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# A BILL FOR AN ACT

RELATING TO OVERDOSE PREVENTION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that drug overdose deaths  
2 are increasing in Hawaii, despite being preventable. According  
3 to the United States Centers for Disease Control and Prevention  
4 State Unintentional Drug Overdose Reporting System, five hundred  
5 sixty-two people died of unintentional drug overdoses between  
6 mid-2020 and late 2022 in Hawaii. In 2023, there were three  
7 hundred sixty-four fatal drug overdoses in the State, of which  
8 forty per cent were due to opioids.

9           The legislature further finds that overdose prevention  
10 centers are places where people can safely use drugs and receive  
11 harm reduction services and authorized objects. These centers  
12 have operated in Europe, Canada, and Australia for over twenty  
13 years, with no overdose deaths being reported in the centers.  
14 According to the National Institute on Drug Abuse, overdose  
15 prevention centers are associated with significant reductions in  
16 many negative outcomes related to drug use, including public



1 drug use, sharing of drug paraphernalia, soft tissue injuries,  
2 ambulance calls, emergency department visits, and crime.

3 The legislature additionally finds that overdose prevention  
4 centers have recently been authorized in Michigan, Rhode Island,  
5 and Vermont and in New York City.

6 Accordingly, the purpose of this Act is to:

- 7 (1) Establish criteria for the designation of overdose  
8 prevention centers to prevent drug overdose and death,  
9 prevent transmission of bloodborne pathogens, reduce  
10 public drug use, and link persons who use drugs with  
11 health and social services; and
- 12 (2) Provide immunity from state criminal prosecution for  
13 persons using a designated overdose prevention center  
14 and persons operating a designated overdose prevention  
15 center.

16 SECTION 2. The Hawaii Revised Statutes is amended by  
17 adding a new chapter to be appropriately designated and to read  
18 as follows:

19 "CHAPTER

20 OVERDOSE PREVENTION CENTERS



1 § -1 Definitions. As used in this chapter:

2 "Authorized objects" means objects authorized by the  
3 department, by rule, for dissemination to participants for the  
4 purpose of reducing infection or injury including but not  
5 limited to sterile injection equipment and supplies.

6 "Department" means the department of health.

7 "Director" means the director of health.

8 "Drugs" shall have the same meaning as "dangerous drugs" as  
9 defined in section 712-1240.

10 "Harm reduction services" means providing authorized  
11 objects, support, and education including but not limited to the  
12 provision of sterile equipment for the preparation and  
13 consumption of drugs; distribution of opioid antagonist  
14 medication; first aid to monitor and treat potential overdoses;  
15 education on safer consumption practices; secure disposal of  
16 used syringes and other equipment that have been used for the  
17 consumption of drugs; overdose prevention; use of opioid  
18 antagonist medication; infection prevention; testing for and  
19 treatment of infections; referrals to treatment for substance  
20 use disorders; and services that are provided to prevent harms



1 associated with the use of drugs, specifically fatal overdose,  
2 transmission of bloodborne pathogens, and soft tissue injuries.

3 "Overdose prevention center" or "center" means a facility  
4 where persons who use drugs may consume pre-obtained drugs and  
5 receive harm reduction services from health care professionals  
6 and other staff persons pursuant to this chapter.

7 "Participant" means a person who enters an overdose  
8 prevention center to use drugs and receive harm reduction  
9 services and authorized objects pursuant to this chapter.

10 "Playground" means any public outdoor facility, including  
11 any parking lot appurtenant thereto, that is intended for  
12 recreation, with any portion thereof containing one or more  
13 separate apparatus intended for the recreation of children,  
14 including but not limited to sliding boards, swing sets, and  
15 teeterboards.

16 "Pre-obtained drugs" means drugs that a participant  
17 obtained prior to entry into an overdose prevention center.

18 "School" means any public or private preschool,  
19 kindergarten, elementary, intermediate, middle, secondary, or  
20 high school.



1 "Staff person" means an employee of the department or  
2 center who is specifically tasked with procuring, handling,  
3 transporting, or providing authorized objects and harm reduction  
4 services to participants.

5 § -2 Overdose prevention centers; designation. (a) The  
6 director may designate one or more facilities as overdose  
7 prevention centers.

8 (b) The director shall establish standards, pursuant to  
9 rules adopted by chapter 91, for the designation of an overdose  
10 prevention center that shall include, at a minimum:

- 11 (1) Eligibility requirements to operate as a designated  
12 overdose prevention center;
- 13 (2) Records management;
- 14 (3) Participant eligibility;
- 15 (4) Provision of harm reduction services to participants  
16 including but not limited to:

17 (A) Education and training on overdose prevention and  
18 response; proper disposal of used hypodermic  
19 needles, syringes, and other potentially  
20 infectious waste; and the risks of contracting



- 1           bloodborne infections through unsafe injection or  
2           other drug use practices;
- 3           (B) Wound care;
- 4           (C) Referrals to appropriate health and social  
5           services, including but not limited to substance  
6           use disorder treatment, mental health services,  
7           infectious disease testing, and other health  
8           care;
- 9           (D) Authorized objects and other supplies intended to  
10          reduce overdose, death, bloodborne pathogen  
11          transmission, soft-tissue injury, and other  
12          morbidity related to the use of drugs;
- 13          (E) Collection of used hypodermic needles and  
14          syringes with secure hypodermic needs and syringe  
15          disposal or destruction; and
- 16          (F) Methods or services to test participant's drugs  
17          to identify the presence of potentially dangerous  
18          drugs other than those of which the participant  
19          is aware;



- 1           (5) Personal selection and oversight including but not  
2           limited to:
  - 3           (A) Number and type of personnel needed, including  
4           qualifications and training;
  - 5           (B) Standards and criminal background checks to  
6           ensure the reputable and responsible character  
7           and fitness of all staff; and
  - 8           (C) Record keeping of staff who have access to the  
9           overdose prevention center's records and to  
10          needles, syringes, and other harm reduction  
11          supplies;
  
- 12          (6) Safety and security measures, including but not  
13          limited to:
  - 14          (A) Continuous video monitoring and recording of the  
15          premises;
  - 16          (B) An alarm system;
  - 17          (C) Exterior lighting;
  - 18          (D) Enforcement of prohibitions against the sale or  
19          distribution of illicit drugs in or immediately  
20          adjacent to the centers; and



1 (E) Security requirements and restrictions regarding  
2 waiting rooms; and

3 (7) Signage, including a prohibition on any image of a  
4 cartoon character or other design likely to appeal to  
5 children.

