

# Public Health Committee

## JOINT FAVORABLE REPORT

**Bill No.:** SB-1285

AN ACT ESTABLISHING AN OVERDOSE PREVENTION CENTER PILOT

**Title:** PROGRAM.

**Vote Date:** 3/21/2025

**Vote Action:** Joint Favorable Substitute

**PH Date:** 2/21/2025

**File No.:**

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### SPONSORS OF BILL:

The Public Health Committee.

### REASONS FOR BILL:

This bill allows the Department of Mental Health and Addiction Services (DMHAS) to develop a pilot program that establishes overdose prevention centers (OPCs). DMHAS will choose four municipalities where these centers will be located. The locations would be subject to the approval of the municipality's chief executive.

The bill requires the centers to employ licensed providers with experience in treating substance abuse disorders. The healthcare providers participating in the program are shielded from disciplinary action by the Department of Public Health (DPH) or professional licensing boards. Additionally, the bill provides the following:

- Prohibits DMHAS from using state funds for operations and allows DMHAS to accept private donations.
- Authorizes DMHAS to set up an advisory committee to guide the development of the pilot program.
- Exempts OPCs from the Certificate of Need (CON) process.
- Allows DMHAS to develop regulations to implement the program.

Substitute language allows, rather than requires, DMHAS to establish the pilot program and prohibits DMHAS from using state funds while accepting private donations and grants.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

### **Manisha Juthani, MD, Commissioner, DPH:**

Commissioner Juthani understands the intent of the bill but has significant legal concerns regarding where people can safely consume controlled substances. As healthcare regulators, the department is concerned that there is no provision for establishing operating requirements for these centers to meet certain health and safety standards.

### **Nancy Navarretta, MA, Commissioner, Department of Mental Health & Addiction Services (DMHAS):**

DMHAS understands the important role harm reduction can play in an individual's recovery journey. The harm reduction sites proposed in this bill offer a space for individuals with opioid use disorder or, at risk of overdose, to access naloxone, harm reduction information and supplies, recovery support, connection to treatment, wound care, syringe exchange, and other basic support services. We will continue to work with the Governor's office and our sister state agencies regarding how the new federal administration will interpret or enforce the current statute in question – 21 USC § 856- regarding state-sanctioned legalized consumption of controlled substances. We understand other states have pursued alternative paths regarding this law, and we appreciate the continuing conversation on these important issues and engagement in discussions about innovative strategies to address overdose prevention.

### **Ronnell Higgins, Commissioner, Department of Emergency Services and Public Protection (DESPP):**

DESPP has concerns regarding the conflict with federal law which criminalizes the act of knowingly and intentionally renting or leasing any property for use in the unlawful manufacturing, storing, distributing or use of controlled substances. This agency is unsure how the current federal administration will react and the potential for substantial monetary penalties. Our agency does not want to put our officers in a situation where their role is legally uncertain.

## **NATURE AND SOURCES OF SUPPORT:**

### **Carson Ferrara, Master of Public Health (MPH) candidate at Yale:**

Mr. Ferrara believes that systemic failures have resulted in overdose incidents and deaths. People who are dead cannot access treatment and OPCs serve as a vital intervention to prevent fatal overdoses and connect people to care. The research is clear that OPCs do not increase drug use but instead facilitate pathways to treatment and harm reduction services.

### **Taylor Edelman, National Harm Reduction Coalition:**

Connecticut overdose deaths have steadily increased over the last several years, peaking at over 1,500 deaths in 2021. Mr. Edelman has had the opportunity to visit both OPCs in New York City. He has seen the compassionate care, the orderly nature of services, and the deep sense of connection these spaces create. OPCs are not just places where people use

drugs—they are places where people find support, build trust, and access critical resources. Had there been one of these facilities 10 years ago, one of his friends would still be with us today. OPCs provide tangible interventions for people to receive dignified care and act as a friendly and affirming place for those who have been systemically excluded.

**John Hamilton, President and CEO, Liberation Programs:**

The current addiction treatment system in the United States is a complete failure. It helps only 10% of those who could benefit from treatment, while the remaining 90%—those still suffering from substance use disorder—are either not interested or not ready for treatment. No intervention will be more effective at saving lives than safe injection sites.

**Monika Nugent, Public Policy and Advocacy Associate, The Alliance:**

Connecticut continues to face an opioid epidemic. Piloting an overdose prevention center like those in other countries and our neighboring state of New York, is a step forward in curbing fatal overdoses. As we have seen with the expanded use of naloxone, fatal overdoses can be stopped. However, with an increase in substances such as fentanyl and xylazine, fatal overdoses will continue, and further steps are needed to stop the loss of life. People are already using substances. However, if there are ways to make it safer, Connecticut should consider those options. The only way someone can find a road to recovery from substance use is if they are alive to get there.

**Others in support of the bill:**

- Andrew Rivera, Outreach Specialist, Liberation Programs
- Eric Rubenstein, For Cameron
- Jennifer Erbland Foss, Recovery Support Specialist
- Elizabeth Znamierowski, MSN, APRN, PNP-PC, Yale Healthcare Van
- Louis Graff, Associate Medical Director, Charlotte Hungerford Hospital

**NATURE AND SOURCES OF OPPOSITION:**

**Connecticut Trial Lawyers Association (CTLA):**

While CTLA strongly supports the idea of mechanisms to help Connecticut citizens with addiction issues, the inclusion of broad immunities for negligent conduct to be studied by the proposed advisory committee is problematic. The proposed committee includes only representatives who would benefit from the proposed immunities but fails to include representatives who would be harmed by the immunities under consideration. Allowing such conduct would endanger the very vulnerable population that overdose protection centers (OPCs) are intended to serve and is likely to lead to a decline in the quality of care and safety standards at these facilities, potentially increasing the risk of harm to the patient. The legal landscape surrounding OPCs is still evolving and could create further legal complications and uncertainty, potentially hindering the establishment and operation of these facilities and delaying the implementation of this life-saving intervention.

**Reported by: Dave Rackliffe, Asst. Clerk**

**Date: March 25, 2025**

