

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 755

S.P. 263

In Senate, February 25, 2025

**An Act to Prevent Opioid Overdose Deaths by Allowing
Municipalities to Approve the Establishment of Overdose
Prevention Centers**

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BENNETT of Oxford.
Cosponsored by Representative MILLIKEN of Blue Hill and
Senators: BEEBE-CENTER of Knox, BRENNER of Cumberland, President DAUGHTRY of
Cumberland, LAWRENCE of York, TALBOT ROSS of Cumberland, Representatives: ABDI
of Lewiston, RANA of Bangor, WOODSOME of Waterboro.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §20056** is enacted to read:

3 **§20056. Overdose prevention centers**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Client" means a person who is allowed by a center approved under this section to
7 self-administer previously obtained controlled substances on the premises of the center
8 or who receives health screening, disease prevention, recovery support or other
9 services offered by the center on the premises of the center.

10 B. "Overdose prevention center" or "center" means a facility that provides health
11 screening, disease prevention and recovery support services and that allows persons to
12 self-administer previously obtained controlled substances on the premises of the
13 facility.

14 C. "Protected person" means a person acting in accordance with this section, including:

15 (1) A client;

16 (2) A municipal employee involved in the approval of a center under this section;

17 (3) An owner or employee of a center approved under this section;

18 (4) A volunteer or other individual performing services at a center approved under
19 this section; and

20 (5) An owner or manager of property on which a center approved under this
21 section is operating.

22 **2. Municipal approval.** Notwithstanding any provision of law to the contrary, an
23 overdose prevention center may not operate in a municipality without approval from that
24 municipality in accordance with this section. A municipality may approve a center that is
25 located in a fixed location or a mobile setting and that meets the requirements of subsection
26 3. Prior to approving a center, the municipality shall hold a public hearing with an
27 opportunity for public comment regarding the center. Notice of the public hearing must be
28 sufficient to ensure adequate participation in the public hearing by members of the public.

29 **3. Center requirements.** To qualify for municipal approval under subsection 2, an
30 overdose prevention center must:

31 A. Provide referrals to services, including substance use disorder counseling and
32 treatment, primary medical care, mental health services, recovery support services,
33 peer support and social services;

34 B. Conduct proactive community cleanups of hypodermic apparatus litter and
35 education and outreach on the proper disposal of hypodermic apparatuses;

36 C. Provide a hygienic location supervised by trained staff where a client may self-
37 administer previously obtained controlled substances;

38 D. Establish operating procedures for the center, including, but not limited to, standard
39 hours of operation, eligibility criteria for clients, training standards for center staff, a

1 minimum number of center staff members required to be at the center during the hours
2 of operation and the maximum number of clients who can be served at one time;

3 E. Develop an overdose response protocol for monitoring clients while in the center,
4 including, but not limited to, a response for opioid and stimulant overdoses, use of a
5 pulse oximeter, administration of naloxone hydrochloride, administration of oxygen,
6 administration of cardiopulmonary resuscitation and use of an automated external
7 defibrillator;

8 F. Establish and make public a policy that facilitates communication from and to
9 neighboring businesses and residences to address any neighborhood concerns or
10 complaints; and

11 G. Have an established relationship with the nearest hospital emergency department.

12 As a condition of approval under subsection 2, the municipality shall require the center to
13 provide an annual report in accordance with subsection 4 and to conduct a peer-reviewed
14 study in accordance with subsection 5.

15 **4. Annual report.** As a condition of approval under subsection 2, a municipality shall
16 require an overdose prevention center to provide an annual report to the municipality and
17 to the department that includes:

18 A. The number of clients using the center;

19 B. Aggregate information regarding the demographics of clients;

20 C. The number of overdoses experienced and the number of overdoses reversed at the
21 center; and

22 D. The number of clients referred to substance use disorder treatment, primary medical
23 care or similar services.

24 **5. Peer-reviewed study.** As a condition of approval under subsection 2, a
25 municipality shall require an overdose prevention center to partner with an independent
26 entity or organization to conduct a peer-reviewed study of the information provided
27 pursuant to subsection 4 and any other data gathered by the center regarding:

28 A. The efficacy of the center, including, but not limited to, aggregate information
29 regarding the demographics of the clients and the number of clients using the center,
30 overdoses experienced at the center, overdose reversals at the center, clients referred
31 to treatment, hospitalizations of clients after treatment at the center, fatalities in
32 hospitals after treatment at the center and fatalities at the center; and

33 B. Effects on the community of the center, including, but not limited to, an increase or
34 decrease in crime, hypodermic apparatus litter and public drug use and aggregate
35 information on the opinions of nearby businesses and community members.

