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LC003451/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

A N A C T

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

Introduced By: Senators Miller, Lynch Prata, Goodwin, McCaffrey, and Archambault

Date Introduced: January 22, 2020

Referred To: Senate 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.**

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

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

14 (c) The director of the department of health shall promulgate regulations to authorize the
15 program established by this section. Nothing contained in this section authorizes a harm reduction
16 center without approval of the municipality in which the center is proposed.

17 **23-12.10-2. Establishment of advisory committee.**

18 There is hereby established an advisory committee to advise the director of the

1 department of health with respect to the regulations necessary to effectuate the purpose of this
2 chapter. The advisory committee shall be chaired by the director of the department of health, or
3 the director designee, and consist of nine (9) additional members: one of whom shall be the
4 attorney general or designee; one member from the Rhode Island Medical Society; one member
5 from the Hospital Association of Rhode Island; one member from the Rhode Island chapter of the
6 American Society of Addiction Medicine; and five (5) members approved by the governor, one of
7 whom shall be a person who has been recently incarcerated and currently being treated for a
8 substance abuse disorder; one of whom shall be a person who identifies as a person in recovery
9 who works in the field of overdose prevention or recovery; one of whom shall be a current or
10 former law enforcement official; one of whom shall be a representative of the Rhode Island
11 League of Cities and Towns; and one of whom shall be a person who has suffered a drug
12 overdose or a family member thereof.

13 **23-12.10-3. Role of advisory committee.**

14 (a) The advisory committee shall make recommendations to the director of the
15 department of health with respect to, but not limited to, the following:

16 (1) Maximizing the potential public health, disease prevention, and safety benefits of
17 harm reduction centers;

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

19 (3) The appropriate referral resources available to assist in the recovery of persons
20 utilizing such harm reduction centers;

21 (4) Federal, state and local laws impacting the creation and operation of the harm
22 reduction centers;

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

24 (6) Potential collaboration with other medical and public health efforts;

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

27 (8) Regulatory process for a harm reduction center to provide for medically supervised
28 consumption;

29 (9) Public education of the need for the establishment of harm reduction centers;

30 (10) Data tracking;

31 (11) Appropriate staffing requirements to ensure the safe operation of harm reduction
32 centers;

33 (12) Any factors necessary to promote the sustainability of harm reduction centers; and

34 (13) Educating law enforcement and other appropriate state and municipal officials about

1 the immunity from liability granted individuals and entities in the creation and operation of harm
2 reduction centers; as established by this chapter.

3 **23-12.10-4. Liability protections.**

4 Notwithstanding any other law to the contrary, a person or entity, including, but not
5 limited to, property owners, managers, employees, volunteers, clients or participants, and state,
6 city, or town government employees acting in the course and scope of employment, shall not be
7 arrested, charged, or prosecuted pursuant to §§ 21-28-4.01(c)(1), 21-28-4.06, 21-28-4.08, 21-28-
8 5.06, or 21-28.5-2, including for attempting, aiding and abetting, or conspiracy to commit a
9 violation of any of those sections; nor have their property subject to forfeiture; nor be subject to
10 any civil or administrative penalty, including, but not limited to, disciplinary action by a
11 professional licensing board, credentialing restrictions, contractual or civil liability, or medical
12 staff or other employment action; nor be denied any right or privilege for actions, conduct, or
13 omissions relating to the approval or operation of a harm reduction center in compliance with this
14 chapter and any rules and regulations promulgated pursuant to this chapter.

15 **23-12.10-5. Promulgation of rules and regulations.**

16 The director of the department of health shall promulgate rules and regulations authorized
17 by this chapter no later than January 1, 2021, and such rules and regulations shall be transmitted
18 to the appropriate heads of municipalities, and any other agencies and organizations the director
19 deems appropriate.

20 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HEALTH AND SAFETY - HARM REDUCTION CENTER ADVISORY
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1 This act would create a pilot program to establish harm reduction centers as facilities
2 wherein persons may use pre-obtained controlled substances under the supervision of health care
3 professionals. The director of the department of health, with the advice of an advisory committee,
4 would promulgate rules and regulations on or before January 1, 2021 for the implementation of
5 the pilot program.

6 This act would take effect upon passage.

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