

# MAINE STATE LEGISLATURE

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ONLY  
ROFS

L.D. 1326

Date: 5/25/17 Majority

(Filing No. H-293)

## HEALTH AND HUMAN SERVICES

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## STATE OF MAINE

## HOUSE OF REPRESENTATIVES

## 128TH LEGISLATURE

## FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 920, L.D. 1326, Bill, "An Act To Reduce Morbidity and Mortality Related to Opioid Misuse"

Amend the bill by striking out all of section 3 and inserting the following:

'Sec. 3. 17-A MRS §1125 is enacted to read:

**§1125. Exemption from criminal liability for person who seeks medical assistance**

A person who experiences a drug overdose and is in need of medical assistance or a person acting in good faith who seeks medical assistance for another experiencing a drug overdose may not be arrested, prosecuted or held in detention under section 1107-A, 1108 or 1111-A or chapter 49 if the grounds for the arrest, prosecution or detention arose from the person's seeking medical assistance for the drug overdose. For the purposes of this section, "detention" has the same meaning as in Title 15, section 3003, subsection 4-B.'

Amend the bill in section 5 in subsection 4 in the 5th and 6th lines (page 1, lines 28 and 29 in L.D.) by striking out the following: "~~rules adopted by the department and the provisions of~~" and inserting the following: 'rules adopted by the department and the provisions of'

Amend the bill in section 5 in subsection 4 by striking out all of the blocked paragraph (page 2, lines 10 to 12 in L.D.) and inserting a new blocked paragraph to read:

'The department shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.'

Amend the bill by striking out all of section 8 and inserting the following:

'Sec. 8. **Rulemaking; community-based drug overdose prevention programs.** The Department of Health and Human Services shall provisionally adopt rules to implement the Maine Revised Statutes, Title 22, section 2353, subsection 4 no later than January 15, 2018.'

# COMMITTEE AMENDMENT

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**SUMMARY**

This amendment is the majority report of the committee. It returns to the Department of Health and Human Services rule-making authority over establishing community-based drug overdose prevention programs, which is removed in the bill. It directs the department to provisionally adopt rules regarding community-based drug overdose prevention programs by January 15, 2018. It removes from the bill the appropriation for syringe exchange programs and naloxone hydrochloride distribution.

**FISCAL NOTE REQUIRED**  
**(See attached)**



# 128th MAINE LEGISLATURE

LD 1326

LR 1579(02)

An Act To Reduce Morbidity and Mortality Related to Opioid Misuse

Fiscal Note for Bill as Amended by Committee Amendment "A(H-293"

Committee: Health and Human Services

Fiscal Note Required: Yes

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## Fiscal Note

Minor savings - General Fund  
Minor revenue decrease - General Fund

### Correctional and Judicial Impact Statements

Eliminates Class D and Class E crimes and civil violations.  
A reduction in fines will decrease General Fund revenue by minor amounts.