36 An independent entity or organization conducting a study under this subsection must be a
37 private, nonprofit and nonpartisan research organization or a research university in the
38 United States. The cost of a study under this subsection must be paid by the center and
39 must be funded wholly through grants or private donations. Upon completion of a study
40 under this subsection, the center shall provide a copy of the study report to the municipality
41 that approved the center and to the department, which shall submit a copy to the Legislature
42 and to the Governor.

1 **6. Immunity from arrest or prosecution.** Notwithstanding any provision of law to
2 the contrary, a protected person acting in accordance with this section is immune from
3 arrest or prosecution for a violation of law if the grounds for the arrest or prosecution are
4 the protected person's actions in accordance with this section.

5 This subsection does not create any immunity for a person with respect to any activity of
6 the person that is not authorized or approved under this section.

7 **7. Immunity from revocation or termination proceedings.** Notwithstanding any
8 provision of law to the contrary, a protected person acting in accordance with this section
9 is immune from revocation proceedings with regard to conditions of release as described
10 in Title 15, chapter 105-A, subchapter 5; probation as described in Title 17-A, chapter 67,
11 subchapter 1; administrative release as described in Title 17-A, chapter 67, subchapter 2;
12 or supervised community confinement as described in Title 34-A, section 3036-A and is
13 immune from termination proceedings for deferred disposition violations as described in
14 Title 17-A, chapter 67, subchapter 4 or termination from community confinement
15 monitoring as described in Title 30-A, section 1659-A, if the grounds for the revocation or
16 termination proceeding against the protected person are the protected person's actions in
17 accordance with this section.

18 This subsection does not create any immunity for a person with respect to any activity of
19 the person that is not authorized or approved under this section.

20 **8. Motion to determine immunity.** A defendant in a criminal proceeding may move
21 that the court prior to trial determine whether the defendant is immune from prosecution or
22 revocation or termination proceedings pursuant to subsection 6 or 7. Once the defendant
23 has filed a motion and has presented evidence to establish immunity, the prosecution has
24 the burden of proving by clear and convincing evidence that the grounds for immunity do
25 not apply to the defendant. The court may hear testimony and shall make factual and legal
26 findings as necessary to determine immunity.

27 **9. Additional protections.** Notwithstanding any provision of law to the contrary, a
28 protected person acting in accordance with this section may not, on the basis of that action,
29 be:

30 A. Subject to any civil or administrative penalty, including civil or disciplinary action
31 by a professional licensing board;

32 B. Denied any right or privilege for involvement in the operation or use of services of
33 a center;

34 C. Subject to the seizure or forfeiture of any real or personal property used in
35 connection with a center; or

36 D. Subject to any adverse medical or employment action with respect to the action or
37 subject to any civil or contractual liability with respect to the action, except that a
38 contract entered into in accordance with this section may be the subject of litigation to
39 interpret or enforce the contract and liability for breach of the contract may be imposed.

40 This subsection does not provide any protections to a person with respect to any activity of
41 the person that is not authorized or approved under this section.

1 **SUMMARY**

2 This bill authorizes municipalities to approve overdose prevention centers at which
3 clients may receive health screening, disease prevention and recovery support services and
4 may self-administer previously obtained controlled substances on the premises. The bill
5 also provides immunity from arrest, prosecution, revocation proceedings or termination
6 proceedings for persons using, employed by or otherwise associated with an overdose
7 prevention center when acting in accordance with the provisions of the bill. It also provides
8 additional protections to such persons for actions in accordance with those provisions.