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S.70

Introduced by Senators Hardy, Clarkson, Gulick, Hashim, Lyons, Perchlik,  
Ram Hinsdale and Vyhovsky

Referred to Committee on

Date:

Subject: Health; human services; regulated drugs; crimes

Statement of purpose of bill as introduced: This bill proposes to eliminate  
criminal and civil penalties for operation of a safer drug consumption program  
and repeal the sunset of the decriminalization of a small amount of  
buprenorphine.

An act relating to a harm-reduction criminal justice response to drug use

It is hereby enacted by the General Assembly of the State of Vermont:

\* \* \* Safer Drug Consumption Programs \* \* \*

Sec. 1. 18 V.S.A. § 4254 is amended to read:

§ 4254. IMMUNITY FROM LIABILITY

\* \* \*

(j)(1) The following persons shall not be cited, arrested, or prosecuted for a  
violation of this chapter or subject to the property forfeiture provisions of this  
chapter for participation in or with a safer drug consumption program:

(A) a person using the services of a safer drug consumption program;

1           (B) a staff member or administrator of a safer drug consumption  
2 program, including a health care professional, manager, employee, or  
3 volunteer; or

4           (C) a property owner who owns real property at which a safer drug  
5 consumption program is located and operates.

6           (2) The immunity provisions of this section apply only to the use and  
7 derivative use of evidence gained as a proximate result of participation in or  
8 with a safer drug consumption program.

9           (k) A safer drug consumption program:

10           (1) provides a space supervised by health care professionals or other  
11 trained staff where persons who use drugs can consume preobtained drugs;

12           (2) provides sterile injection supplies, collects used hypodermic needles  
13 and syringes, and provides secure hypodermic needle and syringe disposal  
14 services;

15           (3) answers questions on safe consumption practices;

16           (4) administers first aid, if needed, and monitors and treats potential  
17 overdoses;

18           (5) provides referrals to addiction treatment, medical services, and social  
19 services upon request;

20           (6) educates participants on the risks of contracting HIV and viral  
21 hepatitis, wound care, and safe sex education;

1           (7) provides overdose prevention education and access to or referrals to  
2 obtain naloxone;

3           (8) educates participants regarding proper disposal of hypodermic  
4 needles and syringes;

5           (9) provides reasonable security of the program site;

6           (10) establishes operating procedures for the program as well as  
7 eligibility criteria for program participants; and

8           (11) trains staff members to deliver services offered by the program.

9           (l) To receive immunity protections under this section, an entity operating a  
10 safer drug consumption program shall make publicly available the following  
11 information annually on or before January 15 and July 15:

12           (1) the number of program participants;

13           (2) aggregate information regarding the characteristics of the program  
14 participants;

15           (3) the number of hypodermic needles and syringes distributed for use  
16 on-site;

17           (4) the number of overdoses and the number of overdoses reversed on-  
18 site; and

19           (5) the number of participants directly and formally referred to other  
20 services and the type of services.

