Safe Injection Facilities
Opioid Coordination Council

Information is based on DRAFT report under development/not for publication
What We Will Cover

- Legislative Request/OCC Review
  - S.107

- Summary of Draft Report
  - Legal Obstacles to the Establishment of a SIF
  - Efficacy and Outcomes of SIFs
  - Costs and Benefits of SIFs
  - The Rights of Local Governments and Communities to Limit Establishment of a SIF

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S.107

- Approves the Establishment of SIFs
- Limit criminal liability for:
  - Persons using SIF
  - Staff or Administrator of SIF
  - Property owner at which SIF located
- Defined Requirements of SIFs
- Established Approval Process
  - Approval by VDH or “District or Municipal Board”
- Established Annual Reporting Requirements

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Senate Judiciary Request

- Examination of the efficacy, outcomes and impact, including public safety impacts, of SIFs in locations where they operate or are contemplated;
- Identify the relevant data points to measure health-related and public safety outcomes;
- Legal and liability issues (State and Federal) in connection with the operation of SIFs;
- Whether operating such facilities is cost effective as compared to other prevention, treatment, and harm reduction programs;
- Whether towns should be allowed to prohibits or restrict SIFs
Conclusions

- The legal obstacles alone, including potential federal criminal prosecution and civil liability of anyone involved in the operation of a SIF, make the opening of a SIF in Vermont virtually impossible.

- The efficacy of SIFs in reducing overdose deaths, providing a pathway to treatment, and reducing the spread of infectious disease is currently unproven and requires significantly more scientific study.
Conclusions

- Vermont’s limited resources are more wisely invested in
  - proven harm reductions models in particular syringe service programs (SSPs)
  - proven treatment models like the Hub-and-Spoke system
  - Placement of trained recovery coaches and other intervention professionals in SSPs, emergency departments, police departments
Summary of Legal Issues

- **Federal Law – Criminal Violations**
  - 21 U.S.C. § 856: Maintaining Premises for the Use and Distribution of Controlled Substances
  - 21 U.S.C. § 844: Possession of Controlled Substance

- **Federal Law – Civil and Forfeiture**
  - 21 U.S.C. § 856: Civil penalty of $250K or 2 times the gross receipts, either known or estimated, that were derived from each violation; injunctive relief
  - 21 U.S.C. § 881: Forfeiture of all Property used or intended to be Used in any manner to facilitate the commission of a violation of federal drug laws.

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Other Legal Considerations

- Potential Tort liability for State and Entity Running SIFs
  - Torts committed by SIFs user after utilizing SIF (e.g., motor vehicle crash).
  - Potential liability to SIF user or estate if SIF user dies or is injured after utilizing SIF.
  - Potential Liability to SIF employees injured by SIF user.

- Administrative Actions

- Insurance Issues
Efficacy and Outcomes of SIFs Worldwide

- Safe Injection Sites have Existed for 30 Years
- Onset in Europe but little in way of published research
  - Most research from Sydney and Vancouver
- Most are in urban, densely populated areas with high rate of IVDU
Current research does not support whether or to what extent SIFs reduce
- fatal opioid overdose
- the spread of disease, or
- help offer pathways out of drug misuse (i.e. by offering access to treatment, etc.).
Insite 2017 Data (Q2)

- 175,464 visits by 7,301 unique individuals
  - average InSite participants used SIF less than once per week, or an average of 24 times per year.
- Average 415 injection room visits per day
- 2151 overdose incidents
- 88% of heroin test positive for fentanyl
- Probable prevention HIV infection (est. 4-57 cases)
Figure 2
City of Vancouver Overdose Death Rate per 100,000


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Vermont Department of Health
Public Safety Issues

- There has not been adequate research into whether jurisdictions with operating SIFs experience an increase or decrease in crimes in or around the area the SIF operates
- 2014 Study suggests that violent, drug-related crime was highly visible eight years after the establishment of the Vancouver SIF
Direct Costs of SIFs

- Insite = $3M/year
- Montreal SIF = $2.182M/year
- Toronto SIF = $1.6M/year
- Estimate for proposed Seattle facility: $1.3M/year
Indirect Costs of SIFs

- Increased need for law enforcement in the area of the SIF;
- Local community-based costs, such as providing intervention for an increased number of overdose cases for first responders and emergency departments;
- Need for regulatory and administrative oversight by the State of Vermont; and
- Addressing potential neighborhood degradation.
Appropriate Measures to Gauge Outcomes

- Public safety/local community:
  - Increase/decrease in the number and type of interactions with law enforcement, especially in the local area the SIF is located (and an analysis of the related costs for enforcement);
  - Increase/decrease in the number and type of arrests in the area the SIF is located (drug trafficking, theft, assault, robbery, disorderly conduct, violence, etc.);
  - Increase/decrease in drug trafficking activity in the area the SIF is located;
Appropriate Measures to Gauge Outcomes

- **Public safety/local community:**
  - Increase/decrease in the number of complaints related to SIF presence, compared to citizen complaints relating to drug activity prior to SIF presence; and
  - An analysis pre/post-SIF of EMT/first responder resources and related costs.
Appropriate Measures to Gauge Outcomes

- **Public health:**
  - Increase/decrease in the frequency of SIF use (percentage of an individual’s drug use at the SIF compared to outside the SIF);
  - Increase/decrease in injection overdoses among SIF participants, at the SIF or outside the SIF;
  - Increase/decrease in overdose deaths among SIF participants;
  - Increase/decrease in overdose deaths in the area the SIF is located, before and after the SIF is operational;
Appropriate Measures to Gauge Outcomes

- Public health:
  - A comparison of HIV and HCV infection rates among SIF participants, before and after SIF opens;
  - Injection site infection rates (soft tissue damage);
  - Comparison of infection rates and illnesses related to injection drug use before and after the opening of a SIF, and the costs of their treatment (endocarditis, etc.);
  - Comparative costs of treatment of infections among participants and non-participants; and
  - Number of referrals to treatment provided, and rate of successful transition to treatment.
Rights of Local Government

- Legislative Determination
- VLCT
  - The delegation of power that would allow cities and towns to determine whether a safe injection facility could be established could be established by a provision added in statute.
  - Generally supports local control
Other Considerations

- Potential Intervention through Syringe Services Programs (SSPs)
- Cost Considerations
Conclusions

- Safe Injection facilities are illegal under federal law, highly controversial and, most importantly, have an unproven track record of harm reduction and providing a pathway to treatment.

- Support and increased investment in syringe service programs will provide Vermont many of the desired outcomes sought through the SIF model.

- Placement of trained recovery coaches and other intervention professionals in SSPs, emergency departments, and in partnerships with law enforcement and first responders, also expands the reach of intervention.

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