

2021 -- H 5245 SUBSTITUTE A

LC000715/SUB A/4

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

**RELATING TO HEALTH AND SAFETY - HARM REDUCTION CENTER ADVISORY
COMMITTEE AND PILOT PROGRAM**

Introduced By: Representatives Edwards, Caldwell, Kazarian, Slater, Potter, and Kislak

Date Introduced: January 29, 2021

Referred To: House Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 12.10

4 HARM REDUCTION CENTER ADVISORY COMMITTEE AND PILOT PROGRAM

5 **23-12.10-1. Purpose and creation -- Municipal authorization required.**

6 (a) The purpose of this chapter is to authorize a two (2) year pilot program to prevent drug
7 overdoses through the establishment of "harm reduction centers", which as used in this chapter
8 shall be defined as a community based resource for health screening, disease prevention and
9 recovery assistance where persons may safely consume pre-obtained substances.

10 (b) Each harm reduction center shall provide the necessary health care professionals to
11 prevent overdose, and shall provide referrals for counseling or other medical treatment that may be
12 appropriate for persons utilizing the harm reduction center.

13 (c) The director of the department of health shall promulgate regulations to authorize the
14 program established by this chapter, and in accordance with § 23-12.10-5. Nothing contained in
15 this section authorizes a harm reduction center without approval of the municipality in which the
16 center is proposed.

17 (d) Any harm reduction center proposed to be operated pursuant to the provisions of this
18 chapter shall require municipal authorization and approval prior to opening or operating in any

1 community within this state.

2 (1) As used in this chapter, the term "municipal authorization and approval" means an
3 express affirmative vote by the city or town council, or the equivalent governing body, of any
4 municipality where a harm reduction center is proposed to be located, which affirmative vote
5 approves:

6 (i) The opening and operation of the proposed harm reduction center;

7 (ii) The exact location of the proposed harm reduction center, which shall include street
8 address and plat and lot number or other applicable number as used by the municipality's tax
9 assessor; and

10 (iii) An express authorization as to the hours of operation of the proposed harm reduction
11 center.

12 (e) Each harm reduction center approved for operation pursuant to the provisions of this
13 chapter shall cease operations on or before March 1, 2024, unless an act of the general assembly
14 expressly authorizes the continuation of the operation of the harm reduction center.

15 **23-12.10-2. Establishment of advisory committee.**

16 There is hereby established an advisory committee to advise the director of the department
17 of health with respect to the regulations necessary to effectuate the purpose of this chapter. The
18 advisory committee shall be chaired by the director of the department of health, or the director's
19 designee, and consist of nine (9) additional members: one of whom shall be the attorney general,
20 or designee; one member from the Rhode Island Medical Society; one member from the Hospital
21 Association of Rhode Island; one member from the Rhode Island chapter of the American Society
22 of Addiction Medicine; and five (5) members appointed by the governor, one of whom shall be a
23 person with a substance use disorder; one of whom shall be a person working in overdose
24 prevention; one of whom shall be a current or former law enforcement official; one of whom shall
25 be a representative of the Rhode Island League of Cities and Towns; and one of whom shall be a
26 person who has suffered a drug overdose or a family member of a person who suffered a fatal drug
27 overdose.

28 **23-12.10-3. Role of advisory committee.**

29 The advisory committee shall make recommendations to the director of the department of
30 health with respect to the following:

31 (1) Maximizing the potential public health and safety benefits of harm reduction centers;

32 (2) The proper disposal of hypodermic needles and syringes;

33 (3) The recovery of persons utilizing such harm reduction centers;

34 (4) Federal, state and local laws impacting the creation and operation of the harm reduction

1 centers:

2 (5) Appropriate guidance to relevant professional licensing boards;

3 (6) Potential collaboration with other public health efforts;

4 (7) Consideration of any other factors beneficial to promoting the public health and safety;

5 and

6 (8) Liability protection for property owners, harm reduction center staff, and volunteers
7 and participants, from criminal or civil liability resulting from the operation of a harm reduction
8 center.

9 **23-12.10-4. Liability protections.**

10 Notwithstanding any other law to the contrary, a person or entity, including, but not limited
11 to, property owners, managers, employees, volunteers, clients or participants, and state, city, or
12 town government employees acting in the course and scope of employment, shall not be arrested,
13 charged, or prosecuted pursuant to §§ 21-28-4.01(c)(1), 21-28-4.06, 21-28-4.08, 21-28-5.06, or 21-
14 28.5-2, including for attempting, aiding and abetting, or conspiracy to commit a violation of any of
15 those sections; nor have their property subject to forfeiture; nor be subject to any civil or
16 administrative penalty, including, but not limited to, disciplinary action by a professional licensing
17 board, credentialing restrictions, contractual or civil liability, or medical staff or other employment
18 action; nor be denied any right or privilege for actions, conduct, or omissions relating to the
19 approval or operation of a harm reduction center in compliance with this chapter and any rules and
20 regulations promulgated pursuant to this chapter.

21 **23-12.10-5. Promulgation of regulations.**

22 The director of the department of health shall promulgate regulations authorized by this
23 chapter no later than March 1, 2022.

24 SECTION 2. This act shall take effect on March 1, 2022, and shall sunset and expire on
25 March 1, 2024.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY - HARM REDUCTION CENTER ADVISORY
COMMITTEE AND PILOT PROGRAM

1 This act would create a two (2) year pilot program to establish harm reduction centers,
2 facilities wherein persons may safely consume pre-obtained controlled substances under the
3 supervision of health care professionals. This act would require the city or town council of any
4 municipality where a harm reduction center is proposed to be located to approve, by an affirmative
5 vote of the council, the opening and operation of the center, the location of the center, and the hours
6 of operation of the center. The director of the department of health, with the advice of an advisory
7 committee, would promulgate regulations on or before March 1, 2022 with respect to this act.

8 This act would take effect on March 1, 2022, and would sunset and expire on March 1,
9 2024.

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