



**An Bille um Mí-Úsáid Drugaí
(Saoráidí Insteallta Maoirsithe), 2017
Misuse of Drugs
(Supervised Injecting Facilities) Bill 2017**

*Meabhrán Mínitheach
Explanatory Memorandum*



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EXPLANATORY MEMORANDUM

Background to and purpose of the Bill

The purpose of the Misuse of Drugs (Supervised Injecting Facilities) Bill is to provide for the licensing of supervised injecting facilities by the Minister for Health. The Bill will enable the Minister to issue a licence, subject to conditions, to establish and operate a supervised injecting facility. These facilities provide a harm-reduction opportunity for people who inject drugs in public places, in order to enhance their dignity, health and well-being, whilst reducing the incidence of public injecting and subsequent drug-related litter. This will enhance overall public amenity.

In considering an application for a supervised injecting facility the Bill provides for the Minister to consult with An Garda Síochána, the Health Service Executive, and others as may be appropriate.

The Bill makes provision to exempt authorised users, when in a supervised injecting facility with the permission of the licence holder, from certain offences under the Misuse of Drugs Act 1977 (Act of 1977) including possession of controlled drugs for the purpose of consumption by injection and failing to comply with Regulations made under the Act of 1977. It also provides an exemption for the licence holder of a supervised injecting facility from the offence of permitting the preparation or possession of a controlled substance in premises under their control.

The Bill enables the Minister to make regulations relating to the establishment and operation of such facilities.

Possession of controlled drugs will continue to be an offence outside of a supervised injecting facility. Possession for sale or supply will remain an offence under the Act of 1977 both inside and outside of a supervised injecting facility.

The Bill does not establish the location of a supervised injecting facility.

Provisions of the Bill

Section 1: This is a standard provision to provide for a number of new definitions for the purposes of the Bill, including that of a “supervised injecting facility”.

Sections 2 and 3: These provide the criteria for the application and granting of a licence to operate a supervised injecting facility in respect of certain premises and certain requirements of that licence application.

Sections 4, 5 and 6: These provide for the surrender, revocation, suspension and transfer of a licence and for the amendment of the conditions of a licence.

Section 7: This provides a definition of an “authorised user” and the authority of a licence holder, or a person in charge of the facility at that time, to permit a person to be on the premises. An authorised user will be an individual who is on the premises of the supervised injecting facility, in accordance with the conditions of the licence and with the permission of the licence holder or person in charge, for the purpose of consuming drugs by injection.

Section 8: This provides for the supply of information in order to evaluate the safety, utility and cost-effectiveness of a supervised injecting facility, whilst ensuring that any personal records held relating to an authorised user will be protected from such disclosure.

Section 9: This provides an exemption for the licence holder from liability for the provision of a supervised injecting facility and assistance, advice or care provided to an authorised user.

Section 10: This provides that authorised users of a supervised injecting facility and the licence holder are exempt from certain offences under the Misuse of Drugs Act 1977; including possession, preparation or production of a controlled drug by an authorised user for the purposes of immediate personal consumption by injection, whilst on the premises of a supervised injecting facility.

Section 11: This section permits a member of An Garda Síochána to enter a supervised injecting facility without a warrant for the prevention or detection of offences under the Misuse of Drugs Acts.

Section 12: This section permits the Minister to make regulations for the purposes of this Bill.

Section 13: This is a standard provision to provide for the short title, collective citation and commencement of the Bill.

Financial Implications

This is enabling legislation and, as such, there are no financial implications for the State in making this legislation. If a decision is taken to grant a licence for a supervised injecting facility on a pilot basis there will be a cost to the exchequer. Additional funding was allocated in Budget 2017 to support drugs and social inclusion measures and the HSE National Service Plan 2017 contains a commitment to establish a pilot supervised injecting facility in Dublin.

*An Roinn Sláinte,
Feabhra, 2017.*

