine its chemical composition as a lifesaving intervention;
3	(2) use any available technologies to analyze the contents of samples to
4	obtain timely, highly accurate information regarding the composition of drugs
5	to prevent overdose and mitigate health risks;
6	(3) provide results of analysis obtained from drug-checking technology
7	to the person requesting drug services;
8	(4) disseminate data containing only the results of analysis and
9	containing no personally identifiable information to community members at
10	risk of overdose; and
11	(5) if necessary, arrange for a sample of a drug or substance to be tested
12	by an approved laboratory.
13	(c) In operating any drug-checking service, no personally identifiable
14	information shall be collected from a person providing a controlled substance
15	to a service provider.
16	(d) An employee, contractor, volunteer, or other person acting in the good
17	faith provision of drug-checking services authorized by the Department, acting
18	in accordance with established protocols, shall not:
19	(1) be subject to arrest, charge, or prosecution for a violation pursuant to
20	this chapter, including for attempting to, aiding and abetting in, or conspiracy
21	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 such substance to a program authorized by the Department pursuant
10	to this section for purposes of obtaining drug-checking services shall not be
11	subject to arrest, charge, or prosecution for possession of a regulated substance
12	pursuant to this chapter or civil or administrative penalty or disciplinary action
13	by a professional licensing board for a violation of this chapter;
14	(f) The Department and local governments authorized by the Department
15	shall not collect, maintain, use, or disclose any personal information relating to
16	an individual from whom the Department or local government receives any
17	drug or substance for checking or disposal.
18	(g) The result of a test carried out by an authorized drug-checking service
19	provider shall not be admissible as evidence in any criminal or civil
20	proceeding.

1	(h) The Department shall initiate rulemaking pursuant to 3 V.S.A. chapter
2	25 not later than September 1, 2023.
3	and by renumbering the remaining section to be numerically correct.
4	Fifth: By inserting a new reader assistance heading and Secs. 13 and 14
5	after the newly added Sec. 12 to read as follows:
6	* * * Opioid Abatement Special Fund * * *
7	Sec. 13. 18 V.S.A. § 4774 is amended to read:
8	§ 4774. OPIOID ABATEMENT SPECIAL FUND
9	(a)(1) There is created the Opioid Abatement Special Fund, a special fund
10	established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5 and
11	administered by the Department of Health. The Opioid Abatement Special
12	Fund shall consist of all abatement account fund monies disbursed to the
13	Department from the national abatement account fund, the national opioid
14	abatement trust, the supplemental opioid abatement fund, or any other
15	settlement funds that must be utilized exclusively for opioid prevention,
16	intervention, treatment, recovery, and harm reduction services.
17	(2) The Department shall include submit a spending plan, informed by
18	the recommendations of the Opioid Settlement Advisory Committee
19	established pursuant to section 4772 of this subchapter, as part of its annual
20	budget submission to the General Assembly, and once approved, the
21	Department shall request to have the funds formally released from the national

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1	abatement account fund, the national opioid abatement trust, the supplemental
2	opioid abatement fund, or any other settlement funds that must be utilized
3	exclusively for opioid prevention, intervention, treatment, recovery, and harm
4	reduction services. The Department shall disburse monies from the Opioid
5	Abatement Special Fund pursuant to 32 V.S.A. chapter 7, subchapter 3.
6	* * *
7	Sec. 14. APPROPRIATION; OPIOID ABATEMENT SPECIAL FUND
8	In fiscal year 2023, the following monies shall be appropriated from the
9	Opioid Abatement Special Fund pursuant to 18 V.S.A. § 4774:
10	(1) \$1,980,000.00 for the expansion of naloxone distribution efforts,
11	including establishing harm reduction vending machines, home delivery and
12	mail order options, and expanding the harm reduction pack and leave behind
13	kit programs;
14	(2)(A) \$2,000,000.00 divided equally between four opioid treatment
15	programs to cover costs associated with partnering with other health care
16	providers to expand satellite locations for the dosing of medications, including
17	costs associated with the satellite locations' physical facilities; staff time at the
18	satellite locations; and staff time at opioid treatment programs to prepare
19	medications and coordinate with satellite locations;
20	(B) the satellite locations established pursuant to this subdivision
21	shall be located in Addison County, eastern Vermont between the Northeast

1	Kingdom and Brattleboro, Chittenden County, and a facility operated by the
2	Department of Corrections;
3	(3) \$1,976,000.00 to fund 26 outreach or case management staff
4	positions within the preferred provider network and within syringe service
5	organizations for the provision of services that increase motivation of and
6	engagement with individuals with substance use disorder in settings such as
7	police barracks, shelters, social service organizations, and elsewhere in the
8	community;
9	(4) \$240,000.00 divided equally among the State's four syringe service
10	providers to provide overdose prevention services and response education and
11	resources that build trust between individuals with substance use disorder and
12	Vermont's system of care;
13	(5) \$840,000.00 to provide contingency management services to
14	individuals with substance use disorder;
15	(6) \$100,000.00 to implement a wound care telehealth consultation pilot
16	program for the purpose of utilizing wound care experts to provide telehealth
17	drop-in appointments to address syringe use by individuals with opioid use
18	disorder;
19	(7) \$200,000.00 to expand the distribution of fentanyl test strips and, if
20	available, xylazine test strips; and

1	(8)(A) \$700,000.00 to the Department of Health's Division of Substance
2	Use Programs to award one or more grants to an organization or organizations
3	providing or preparing to implement drug-checking services with spectroscopy
4	devices, including high-pressure mass spectrometer (HPMS) or Fourier-
5	transform infrared spectroscopy device (FTIR), in a harm reduction setting;
6	(B) the grants awarded pursuant to this subdivision (8) shall be based
7	on an applicant's ability to provide publicly available drug-checking services.
8	and by renumbering the remaining section to be numerically correct.
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11	
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13	(Committee vote:)
14	
15	Senator
16	FOR THE COMMITTEE