

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON HEALTH AND
HUMAN SERVICES**

August 2019

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 129th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER..... carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 129th Legislature is Thursday, September 19, 2019. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Health and Human Services

LD 949 An Act To Prevent Overdose Deaths

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M	ONTP OTP-AM	

This bill directs the Department of Health and Human Services to certify two facilities in the State to provide safe and secure locations for people to self-administer previously obtained drugs. The bill requires the facilities to have health care personnel and other trained staff, to provide information concerning drug overdoses and diseases associated with drug use, to administer first aid or other medications in case of an overdose and to provide referrals to other services that clients of the facilities may need. The bill provides immunity from arrest or prosecution to clients and staff members acting in accordance with the provisions of the bill and creates a tolerance zone within a half mile of each facility. The facilities are directed to report certain demographic and other information to the department, which is directed to analyze the information and report to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The department is also directed to review the effectiveness of the facilities to determine whether to open additional facilities.

Committee Amendment "A" (H-571)

This amendment, which is the minority report of the committee, replaces the bill. It makes the following changes to the bill.

1. It changes the term "safer drug use facility" to "overdose prevention site."
2. It establishes qualifications and requirements for an overdose prevention site.
3. It provides for a municipal referendum on the location of an overdose prevention site within that municipality.
4. It includes additional violations for which a person may not be arrested, prosecuted or subject to a revocation of probation.
5. It requires the State to defend in criminal or civil action or provide funding for private defense in the event that the Federal Government attempts to stop the operation of an overdose prevention site.
6. It changes the authority for the Department of Health and Human Services rulemaking from routine technical to major substantive.
7. It adds an appropriations and allocations section for funding for a contract with a third party for program evaluation and two positions within the Department of Health and Human Services, Division of Licensing and Regulatory Services.

This amendment was not adopted.

**LD 964 Resolve, To Study Housing Options for Persons with Mental Health
Challenges and Substance Use Disorder**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEEBE-CENTER P MOORE M	ONTP	

Joint Standing Committee on Health and Human Services

This resolve establishes the Study Commission to Assess Housing Needs of Persons with Mental Health Challenges and Substance Use Disorder and requires the study commission to assess the housing needs of persons who are living with mental health challenges and who have substance use disorder, with a focus on the needs of such individuals located in rural Maine. The study commission is required to explore methods of expanding the options and availability of housing for such individuals, including options that support the unique housing needs of such individuals, and report its findings and recommendations to the Second Regular Session of the 129th Legislature.

LD 966 An Act To Ensure Safer Childhood Vaccines

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRINGTON M	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to require that patient intake forms used by all health care facilities, including hospitals, emergency rooms, urgent care facilities, health care clinics and doctor's offices, include a question on the form regarding the date of the patient's most recent vaccine. This vaccine-related information will then be provided to the United States Department of Health and Human Services to aid its efforts to ensure safer childhood vaccines.

LD 972 Resolve, To Increase Access to Brain Injury Waiver Services

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C	OTP-AM	H-245

This resolve directs the Department of Health and Human Services to increase the rates for services provided to MaineCare members receiving Home Support (Residential Habilitation) Level I under the brain injury waiver, rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 18, to no less than \$8.63 per quarter hour. It also allows up to 400 units of care coordination each year rather than only in the first year of receiving services under the waiver. The Department of Health and Human Services is directed to explore opportunities to provide additional telehealth services, including care coordination services, provided by both licensed medical personnel and nonlicensed personnel.

Committee Amendment "A" (H-245)

This amendment clarifies that the Department of Health and Human Services must seek approval from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to amend the brain injury waiver to increase rates for Home Support (Residential Habilitation) Level I to no less than \$8.63 per quarter hour. It also requires the department to include any findings from exploring telehealth opportunities for brain injury services to be submitted to the joint standing committee of the Legislature having jurisdiction over health and human services matters as part of the annual telehealth report. The amendment also adds an appropriations and allocations section.

This resolve was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.