

## Harm Reduction Commission

Meeting Minutes  
February 26, 2019  
3:00-5:00 pm

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Date of meeting: Tuesday, February 26, 2019

Start time: 3:05 pm

End time: 5:00 pm

Location: McCormack Building, One Ashburton Place, 21st Floor, Boston, MA 02108

Members present:

- Marylou Sudders – Executive Office of Health and Human Services (Chair)
- Monica Bharel, MD, MPH – Department of Public Health
- Jeffrey Roy – State Representative
- Cindy Friedman – State Senator
- Marc McGovern – Mayor of Cambridge
- Marty Martinez – Designee of Mayor of Boston
- Deirdre Calvert, LICSW – Column Health
- Jessie Gaeta, MD – Boston Health Care for the Homeless Program
- Gary Langis – Education Development Center
- Frederick Ryan – Arlington Police Department (now retired)

Members participating remotely:

- Aubri Esters – Massachusetts resident
- Leo Beletsky, JD, MPH – Northeastern University

Members absent:

- Matilde Castiel, MD – Worcester Health and Human Services
- Armando Gonzalez – Massachusetts resident
- Robert Roose, MD – Mercy Medical Center

### **Proceedings**

Secretary Sudders called the meeting to order at 3:05 pm. Secretary Sudders welcomed members and explained that two members of the Commission had requested to participate remotely, all votes taken during the meeting would need to be conducted by roll call. Secretary Sudders noted that members of the press were present and may be making recordings of the meeting.

**Vote I to approve the meeting minutes:** Secretary Sudders requested a motion to approve the minutes from the Commission's previous meeting on February 21, 2019. Senator Friedman introduced a motion to approve the minutes, which was seconded by Chief Ryan. Votes in the affirmative: Mr. Langis, Mr. Martinez, Mayor McGovern, Senator Friedman, Secretary Sudders; Ms. Esters and Professor Beletsky indicated their votes in the affirmative over the phone. Abstentions: Dr. Gaeta, Representative Roy, Ms. Calvert, Commissioner Bharel, and Chief Ryan. The motion passed.

Secretary Sudders explained that the Commission's meeting is a working meeting to discuss the current draft of the Commission's findings, which was circulated to members in advance of the meeting. She noted that the current draft reflects members' discussions during the Commission's previous meeting and comments received from members over the weekend. She explained that an additional appendix was added to the current draft that includes resources submitted by members after January 30, 2019 that were not

reviewed by the entire Commission. In addition, she explained that the text of the recommendation slide was not revised due to the breadth and variability of comments received from members, which were not able to be reconciled by staff.

Secretary Sudders proposed that the Commission members review the draft findings page by page. She noted that on slide 3, in response to comments from members, information on the rapidness of fentanyl's effect on the body, as well as the date of the federal government's declaration of the opioid epidemic as a public health emergency were inserted. She noted that for the slide on the impact of opioids on the Commonwealth, the date of the state government's declaration of the opioid epidemic as a public health emergency was inserted. Members had no comments on slides 6-12.

Secretary Sudders reminded members that after completion of the Commission, all resources will be posted for the public on the Commission's webpage.

Secretary Sudders noted that for Slide 13, based on feedback from the previous meeting, the definition was broadened from supervised injection facilities to supervised consumption sites (SCS).

In reference to the definition of substance use disorder and drug dependence on slide 14, Senator Friedman noted that the definition listed in the findings is from the American Society of Addiction Medicine (ASAM) definition for "addiction," not "substance use disorder." She requested the words "substance use disorder / drug dependence" be removed and replaced with "addiction." Secretary Sudders confirmed that the text will be updated with the word "addiction" and a footnote will be added noting ASAM as the source. Ms. Esters noted that dependence is not equivalent to addiction so the word "dependence" should not be included in the definition. Senator Friedman noted that the definition was included to attempt to highlight that substance use disorder is an illness and not a crime. Professor Beletsky noted that he was in agreement with the change, but felt the term "addiction" was overly technical and medicalizing for this context. Dr. Gaeta noted that the definition leans on the continued use of a substance despite negative consequences and suggested the group consider using a definition from the Diagnostic and Statistical Manual of Mental Disorders (DSM). In response to a question from Mayor McGovern regarding the term "spiritual manifestations" in the definition and his request that the Commission's findings state that opioid use disorder is an illness and not a criminal activity, Secretary Sudders clarified that the text on this slide is from the ASAM definition for addiction, which was taken directly from the final report of the San Francisco Safe Injection Services Task Force that was reviewed by the Commission. Commissioner Bharel proposed that the definition used should be a national standard such as DSM or ASAM. Chief Ryan asked that the group move on.

Secretary Sudders recommended to members that they continue with the review of the findings and come back to the recommendation section afterwards. Members agreed.

In reference to the findings listed on slide 15, Ms. Esters suggested that first sentence be reworded to include the term "most successful." Dr. Gaeta requested that "create" be replaced with "foster" in reference to a culture of harm reduction in the Commonwealth to recognize the long-standing and strong culture of harm reduction in the state. Senator Friedman agreed with the inclusion of the term "foster" and proposed decoupling harm reduction and SCS in the same bullet.

