

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 690
AN ACT

To repeal sections 195.206, 579.040, and 579.076, RSMo, and to enact in lieu thereof three new sections relating to opioid addiction treatment, with existing penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 195.206, 579.040, and 579.076, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 195.206, 579.040, and 579.076, to read as follows:

195.206. 1. As used in this section, the following terms shall mean:

(1) "Addiction mitigation medication", naltrexone hydrochloride that is administered in a manner approved by the United States Food and Drug Administration or any accepted medical practice method of administering;

~~[(1)]~~ (2) "Opioid antagonist", naloxone hydrochloride that blocks the effects of an opioid overdose that is administered in a manner approved by the United States Food and Drug Administration or any accepted medical practice method of administering;

~~[(2)]~~ (3) "Opioid-related drug overdose", a condition including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death resulting from the consumption or use of an opioid or other substance with which an opioid was combined or a condition that a layperson would reasonably believe to be an opioid-related drug overdose that requires medical assistance.

20 2. Notwithstanding any other law or regulation to the
21 contrary:

22 (1) The director of the department of health and
23 senior services, if a licensed physician, may issue a
24 statewide standing order for an opioid antagonist or an
25 addiction mitigation medication;

26 (2) In the alternative, the department may employ or
27 contract with a licensed physician who may issue a statewide
28 standing order for an opioid antagonist or an addiction
29 mitigation medication with the express written consent of
30 the department director.

31 3. Notwithstanding any other law or regulation to the
32 contrary, any licensed pharmacist in Missouri may sell and
33 dispense an opioid antagonist or an addiction mitigation
34 medication under physician protocol or under a statewide
35 standing order issued under subsection 2 of this section.

36 4. A licensed pharmacist who, acting in good faith and
37 with reasonable care, sells or dispenses an opioid
38 antagonist or an addiction mitigation medication and an
39 appropriate device to administer the drug, and the protocol
40 physician, shall not be subject to any criminal or civil
41 liability or any professional disciplinary action for
42 prescribing or dispensing the opioid antagonist or an
43 addiction mitigation medication or any outcome resulting
44 from the administration of the opioid antagonist or an
45 addiction mitigation medication. A physician issuing a
46 statewide standing order under subsection 2 of this section
47 shall not be subject to any criminal or civil liability or
48 any professional disciplinary action for issuing the
49 standing order or for any outcome related to the order or
50 the administration of the opioid antagonist or an addiction
51 mitigation medication.

52 5. Notwithstanding any other law or regulation to the
53 contrary, it shall be permissible for any person to possess
54 an opioid antagonist or an addiction mitigation medication.

55 6. Any person who administers an opioid antagonist to
56 another person shall, immediately after administering the
57 drug, contact emergency personnel. Any person who, acting
58 in good faith and with reasonable care, administers an
59 opioid antagonist to another person whom the person believes
60 to be suffering an opioid-related overdose shall be immune
61 from criminal prosecution, disciplinary actions from his or
62 her professional licensing board, and civil liability due to
63 the administration of the opioid antagonist.

 579.040. 1. A person commits the offense of unlawful
2 distribution, delivery, or sale of drug paraphernalia if he
3 or she unlawfully distributes, delivers, or sells, or
4 possesses with intent to distribute, deliver, or sell drug
5 paraphernalia knowing, or under circumstances in which one
6 reasonably should know, that it will be used to plant,
7 propogate, cultivate, grow, harvest, manufacture, compound,
8 convert, produce, process, prepare, test, analyze, pack,
9 repack, store, contain, conceal, inject, ingest, inhale, or
10 otherwise introduce into the human body a controlled
11 substance or an imitation controlled substance in violation
12 of this chapter. Any entity registered with the department
13 of health and senior services that possesses, distributes,
14 or delivers hypodermic needles or syringes for the purpose
15 of operating a syringe access program or otherwise
16 mitigating health risks associated with unsterile injection
17 drug use shall be exempt from the provisions of this section.

18 2. No entity shall be present within one-quarter of a
19 mile of any school building, unless such entity is in
20 operation prior to the date the school building commenced
21 operations.

22 3. The offense of unlawful delivery of drug
23 paraphernalia is a class A misdemeanor, unless done for
24 commercial purposes, in which case it is a class E felony.

 579.076. 1. A person commits the offense of unlawful
2 manufacture of drug paraphernalia if he or she unlawfully
3 manufactures with intent to deliver drug paraphernalia,
4 knowing, or under circumstances where one reasonably should
5 know, that it will be used to plant, propagate, cultivate,
6 grow, harvest, manufacture, compound, convert, produce,
7 process, prepare, test, analyze, pack, repack, store,
8 contain, conceal, inject, ingest, inhale, or otherwise
9 introduce into the human body a controlled substance or an
10 imitation controlled substance in violation of this chapter
11 or chapter 195. Any entity registered with the department
12 of health and senior services that delivers or manufactures
13 hypodermic needles or syringes for the purpose of operating
14 a syringe access program or otherwise mitigating health
15 risks associated with unsterile injection drug use shall be
16 exempt from the provisions of this section.

17 2. The offense of unlawful manufacture of drug
18 paraphernalia is a class A misdemeanor, unless done for
19 commercial purposes, in which case it is a class E felony.