

MAINE STATE LEGISLATURE

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LD 1745

2 Date

6/16/23

(Filing No H-578)

3 HEALTH AND HUMAN SERVICES

4 Reproduced and distributed under the direction of the Clerk of the House

5 STATE OF MAINE

6 HOUSE OF REPRESENTATIVES

7 131ST LEGISLATURE

8 FIRST SPECIAL SESSION

9 COMMITTEE AMENDMENT "A" to H P 1124, LD 1745, "An Act to Support
10 Public Health by Protecting Certain Activities Conducted Under Comprehensive
11 Community Drug Checking Initiatives"

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

13 '**An Act to Support Public Health by Clarifying Authorized Activities Regarding Drug**
14 **Checking'**

15 Amend the bill by inserting after the title and before the enacting clause the following

16 '**Emergency preamble. Whereas,** acts and resolves of the Legislature do not
17 become effective until 90 days after adjournment unless enacted as emergencies, and

18 **Whereas,** the Distribution of Harm Reduction Access in Rural Maine Areas program,
19 also known as Project DHARMA, is funded by federal grants and is ready for
20 implementation except there are barriers of liability related to transportation and testing of
21 drug samples and paraphernalia, and

22 **Whereas,** there is an urgent need for testing and drug checking due to increasingly
23 dangerous substances in the drug supply, and

24 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
25 the meaning of the Constitution of Maine and require the following legislation as
26 immediately necessary for the preservation of the public peace, health and safety, now,
27 therefore,'

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

30 '**Sec. 1. 22 MRSA §2383-B, sub-§2, ¶E,** as amended by PL 2021, c 434, §10, is
31 further amended to read.

32 E Physicians, dentists, podiatrists, pharmacists or other persons authorized by law or
33 rule to administer, dispense, prescribe or sell scheduled or prescription drugs or
34 controlled substances while acting within the course of their professional practice, and

COMMITTEE AMENDMENT

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Sec. 2. 22 MRSA §2383-B, sub-§2, ¶G, as enacted by PL 2013, c 266, §10, is amended to read

G Persons conducting research at a school of pharmacology that is accredited or is a candidate for accreditation in good standing, and

Sec. 3. 22 MRSA §2383-B, sub-§2, ¶H is enacted to read

H Persons possessing, receiving, transporting or storing one or more drug samples contained in one or more sample collection instruments or drug paraphernalia for the purpose of drug checking Possessing, receiving, transporting or storing one or more drug samples in accordance with this paragraph does not constitute a crime under Title 17-A, sections 1103, 1104 and 1106

Sec. 4. 22 MRSA §2383-B, sub-§3, ¶A-3 is enacted to read

A-3 "Controlled substance analog" means a substance that has a substantially similar chemical structure to that of a controlled substance.

Sec. 5. 22 MRSA §2383-B, sub-§3, ¶A-4 is enacted to read

A-4 "Drug checking" means the testing of a controlled substance, prescription drug or scheduled drug to determine its chemical composition or to assist in determining whether it contains contaminants, toxic substances or hazardous compounds.

Sec. 6. 22 MRSA §2383-B, sub-§3, ¶A-5 is enacted to read

A-5 "Drug paraphernalia" has the same meaning as in Title 17-A, section 1111-A, subsection 1.

Sec. 7. 22 MRSA §2383-B, sub-§3, ¶A-6 is enacted to read

A-6 "Drug sample" means a substance containing one or more scheduled or prescription drugs or controlled substances or controlled substance analogs in an amount insufficient to result in a person possessing the substance to be in violation of Title 17-A, section 1107-A.

Sec. 8. 22 MRSA §2383-B, sub-§3, ¶B-2 is enacted to read

B-2 "Person" means any individual, partnership, association, cooperative, limited liability company, trust, joint venture, government, political subdivision or any other legal, commercial or informal entity or group.

Sec. 9. 22 MRSA §2383-B, sub-§3, ¶C-1 is enacted to read

C-1 "Sample collection instrument" means an instrument used to collect a drug sample for purposes of drug checking.'

Amend the bill by adding before the summary the following

'Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved'

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

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SUMMARY

This amendment replaces the bill and adds an emergency preamble and clause It clarifies that persons possessing, receiving, transporting or storing drug samples for the purpose of testing or drug checking are authorized to do so

FISCAL NOTE REQUIRED

(See attached)



131st MAINE LEGISLATURE

LD 1745

LR 941(02)

An Act to Support Public Health by Protecting Certain Activities Conducted Under Comprehensive Community Drug Checking Initiatives

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Health and Human Services

Fiscal Note Required: Yes

A (H-578)

Fiscal Note

Current biennium savings - General Fund

Minor savings - General Fund

Minor revenue decrease - General Fund

Minor revenue decrease - Other Special Revenue Funds

Correctional and Judicial Impact Statements

Establishes exceptions to Class B, C and D crimes. The current average cost of incarcerating one individual for a single year is \$55,203.

There may be some minor reduction of workload associated with the minimal number of felony cases that will no longer be filed in the court system.

Reductions in the collection of fines will decrease General Fund or other dedicated revenue by minor amounts.