

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1364

H.P. 878

House of Representatives, March 28, 2023

An Act to Prevent Opioid Overdose Deaths by Establishing Safe Consumption Sites

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative LOOKNER of Portland.
Cosponsored by Senator CHIPMAN of Cumberland and
Representatives: BOYER of Poland, CRAFTS of Newcastle, MATHIESON of Kittery,
MILLIKEN of Blue Hill, OSHER of Orono, RANA of Bangor, ROEDER of Bangor, SUPICA
of Bangor.

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. Safe consumption sites**

4 **1. Municipal approval required.** Notwithstanding any provision of law to the
5 contrary, a municipality may approve a safe consumption site, referred to in this section as
6 "a site," that in the municipality's determination meets the requirements under subsection
7 2. Prior to approving a site, a municipality shall hold a public meeting with an opportunity
8 for public comment. Notice of the meeting must be sufficient to ensure adequate
9 participation in the meeting by members of the public.

10 **2. Safe consumption site requirements.** In order to qualify for approval, a site must
11 meet the following requirements. The site must:

12 A. Provide a hygienic location supervised by a health care professional and other
13 trained staff where a client may self-administer previously obtained drugs;

14 B. Provide sterile drug use supplies, collect used hypodermic apparatuses, provide
15 secure hypodermic apparatus disposal services and provide education about the safe
16 disposal of hypodermic apparatuses;

17 C. Provide overdose prevention education, including information on obtaining
18 naloxone hydrochloride;

19 D. Distribute or administer naloxone hydrochloride;

20 E. Monitor clients for potential overdose, administer first aid and administer
21 medications to relieve an acute exacerbation of a health condition;

22 F. Provide testing for human immunodeficiency virus, viral hepatitis and sexually
23 transmitted diseases and educate clients on the risks of contracting human
24 immunodeficiency virus, viral hepatitis and sexually transmitted diseases;

25 G. Provide referrals to services, including substance use disorder counseling and
26 treatment, primary medical care, mental health services and social services;

27 H. Establish eligibility criteria for site participants;

28 I. Require that all staff present at the site during open hours be certified in
29 cardiopulmonary resuscitation and first aid;

30 J. Require that all staff present at the site during open hours be authorized and trained
31 to provide emergency administration of naloxone hydrochloride;

32 K. Have an established relationship with the nearest hospital emergency department;

33 L. Establish operating procedures for the site, including, but not limited to, standard
34 hours of operation, training standards for staff, a minimum number of personnel
35 required to be on site during the hours of operation and the maximum number of
36 individuals who can be served at one time;

37 M. Establish a plan for staff and workplace safety;

38 N. Provide reasonable and adequate security of the facility and equipment; and

1 O. Establish and make public a policy that facilitates communication from and to
2 neighboring businesses and residences to address any neighborhood concerns or
3 complaints.

4 **3. Report.** The municipality approving a site shall, as a condition of approval, require
5 the site to provide an annual report to the municipality that includes:

6 A. The number of site participants;

7 B. Aggregate information regarding the characteristics of site participants;

8 C. The number of overdoses experienced and the number of overdoses reversed on site;
9 and

10 D. The number of persons referred to substance use disorder treatment, primary
11 medical care and other services.

12 **4. Peer-reviewed study.** The department shall choose a single independent entity to
13 conduct a peer-reviewed study of the information received pursuant to subsection 3 and
14 other data gathered by the entity regarding:

15 A. The statewide efficacy of the sites, including, but not limited to, number of
16 participants, aggregate information regarding characteristics of the participants,
17 overdoses on site, overdose reversals on site, participants referred to treatment,
18 hospitalizations after being seen at a site, fatalities in hospitals after being seen at a site
19 and fatalities on site; and

20 B. Community effects of the sites, including, but not limited to, an increase or decrease
21 in crime, hypodermic apparatus litter and public drug use and aggregate information
22 on the attitudes of nearby businesses and community members.

23 The independent entity must be a private, nonprofit and nonpartisan research organization
24 or a research university in the United States. The participating municipalities and the
25 selected entity shall fund the study through private donations, grants and local funds. Prior
26 to opting in to the study, a municipality must consent to funding the component of the study
27 relating to its jurisdiction and site. The department shall submit the reports of the study of
28 each approved site to the Legislature and the Governor's office.

29 **5. Immunity.** A person or municipality acting in accordance with this section,
30 including a participant who uses the services of a site; a staff member and contractor of a
31 site, including a health care professional, manager, employee and volunteer; and a site's
32 owner, may not be:

33 A. Arrested, prosecuted or subject to any civil or administrative penalty, including
34 civil or disciplinary action by a professional licensing board;

35 B. Denied any right or privilege for involvement in the operation or use of services of
36 a site; or

37 C. Subject to the seizure or forfeiture of any real or personal property used in
38 connection with a site.

39 This subsection does not apply to a person engaging in any activity not authorized or
40 approved under this section.

1 **SUMMARY**

2 This bill authorizes municipalities to approve safe consumption sites for individuals to
3 self-administer previously obtained drugs. The bill requires the sites to satisfy certain
4 requirements, including providing hygienic facilities, providing safe disposal of
5 hypodermic apparatuses, providing naloxone hydrochloride as needed and making referrals
6 to medical and social services. The bill provides immunity from arrest or prosecution for
7 clients and staff members acting in accordance with the provisions of the bill. The bill
8 requires municipalities that approve safe consumption sites to participate in a peer-
9 reviewed study and requires the Department of Health and Human Services to submit
10 reports related to the studies to the Legislature and the Governor's office.