

# MAINE STATE LEGISLATURE

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Date 6/20/23 *Minority* L D 1159  
(Filing No H- 650)

**HEALTH AND HUMAN SERVICES**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H P 731, L D 1159, ' An Act to Establish a Pilot Project Regarding Harm Reduction Health Centers'

Amend the bill in section 1 in the 3rd line (page 1, line 4 in L D ) by striking out the following "a 2-year" and inserting the following 'one'

Amend the bill in section 1 in the 4th line (page 1, line 5 in L D ) by inserting after the following "center" the following '2-year'

Amend the bill by striking out all of section 4 and inserting the following

**'Sec. 4. Immunity from liability.** Notwithstanding any provision of law to the contrary, a covered entity is immune from liability with respect to authorized activity

A For the purposes of this section, "covered entity" means

- (1) The State,
- (2) A municipality,
- (3) A state or municipal employee acting in the course of the employee's employment,
- (4) An owner, manager or employee of a harm reduction health center, or
- (5) A client or other person using a harm reduction health center

B For the purposes of this section, "immune from liability" means, with respect to a covered entity, that that entity may not

- (1) Be arrested, charged or prosecuted for a crime,
- (2) Have property seized or subject to forfeiture under the Maine Revised Statutes, Title 15, chapter 517,
- (3) Be subject to inspection under Title 22, section 454-A,
- (4) Be subject to disciplinary action or credentialing restrictions by a professional licensing board,

**COMMITTEE AMENDMENT**

ROS

1 (5) Be subject to civil or contractual liability except with regard to the terms of the  
2 contract entered into pursuant to this Act,

3 (6) Be subject to an employment action, or

4 (7) Be denied any right or privilege under law

5 C For the purposes of this section, "authorized activity" means any conduct or other  
6 activity expressly authorized under rules adopted pursuant to this Act '

7 Amend the bill by inserting after section 7 the following

8 'Sec. 8. Funding. The project must be funded by outside private funding sources  
9 only, including grant funding, and may not use any General Fund resources. If sufficient  
10 outside funding is not secure, the project may not go forward '

11 Amend the bill by inserting after section 8 the following

12 'Sec. 9. Appropriations and allocations. The following appropriations and  
13 allocations are made

14 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

15 **Office of Substance Abuse and Mental Health Services Z199**

16 Initiative Provides a one-time allocation for a pilot project establishing and operating one  
17 harm reduction health center to provide counseling and health service referrals and a place  
18 to use previously obtained controlled substances for clients of the center

19	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2023-24</b>	<b>2024-25</b>
20	All Other	\$981,506	\$1,030,581
21			
22	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$981,506</u>	<u>\$1,030,581</u>

23 '  
24 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
25 number to read consecutively

26 **SUMMARY**

27 This amendment, which is the minority report of the committee, clarifies that the pilot  
28 project establishing and operating a harm reduction health center is limited to a single  
29 center. It also requires that the project be funded only by outside private funding sources,  
30 including grant funding, and may not use any General Fund resources. If sufficient outside  
31 funding is not secure, the project may not go forward. The amendment also reorganizes  
32 and clarifies the section in the bill relating to immunity from liability. The amendment also  
33 adds an appropriations and allocations section.

34 **FISCAL NOTE REQUIRED**

35 (See attached)



# 131st MAINE LEGISLATURE

LD 1159

LR 1264(02)

## An Act to Establish a Pilot Project Regarding Harm Reduction Health Centers

Fiscal Note for Bill as Amended by Committee Amendment *A (H-650)*

Committee: Health and Human Services

Fiscal Note Required: Yes

### Fiscal Note

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$981,506	\$1,030,581	\$0	\$0
<b>Revenue</b>				
Other Special Revenue Funds	\$981,506	\$1,030,581	\$0	\$0

#### Fiscal Detail and Notes

The bill includes Other Special Revenue Funds allocations to the Department of Health and Human Services of \$981,506 in fiscal year 2023-24 and \$1,030,581 in fiscal year 2024-25 for a pilot project establishing and operating one harm reduction health center to provide counseling and health service referrals and a place to use previously obtained controlled substances for clients of the center

Additional costs to the Office of Policy Innovation and the Future and to the Office of the Attorney General associated with serving on the advisory board are expected to be minor and can be absorbed within existing budgeted resources