6 (c) The director shall determine a schedule for overdose  
7 prevention centers to report to the department certain data and  
8 provide proof of compliance with the standards developed under  
9 subsection (b).

10 § -3 Overdose prevention centers; location. Designated  
11 overdose prevention centers shall comply with all county zoning  
12 ordinances, rule, or regulations; provided that no center shall  
13 be permitted within seven hundred fifty feet of the real  
14 property comprising a playground or school.

15 § -4 Exception from criminal liability. (a) Possession  
16 of pre-obtained drugs by participants at an overdose prevention  
17 center shall not constitute an offense under section 712-1243.

18 (b) Possession of authorized objects by participants at a  
19 designated center shall not constitute an offense under section  
20 329-43.5. Possession or delivery of authorized objects by staff



1 acting in the course and scope of their official duties shall  
2 not constitute an offense under section 329-43.5.

3 (c) Possession or delivery of used needles or syringes  
4 containing residual drugs shall not constitute an offense under  
5 section 329-43.5, 712-1242(1)(c), or 712-1243 if done by  
6 participants or staff acting in the course and scope of their  
7 official duties; provided that any delivery of used needles or  
8 syringes containing residual drugs, whether by participants or  
9 staff, shall be made only to staff.

10 (d) Subsections (a), (b), and (c) shall apply only to acts  
11 occurring inside or while entering or exiting a designated  
12 overdose prevention center.

13 (e) The mere fact that a property owner, lessor, or  
14 sublessor of the property on which an overdose prevention center  
15 or an entity operating an overdose prevention center allowed or  
16 facilitated the activities under subsections (a), (b), or (c) to  
17 occur on their property shall not constitute a criminal offense  
18 under state law.



1 (f) The mere fact that an individual enters, exits, or  
2 uses the services of a designated overdose prevention center  
3 shall not constitute a criminal offense under state law.

4 (g) Nothing in this section shall be interpreted to  
5 provide immunity from criminal prosecution for any activities  
6 that are not conducted, permitted, and explicitly approved  
7 pursuant to this chapter.

8 § -5 Oversight committee. (a) The director shall  
9 appoint an overdose prevention center oversight committee, to be  
10 placed within the department, to provide assistance and advice  
11 in the oversight of designated prevention centers and that shall  
12 periodically meet with the director or the director's designee  
13 to examine available data and monitor effectiveness of the  
14 overdose prevention centers.

15 (b) The committee may recommend procedures for announced  
16 and unannounced inspections by the department, the committee, or  
17 the department's or committee's designees, pursuant to this  
18 chapter.

19 § -6 Reports. Each overdose prevention center shall, on  
20 or before January 31 of each year, submit a report to the



1 overdose prevention center oversight committee that shall  
2 include but not be limited to:

- 3 (1) The number of participants accessing overdose  
4 prevention centers;
- 5 (2) Demographic information on participants, excluding  
6 protected health information;
- 7 (3) The number of overdoses and the number of overdoses  
8 reversed on site;
- 9 (4) The number of times emergency medical services were  
10 contracted and responded for assistance;
- 11 (5) The number of deaths of participants, if any,  
12 including any deaths that occurred enroute to medical  
13 facilities;
- 14 (6) The number of times law enforcement was contacted and  
15 responded to requests for assistance; and
- 16 (7) The number of participants referred to other services  
17 and the types of services to which they were referred.

18 § -7 Overdose prevention centers; termination. The  
19 director shall withdraw designation and cease operations of any  
20 overdose prevention center if the center:



- 1 (1) Fails to meet the standards established pursuant to
- 2 section -2;
- 3 (2) Fails to serve its intended purpose;
- 4 (3) Presents an unacceptable risk to public health and
- 5 public safety; or
- 6 (4) Is no longer necessary.

7 § -8 Rulemaking. The department shall adopt rules  
 8 pursuant to chapter 91 necessary for the purposes of this  
 9 chapter. The rules shall establish procedures for notice and an  
 10 opportunity for a hearing prior to the withdrawal of a  
 11 designation of a facility as an overdose prevention center  
 12 pursuant to section -7."

13 SECTION 3. This Act does not affect rights and duties that  
 14 matured, penalties that were incurred, and proceedings that were  
 15 begun before its effective date.

16 SECTION 4. Statutory material to be repealed is bracketed  
 17 and stricken. New statutory material is underscored.

18 SECTION 5. This Act shall take effect on December 31,  
 19 2050.



**Report Title:**

DOH; Overdose Prevention Centers; Establishment; Overdose Prevention Center Oversight Committee

**Description:**

Establishes and provides criteria for overdose prevention centers, including standards for the Department of Health to designate certain facilities as overdose prevention centers. Establishes an Overdose Prevention Center Oversight Committee. Provides immunity from state criminal prosecution for certain offenses for persons using a designated overdose prevention center and persons operating a designated overdose prevention center. Effective 12/31/2050. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

