

2021 -- S 0016 SUBSTITUTE A

LC000618/SUB A

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: Senators Miller, Goodwin, McCaffrey, Archambault, Lombardi, Ciccone,
Quezada, Lombardo, Sosnowski, and Murray

Date Introduced: January 15, 2021

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 prevention
9 and recovery assistance where persons may safely consume pre-obtained controlled substances.

10 (b) Each harm reduction center shall provide the necessary medical supervision to prevent
11 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 section. Nothing contained in this section authorizes a harm reduction
15 center without approval of the municipality in which the center is proposed.

16 **23-12.10-2. Establishment of advisory committee.**

17 There is hereby established an advisory committee to advise the director of the department
18 of health with respect to the regulations necessary to effectuate the purpose of this chapter. The

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

11 **23-12.10-3. Role of advisory committee.**

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

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

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

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

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

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

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

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

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

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

27 (10) Data tracking;

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

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

31 (13) Educating law enforcement and other appropriate state and municipal officials about
32 the immunity from liability granted individuals and entities in the creation and operation of harm
33 reduction centers; as established by this chapter.

34 **23-12.10-4. Liability protections.**

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

12 **23-12.10-5. Promulgation of rules and regulations.**

13 The director of the department of health shall promulgate rules and regulations authorized
14 by this chapter no later than January 1, 2022, and such rules and regulations shall be transmitted to
15 the appropriate heads of municipalities, and any other agencies and organizations the director
16 deems appropriate.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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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, 2022 for the implementation of the
5 pilot program.

6 This act would take effect upon passage.

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