OFFICE OF
THE GOVERNOR

NO. 27 FY 19/20
DATE March 30, 2020

AN ORDER REGARDING STATE CERTIFIED HYPODERMIC APPARATUS EXCHANGE PROGRAMS

WHEREAS, I proclaimed a state of emergency on March 15, 2020 to authorize the use of emergency powers in order to expand and expedite the State's response to the many different effects of COVID-19; and

WHEREAS, the spread and identification of additional cases of COVID-19 in Maine is likely to continue and taking proactive steps to prevent a substantial risk to public health and safety is paramount; and

WHEREAS, the escalating COVID-19 public health emergency will present substantial barriers to the clients of the state certified syringe exchanges receiving the services of the exchanges; and

WHEREAS, the sharing of hypodermic apparatus, especially needles, leads to the spread of disease including possibly COVID-19; and

WHEREAS, the establishment and operation of needle exchanges is a proven and effective harm reduction strategy; and

WHEREAS, the provisions of this Order are necessary for the exchanges to continue their operation; and

WHEREAS, 37-B M.R.S. §742(1)(C)(1) and §834 authorize a governor during a state of emergency to suspend the enforcement of certain laws if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency;

NOW, THEREFORE, I, Janet T. Mills, Governor of the State of Maine, pursuant to 37-B M.R.S. Ch. 13, including but not limited to the provisions referenced above, do hereby Order as follows:

I. ORDERS

The provisions of 22 M.R.S. §1341 and DHHS Rule 10-144, Chapter 252 are suspended for certified hypodermic apparatus (needle) exchange programs to the extent necessary to permit the following:

A. The 1-to-1 needle exchange limit is temporarily suspended;

B. Physical contact with clients shall be avoided where possible and when clients are physically present social-distancing and appropriate medical protocols shall be followed;

C. Such certified programs may operate in a location other than that authorized in their current certification so long as the location is in the same municipality, the State is notified of the duration, and there is proper needle disposal;

D. Hours of operation may be expanded or contracted without approval of the State so long as the State is notified; and

E. Supplies may be provided by U.S. mail service to the extent permitted by federal law.

II. GUIDANCE

The Maine Center for Disease Control and Prevention shall issue guidance for law enforcement regarding enforcement of 17-A M.R.S. §1110-1111 during this period of emergency.

III. EFFECTIVE DATE

This Order is effective March 30, 2020 and shall remain in effect until amended, rescinded or the State of Civil Emergency to Protect Public Health is terminated, whichever happens first.

Janet T. Mills
Governor