

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

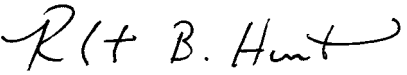
No. 1159

H.P. 731

House of Representatives, March 14, 2023

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

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


ROBERT B. HUNT
Clerk

Presented by Representative OSHER of Orono.
Cosponsored by Senator BEEBE-CENTER of Knox and
Representatives: ABDI of Lewiston, BOYER of Poland, CRAFTS of Newcastle, DHALAC of
South Portland, LaROCHELLE of Augusta, RISEMAN of Harrison, ROEDER of Bangor,
SAYRE of Kennebunk.

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

2 **Sec. 1. Department of Health and Human Services to create a harm**
3 **reduction health center pilot project.** The Department of Health and Human
4 Services, referred to in this Act as "the department," shall create a 2-year harm reduction
5 health center pilot project, referred to in this Act as "the project." The purpose of the project
6 is to create a community-based resource center offering health screening, disease
7 prevention and recovery assistance services where a person may safely use previously
8 obtained controlled substances. For purposes of this section, "controlled substances" has
9 the same meaning as in Title 22, section 2383-B, subsection 3, paragraph A;

10 **Sec. 2. Project requirements.** The requirements of the project are:

11 A. A harm reduction health center may be located in a building, mobile unit or other
12 location determined suitable by the department;

13 B. A harm reduction health center must provide necessary staffing by one or more
14 health care professionals to provide referrals for counseling or other health services as
15 appropriate to clients of the harm reduction health center; and

16 C. Municipal approval must be obtained pursuant to section 3.

17 **Sec. 3. Municipal approval.** The legislative body of the municipality where a harm
18 reduction health center is to be located must approve by affirmative vote:

19 A. The allowance of the operation of a harm reduction health center in the
20 municipality;

21 B. The exact location of the harm reduction health center, including the street address
22 and the map and lot number or other applicable designation used by the municipal tax
23 assessor; and

24 C. The hours of operation of the harm reduction health center.

25 **Sec. 4. Immunity from liability.** Notwithstanding any provision of law to the
26 contrary, the State or a municipality, or a state or municipal employee acting in the course
27 of their employment, person, entity, property owner or manager, employee, client or other
28 user of a harm reduction health center may not: be arrested, charged or prosecuted,
29 including for attempting, aiding and abetting or conspiracy to commit an offense under the
30 Maine Revised Statutes, Title 17-A, sections 151 and 1107-A and Title 22, section 2383 or
31 any other relevant criminal or civil offense; have property seized or subject to forfeiture
32 under Title 15, chapter 517; be subject to inspection under Title 22, section 454-A or any
33 other relevant provision or to disciplinary action or credentialing restrictions by a
34 professional licensing board; be subject to civil or contractual liability except with regard
35 to a contract entered into pursuant to this Act or medical or other employment action; or be
36 denied any right or privilege for an action, conduct or an omission relating to the approval
37 operation of a harm reduction health center pursuant to this Act.

38 **Sec. 5. Advisory board.** An advisory board, referred to in this Act as "the board,"
39 is established to advise the department on the location and operation of a harm reduction
40 health center and rules necessary to carry out the purposes of this Act.

41 A. The board consists of 11 members, including:

- 1 (1) The Director of the Office of Behavioral Health within the Department of
- 2 Health and Human Services, who is the chair of the board;
- 3 (2) The Attorney General or the Attorney General's designee;
- 4 (3) The Director of Opioid Response within the Office of Policy Innovation and
- 5 the Future;
- 6 (4) A licensed medical doctor who specializes in addiction, appointed by the
- 7 President of the Senate;
- 8 (5) A licensed medical doctor who specializes in infectious disease, appointed by
- 9 the President of the Senate;
- 10 (6) A representative of the Maine Naloxone Distribution Initiative administered
- 11 by the Department of Health and Human Services, Office of Behavioral Health,
- 12 appointed by the President of the Senate;
- 13 (7) A person representing the harm reduction community, appointed by the
- 14 Speaker of the House of Representatives;
- 15 (8) A person with lived or living experience of substance use disorder, appointed
- 16 by the Speaker of the House of Representatives;
- 17 (9) A person representing a peer-run syringe exchange program, appointed by the
- 18 Speaker of the House of Representatives;
- 19 (10) A person representing municipalities in the State, appointed by the Speaker
- 20 of the House; and
- 21 (11) A representative of the Department of Health and Human Services, Maine
- 22 Center for Disease Control and Prevention, appointed by the Governor.
- 23 B. All appointments must be made no more than 30 days after the effective date of this
- 24 Act. The chair shall call and convene the board upon consultation with the department. If
- 25 after 30 days a majority of but not all appointments have been made to the board, the chair
- 26 shall call and convene the board and begin conducting business upon approval of the
- 27 department.
- 28 C. The board shall advise and make recommendations to the department regarding:
- 29 (1) Maximizing the potential public health benefits of a harm reduction health
- 30 center;
- 31 (2) The proper disposal of hypodermic syringes;
- 32 (3) The recovery of clients of a harm reduction health center;
- 33 (4) Federal, state and local laws, regulations, rules and ordinances affecting the
- 34 creation and operation of a harm reduction health center;
- 35 (5) Appropriate guidance to relevant professional licensing boards;
- 36 (6) Potential collaboration with other public health efforts; and
- 37 (7) Protection for property owners and harm reduction health center staff,
- 38 volunteers and clients from criminal and civil liability resulting from the operation
- 39 of a harm reduction health center.

Sec. 6. Project time frame. The project must commence July 1, 2024 and terminate June 30, 2026.

Sec. 7. Rules. Prior to July 1, 2024, the Department of Health and Human Services shall adopt rules to carry out the purposes of this Act. Rules adopted pursuant to this section are routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Sec. 8. Report. By November 4, 2026, the department shall submit a report on the effectiveness of the project and containing any other relevant information, along with any recommended legislation, to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The committee may report out legislation based upon the report to the 132nd Legislature.

SUMMARY

This bill directs the Department of Health and Human Services to create a 2-year pilot project establishing and operating a 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. The harm reduction health center must be approved by the municipality in which it is located, and the bill provides immunity to the State, the municipality or employees and clients of the center from criminal or civil liability. The bill creates an advisory board to provide guidance to the department and requires the department to report to the 132nd Legislature on the effectiveness of the project.