

# HOUSE . . . . . No. 4723

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, May 18, 2020.

The committee on Mental Health, Substance Use and Recovery to whom was referred the petition (accompanied by bill, House, No. 1712) of Dylan A. Fernandes, Tami L. Gouveia and others relative to preventing overdose deaths and increasing access to treatment, reports recommending that the accompanying bill (House, No. 4723) ought to pass [Representatives Scaccia of Boston, Whipps of Athol, Crocker of Barnstable and Sullivan of Abington dissent].

For the committee,

MARJORIE C. DECKER.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act relative to preventing overdose deaths and increasing access to treatment.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Notwithstanding any general or special law to the contrary, there shall be a  
2 10-year pilot program establishing two or more supervised consumption sites that utilize harm  
3 reduction tools, including clinical monitoring of the consumption of pre-obtained controlled  
4 substances in the presence of trained staff, for the purpose of reducing the risks of disease  
5 transmission and preventing overdose deaths.

6           The department of public health shall promulgate rules and regulations necessary for the  
7 operation of a supervised consumption site, including but not limited to, establishing a process to  
8 apply for licensure. Entities that provide health and social services, including private  
9 organizations and municipal departments, shall be eligible to apply for licensure to operate a  
10 supervised consumption site. Approval from the local board of health to participate in the pilot  
11 program shall be required before an entity may apply for licensure to operate a supervised  
12 consumption site.

13           The department of public shall send notification and an explanation of the department's  
14 approval or denial of licensure, in writing, within 45 days of a completed application to the  
15 applicant and to the local board of health where the supervised consumption site would be  
16 located. A denial of licensure shall not prohibit an entity from submitting a future application at  
17 any time.

18           To be considered for licensure, a supervised consumption site shall, at a minimum:

19           (1) provide a hygienic space where participants may consume pre-obtained controlled  
20 substances;

21           (2) provide adequate staffing by healthcare professionals or other trained staff or  
22 volunteers;

23           (3) provide sterile injection supplies, collect used hypodermic needles and syringes, and  
24 provide secure hypodermic needle and syringe disposal services;

25           (4) provide education on safe consumption practices, proper disposal of hypodermic  
26 needles and syringes, and overdose prevention;

27           (5) monitor participants for potential overdose and administer first aid, if needed;

28           (6) provide access or referrals to addiction treatment;

29           (7) educate participants on the risks of contracting HIV and viral hepatitis, and provide  
30 access or referrals to prevention, screening, and treatment services;

31           (8) provide access to naloxone or referrals to obtain naloxone for participants;

32 (9) ensure the confidentiality of participants using an anonymous unique identifier, if  
33 needed;

34 (10) provide trainings for staff members to deliver services offered by the supervised  
35 consumption site or make available any trainings provided by the department of public health, if  
36 required;

37 (11) establish standard security procedures in consultation with local law enforcement;  
38 and

39 (12) establish standard policies that facilitate communication and education with local  
40 businesses, community members, local law enforcement, and first responders.

41 A licensed supervised consumption site shall be authorized as a needle exchange program  
42 under section 215 of chapter 111 of the General Laws.

43 Notwithstanding any general or special law or rule or regulation to the contrary, the  
44 following persons shall not be arrested, charged, or prosecuted for any criminal offense,  
45 including, but not limited to, charges pursuant to sections 13, 32I, 34, 43 or 47 of chapter 94C of  
46 the General Laws, or be subject to any civil or administrative penalty, including seizure or  
47 forfeiture of data records, assets or property or disciplinary action by a professional licensing  
48 board, credentialing restriction, contractual liability, and action against clinical staff or other  
49 employment action, or be denied any right or privilege, solely for participation or involvement in  
50 a supervised consumption site licensed by the department of public health pursuant to this  
51 section: (i) a participant; (ii) a staff member or administrator of a licensed supervised  
52 consumption site, including a health-care professional, manager, employee, or volunteer; (iii) a  
53 property owner who owns property at which a licensed supervised consumption site is located

54 and operates, (iv) the entity operating the licensed supervised consumption site. Entering or  
55 exiting a licensed supervised consumption site cannot serve as the basis for, or a fact contributing  
56 to the existence of, reasonable suspicion or probable cause to conduct a search or seizure.

57         The department of public health shall submit a report to the clerks of the senate and house  
58 of representatives and to the senate and house chairs of the joint committee on mental health,  
59 substance use and recovery. The report shall include site-specific and aggregate data for all  
60 licensed supervised consumption sites including but not limited to: (i) number of participant  
61 visits; (ii) number of overdoses reversed; (iii) number of referrals to addiction treatment and (iv)  
62 number of hypodermic needles and syringes collected and distributed. The report shall be  
63 submitted no later than 18 months after implementation of the pilot program, and annually  
64 thereafter.

65         SECTION 2. The department of public of health shall promulgate regulations within 6  
66 months of the passage of Section 1.