

**To: Senate Health and Welfare**

**From: Indi Schoenherr, Policy Advocate ACLU of Vermont**

**Re: H.72 - An act relating to a harm-reduction criminal justice response to drug use**

**Date: 3/20/2024**

Thank you for the chance to share our support for H.72, a bill that proposes eliminating criminal and civil penalties for operating a safer drug consumption program. We support H.72 because it will save lives. Overdose prevention centers allow us to move away from criminalizing and incarcerating people and to reimagine how we address substance use disorder through a public health lens.

In Vermont, fatal overdoses have increased by [more than 500%](#) since 2010. In the 12-month period ending in December 2022, Vermont recorded 266 fatal overdoses, a 43 percent increase over a two-year period and the highest number of fatal overdoses since 2009.<sup>1</sup> In 2023, Vermont lost 212 people<sup>2</sup> to an overdose.

Families and communities across Vermont are continually devastated by the loss of life, of loved ones, friends, colleagues, and neighbors. This devastation will persist if our laws continue criminalizing a public health crisis and we do not develop innovative public health approaches to address what we see in our communities. Fully addressing the opioid crisis will require long-term efforts over years, but there are tangible things we can do right now to save lives. Because the truth is, almost every overdose can be prevented.

Overdose prevention centers are a promising addition to practices and tools we can utilize to address the opioid crisis and save lives. An overdose prevention center provides a place for supervised drug consumption, under clean conditions and with safe disposal of any used drug equipment. Staff are there to observe and are prepared to administer medication, like Narcan, that stop and reverse overdoses if needed. Overdose prevention centers would also provide access to resources for those interested in treatment (including medication, recovery counseling, and education), basic medical services, testing for bloodborne diseases like HIV and hepatitis, and referrals to support services such as housing, public benefits, and legal services.

Furthermore, overdose prevention centers are a proven strategy to save lives and lower rates of crime due to drug use. There are many studies that show the efficacy of overdose prevention centers and saving lives.<sup>3</sup> There are over 200 OPC's in 14 countries around the world and their experience can provide guidance on how Vermont can implement this tool into a larger comprehensive plan to address the overdose crisis with evidence-based public

---

<sup>1</sup> <https://decrimvermont.org/facts>

<sup>2</sup> <https://www.healthvermont.gov/sites/default/files/document/dsu-monthly-opioid-report.pdf>

<sup>3</sup> Lambdin BH, Davidson PJ, Browne EN, Suen LW, Wenger LD, Kral AH. *Journal of General Internal Medicine*. 2022;37(15):3853-3860. doi:10.1007/s11606-021-07312-4.

health strategies. The legal OPCs in Canada have been the center of many studies and have shown the benefits including saving lives, treatment referrals, and cost-savings.<sup>4</sup>

New York City was the first jurisdiction in the US to authorize OPCs. The authorization of these sites has not only given people a safe and private environment where safe usage and disposal is practiced but has also encouraged people to access care and counseling that they would otherwise not have access to. In NYC these sites have reversed nearly 850 overdoses since opening in 2021.<sup>5</sup> This is remarkable, life-saving work being done and Vermont can learn from the other jurisdictions implementing much needed harm reduction practices.

The centers also offer broader community benefits, decreasing drug use and overdoses in public and reducing the presence of discarded syringes, enhancing overall safety in the surrounding areas. NYC Parks reported collecting around [13,000 syringes per month](#) from a park across from one location of an overdose prevention center. In the month after the overdose prevention center opened, syringe collection dropped to 1,000.

We need to stop the criminal response to this public health crisis and instead respond with a thoughtful, compassionate multi-pronged, evidence-driven approach that includes overdose prevention centers. The federal government may still be fighting the failed war on drugs, but that doesn't mean Vermont should be... or must be. We cannot continue to stand by and allow Vermonters to die without trying a proven, life-saving intervention— we urge lawmakers to pass H.72 to authorize and fund overdose prevention centers in Vermont.

---

<sup>4</sup> Irwin Amos et al. "Mitigating the Heroin Crisis in Baltimore, MD, USA: A Cost-Benefit Analysis of a Hypothetical Supervised Injection Facility." *Harm Reduction Journal* 14, no. 29 (2017). <https://doi.org/10.1186/s12954-017-0153-2>.

<sup>5</sup> "About Us," OnPoint NYC, accessed April 26, 2023, <https://onpointnyc.org>