

March 29, 2024

Re: SUPPORT for H.72 – an act that will advance sensible harm-reduction criminal justice responses to drug use

Senate Health & Welfare Committee, Vermont General Assembly
Sen. Virginia Lyons, Chair

Dear Senators,

I am writing on behalf of Fair and Just Prosecution (FJP), a national organization that brings together a bipartisan network of elected prosecutors committed to change and innovation, to express our strong support for H.72. By allowing for the creation of overdose prevention centers — a remarkably effective public health intervention in place in many other parts of the world and supported by decades of robust research — H.72 would put Vermont on the leading edge of the nationwide fight against overdose deaths, provide an urgently needed avenue for Vermonters who use drugs to connect with critical services, and save lives.

In Vermont, fatal overdoses have increased by [more than 500%](#) since 2010, mirroring tragic increases in drug-related deaths around the country. This historically unprecedented rise in overdose deaths occurred even in the face of the U.S.’s embrace of punitive drug policies — policies that I saw first-hand fail us during my decade-and-a-half as a federal prosecutor. Policy-makers must recognize the overwhelming evidence demonstrating that criminalization and punishment do not prevent drug-related harm and, instead, embrace research-backed public health strategies like overdose prevention centers.

Overdose prevention centers offer an exceptionally effective harm reduction strategy by providing a secure environment for individuals to consume pre-obtained drugs, staffed by trained professionals who can promptly respond to signs of overdose and help facilitate access to treatment and services. There is growing support for these centers around the country and the globe — and irrefutable proof of their [lifesaving impact](#).

We urge the Senate Health & Welfare Committee not to promote continued adherence to the failed strategies of the war on drugs, to embrace [harm reduction strategies](#) that work, and to reject arguments by some that federal law somehow precludes these approaches. Indeed, 80 current or former prosecutors, law enforcement officials, attorneys general, and U.S. Department of Justice (“DOJ”) leaders submitted an [amicus brief](#) arguing that the Controlled Substances Act cannot be construed to prohibit the operation of public health facilities like overdose prevention sites. *Amici*—including Vermont leaders like former Vermont attorney generals T.J. Donovan and Kimberly Cheney, former U.S. Attorney Jerome O’Neill, and Chittenden County State’s Attorney Sarah George—came together to emphasize the critical importance of allowing states to respond to public health emergencies in ways that serve the needs of their residents and prevent needless deaths. There is no legal or practical justification, they argued, for construing a federal

statute ostensibly intended to prevent drug-related harm to prohibit states from embracing public health strategies that have been proven to prevent drug-related harm.

Overdose prevention centers have an impeccable safety record over decades of operation, with nearly [200 locations](#) across at least 14 countries. Immediate interventions like providing supplemental oxygen or naloxone can prevent an overdose from turning fatal, and these centers play a critical role by intervening at the onset of an overdose, a level of care that does not exist outside these facilities, where emergency responders may arrive too late.

In New York City, for example, [OnPoint NYC](#), a nonprofit organization, has successfully integrated overdose prevention centers into its model of care. Their centers have served individuals more than 117,000 times since opening in late 2021, providing lifesaving interventions in more than 1,300 overdoses that otherwise may well have resulted in tragedy. Emergency medical services were rarely required, responding just 23 times out of 48,533 visits in the first year, freeing essential resources to respond to other emergencies more quickly. These remarkable statistics underscore an undeniable efficacy in preventing loss of life.

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 OnPoint's Washington Heights location. In the month following the opening of the overdose prevention center, syringe collection dropped to 1,000.

These New York centers were established with the support of local authorities, including mayors and district attorneys, who now collaborate with police precincts to guide drug users toward care rather than arrest. A recent [study](#) found that the opening of the sites did not cause increases in crime or 911 calls in the surrounding neighborhoods. Beyond just preventing overdoses, these sites also function as a holistic care model that includes medical and mental health services, case management, food, showers, laundry, treatment and recovery support, peer mentorship, drug testing, and safer drug use supplies.

We hope that members of the Senate Health & Welfare Committee heed the lessons from overdose prevention centers in New York and around the world: overdose prevention centers improve community health and safety, prevent disease transmission, and save lives. Please do not let another year of historically unprecedented overdose deaths go by while this proven, life-saving intervention remains illegal. We urge you to advance H.72.

Sincerely,



Miriam Krinsky
Executive Director
Fair and Just Prosecution