

Town of Anson

NEEDLE EXCHANGE PROGRAM, NEEDLE DISPOSAL SITES AND MEDICAL SUPERVISED INJECTION SITES

Section 1. Authority

This ordinance is enacted pursuant to Title 30-A M.R.S.A. Section 3001.

Section 2. Purpose

- A. The Town of Anson supports the concept of harm reduction through hypodermic syringe exchange as a benefit to the health threat incurred by spreading disease such as HIV and Hepatitis C through the sharing of needles during drug use;
- B. The regulation of needle exchange programs and disposal sites is necessary to ensure that such programs operate in conformity with state law, demonstrate a plan and implementation for injection drug users to seek treatment for substance abuse, and require the removal of syringe litter from public and private property;
- C. The Town of Anson does not believe it is an appropriate site for needle exchange programs, disposal sites or for medically supervised injection sites.
- D. The purpose of this chapter is to protect the health, safety and welfare of the public and of the use of the environment by prohibiting needle exchange programs, needle disposal sites, and medically supervised injection sites within the Town of Anson.

Section 3. Definitions

The following words shall have the meanings ascribed to them unless the text requires or specifies a different meaning:

FACILITY: A building or area within a building, which is permanent structure, having one or more floors and a roof, which is used for the housing or enclosure of persons or property.

MEDICALLY SUPERVISED INJECTION SITE: Medically supervised facilities designed to provide a hygienic environment in which drug addicts are able to consume illicit recreational drugs intravenously.

MOBILE EXCHANGE: Refers to needle and syringe programs conducted through a variety of delivery methods to include but not limited to: mobile vans, cars, motorcycles or mopeds, and backpacked pedestrians. The delivery of program services in any way except in a fixed facility.

NEEDLE DISPOSAL SITE: A location for the collection of discarded needles or other sharps.

NEEDLE EXCHANGE PROGRAM (NEP): A sterile needle and needle exchange program authorized by the Maine CDC that meet the requirements established by state law Title 22 M.R.S.A. Ch. 252-A

TOWN: The Town of Anson, Maine.

Section 4. Restrictions

Limitation on number of NEP operators.

- A. No needle exchange program (NEP) shall be licensed to operate within the Town.
- B. No mobile exchange is authorized in the Town of Anson.
- C. No medically supervised injection site is authorized in the Town of Anson.

Section 5. Enforcement, Violations and Penalties

- A. This chapter shall be enforced by the Somerset County Sheriff's Office, Maine State Police or any other governing bodies.
- B. Except as otherwise provided by state law, anyone found guilty of violating any provision of this chapter shall be subject to a fine of not less than \$100 nor more than \$1,000 to be recovered for the use of the Town of Anson and shall be subject to such other legal and equitable remedies as may be available to the Town. Each day such violation occurs shall constitute a new and separate offense.

Section 6. Severability

If any section, phrase, sentence or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 7. Effective Date

Notwithstanding any law to the contrary, this Ordinance shall take upon adoption at a town meeting of the Town of Anson.

To the Town Clerk of the Town of Anson:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance entitled "Needle Exchange Program, Needle Disposal Sites and Medical Supervised Injection Sites Ordinance", which is to be presented to the voters for their consideration on **March 1, 2014**.

Pursuant to 30-A M.R.S.A. 53002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting on the day of the vote.

Dated: **January 14, 2014**

Anson Board of Selectmen.

Arnold Luce

James Smith

Larry McHugh

Sharon Mellows

Brenda Garland

DRAFT