Chief Ryan proposed that rather than culture, the findings could state that harm reduction is the standard of care. He expressed praise for the efforts of law enforcement in the Commonwealth to adapt on the issue of opioid use disorder.

Professor Beletsky agreed with the inclusion of language stating the need to foster and expand a culture of harm reduction in the Commonwealth.

Mr. Langis noted that the state has expanded existing harm reduction programs over the last few years and that there is a harm reduction strategy, which has been built up over decades of work with partners across the state.

Mr. Martinez stated that during his and Mayor Walsh's visits to SCS in Canada, as well as the presentations from Canadian health officials, it was evident that the promotion and widespread availability of harm reduction services across cities were critical for the success of SCS and in targeting residents who might access SCS services.

Senator Friedman reiterated that SCS are another tool of harm reduction efforts that need to be considered. She recommended decoupling the two terms in the findings and stress the array of harm reduction approaches and interventions in place that might enable a SCS to be successful.

Dr. Gaeta stated that while needed, a cultural shift on harm reduction in the Commonwealth should not be considered a prerequisite for a pilot program for SCS to be implemented. She noted that a strategy of building harm reduction more broadly in a city would help communities, such as having greater access to syringes. In response, Ms. Esters added that the culture of harm reduction has been growing as a direct result of individuals working to expand harm reduction services throughout the state.

In reference to slide 16, Rep. Roy requested that the language regarding the Department of Justice (DOJ) be replaced to acknowledge that the DOJ has said that SCS are illegal but that has not been tested in federal court. Professor Beletsky added that the heading should be revised, as the sub-bullets below are not directly related. Secretary Sudders suggested that pulling the language from a later finding forward might address their concerns.

Senator Friedman requested that the findings should note that there is increasing attention in the Commonwealth for SCS.

Professor Beletsky suggested that, given the limited time remaining in the meeting, members conclude their comments on the findings and focus on the recommendation section.

In reference to slide 17, Ms. Esters recommended that the language state that if non-licensed staff would be working in SCS, no changes to licensing laws would be required. In response, Senator Friedman suggested that the existing language be modified to reflect that any statutory laws that may pose a barrier to opening a SCS would need to be amended.

Ms. Esters requested that the language on slide 20 related to legislative reforms for drug checking services be removed.

In reference to the slide outlining the Commission's findings for Charge 5 and 6 (slide 24), Mayor McGovern and Professor Beletsky requested that the language about the mayors' trips to Canada be removed.

In response to a question from Ms. Esters, Secretary Sudders clarified that the information listed for Charge 7 on slide 27 was provided by the licensing boards.

In reference to the slides outlining the Commission's findings for Charge 8 (slides 27 and 28), Professor Beletsky proposed that the findings related to federal legal issues and prosecutorial discretion should be

consolidated. He also recommended that the information on medical marijuana be removed. Ms. Esters and Dr. Gaeta requested that the information regarding liabilities for prescribers and dispensers be removed.

Secretary Sudders suggested members review the recommendation section.

Dr. Gaeta suggested replacing the word “create” with “foster” in reference to the state’s culture of harm reduction.

Senator Friedman suggested adding a new sentence that states that a pilot program of one or more SCSs should be part of the state’s array of harm reduction resources. She suggested amending the language referring to gaps in legal protections for organizations as well as any state criminal and civil laws that may pose a barrier. Senator Friedman suggested adding that “action on the federal level is needed to shift policy in regards to the federal prohibitions on SCS.

Secretary Sudders confirmed that Professor Beletsky wanted the word “tort” removed from the recommendation.

Mayor McGovern noted that his submitted comments suggest that the report acknowledge the social justice aspect of this issue. Secretary Sudders proposed that an additional appendix be inserted in the findings that include members’ written comments submitted on the current draft findings, so a public record of the comments received from members would be available to the Legislature. Members agreed.

Dr. Gaeta acknowledged that it is probably too late to add new information, but highlighted that the HIV outbreak in Lawrence and Lowell over the past year, as well as the HIV cluster in Boston is an important consideration.

In response to a question from Mr. Martinez about how the legislature will use this report, Senator Friedman offered praise for the work of the Commission, noting that the findings will be a helpful resource for those interested in learning more about harm reduction and SCS. Mayor McGovern thanked Senator Friedman and Rep. Roy for helping to establish the Commission. He added that the impact of the opioid crisis is far-reaching.

Chief Ryan and Senator Friedman thanked the members of the Commission, Secretary Sudders in particular as chair, and her staff for their efforts organizing the Commission.

Ms. Esters requested that the Legislature consider creating a standing harm reduction commission.

**Vote 2 to adjourn the meeting:** Secretary Sudders requested a motion to adjourn. Rep. Roy moved to adjourn the meeting, which was seconded by Senator Friedman. Votes in the affirmative: Senator Friedman, Mayor McGovern, Mr. Martinez, Chief Ryan, Commissioner Bharel, Ms. Calvert, Mr. Langis, Rep. Roy, Dr. Gaeta, Secretary Sudders. Professor Beletsky indicated his vote in the affirmative over the phone; Ms. Esters did not reply. The motion passed.

The meeting was adjourned at 5:00 pm.