

MAINE STATE LEGISLATURE

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Date: 5/30/19

L.D. 303
(Filing No. H- 406)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 227, L.D. 303, Bill, "An Act To Require Housing Facilities for Persons with Substance Use Disorder Be Equipped with Naloxone"

Amend the bill by striking out the title and substituting the following:

'An Act To Require Recovery Residences for Persons with Substance Use Disorder Be Equipped with Naloxone and To Exempt from Criminal Liability Persons Administering Naloxone'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 17-A MRSA §1111-B, as enacted by PL 2019, c. 137, §1, is amended to read:

§1111-B. Exemption from criminal liability for reporting a drug-related medical emergency or administering naloxone

A person who in good faith seeks medical assistance for or administers naloxone hydrochloride to another person experiencing a drug-related overdose or who is experiencing a drug-related overdose and is in need of medical assistance may not be arrested or prosecuted for a violation of section 1107-A, 1108, 1111 or 1111-A or a violation of probation as authorized by chapter 49 if the grounds for arrest or prosecution are obtained as a result of the person's seeking medical assistance, administering naloxone hydrochloride or experiencing a drug-related overdose.

Sec. 2. 22 MRSA §2353, sub-§1, ¶E is enacted to read:

E. "Recovery residence" means a shared living residence for individuals recovering from substance use disorder that is focused on peer support, provides to its residents an environment free of alcohol and illegal drugs and assists its residents by connecting the residents to support services or resources in the community that are available to persons recovering from substance use disorder.

COMMITTEE AMENDMENT

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Sec. 3. 22 MRSA §2353, sub-§4-A is enacted to read:

4-A. Recovery residences; standing orders for naloxone hydrochloride. Acting under standing orders from a licensed health care professional authorized by law to prescribe naloxone hydrochloride, a recovery residence shall operate in accordance with rules adopted by the department and the provisions of this subsection.

A. Notwithstanding any provision of law to the contrary, a recovery residence shall store and dispense naloxone hydrochloride and is not subject to the provisions of Title 32, chapter 117. The recovery residence shall store on site at least 2 units of naloxone hydrochloride for each floor of the recovery residence.

B. A recovery residence shall provide training in administration of naloxone hydrochloride that meets the protocols and criteria established by the department, and residents of the recovery residence, employees of the recovery residence and all other persons involved in the administration of a recovery residence shall successfully complete the training.

C. A licensed health care professional authorized by law to prescribe naloxone hydrochloride shall distribute unit-of-use packages of naloxone hydrochloride and the medical supplies necessary to administer the naloxone hydrochloride to a recovery residence that has provided training described in paragraph B so that the recovery residence may possess and administer naloxone hydrochloride to an individual who appears to be experiencing a drug-related overdose.

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 relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the unanimous report of the committee, strikes and replaces the bill and does the following.

1. It makes the requirements of the bill apply only to recovery residences and not to other housing-based programs and expands the definition of "recovery residence."

2. It changes the requirement for on-site storage of naloxone hydrochloride from at least one unit for every 3 residents of a housing-based program to at least 2 units for each floor of a recovery residence.

3. It exempts from arrest or prosecution a person who in good faith administers naloxone hydrochloride to another person experiencing a drug-related overdose. The person may not be arrested or prosecuted for a violation of laws prohibiting the unlawful possession of scheduled drugs, acquiring drugs by deception, the illegal possession of hypodermic apparatuses or the use of drug paraphernalia or a violation of probation if the grounds for arrest or prosecution are obtained as a result of the person's administering naloxone hydrochloride.

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4. It removes the requirement that full-time employees of a housing-based program receive training and provides instead that residents of a recovery residence, employees of a recovery residence and all other persons involved in the administration of a recovery residence are required to successfully complete training in the administration of naloxone hydrochloride that meets the protocols and criteria established by the Department of Health and Human Services.

FISCAL NOTE REQUIRED
(See attached)



Approved: 05/23/19 *MAC*

129th MAINE LEGISLATURE

LD 303

LR 695(02)

An Act To Require Housing Facilities for Persons with Substance Use Disorder Be Equipped with Naloxone

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-406)

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services to adopt rules to implement the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.