

## Town of Madison, Maine

# NEEDLE EXCHANGE PROGRAM, NEEDLE DISPOSAL SITES & MEDICAL SUPERVISED INJECTION SITES ORDINANCE

Prepared for – Town Meeting June 7, 2021

### Sec. 1. – Purpose and Need.

Whereas, the Town of Madison 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;

Whereas, 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;

Whereas, the Town of Madison does not believe it is an appropriate site for Needle Exchange Programs, Disposal Sites or for Medically Supervised Injection Sites.

The purpose of this Ordinance 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 Madison.

### Sec. 2. - Definitions.

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

**Facility** means 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.

**Needle Disposal Site** means a location for the collection of discarded needles or other sharps.

**Needle Exchange Program (NEP)** means 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, &1341.

**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.

**Medically Supervised Injection Site** are medically supervised facilities designed to provide a hygienic environment in which drug addicts are able to consume illicit recreational drugs intravenously.

**Town** is the Town of Madison, Maine.

### Sec. 3. - 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 Madison.

(c) No Medically Supervised Injection Site is authorized in the Town of Madison.

**Sec. 4. – Enforcement and Penalties**

(a) This Ordinance shall be enforced by the Madison Division of the Somerset County Sheriff's Office.

(b) Except as otherwise provided by state law, anyone found guilty of violating any provision of this ordinance shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) to be recovered for the use of the Town of Madison 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.

**Sec. 5. – Severability**

If any section, phrase, sentence or portion of this ordinance 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.