

SENATE SUBSTITUTE
FOR
HOUSE BILL NO. 2162
AN ACT

To repeal sections 195.206 and 196.1050, RSMo, and to enact in lieu thereof two new sections relating to opioid addiction treatment.

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

Section A. Sections 195.206 and 196.1050, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 195.206 and 196.1050, to read as follows:

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

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

7 ~~[(1)]~~ (2) "Opioid antagonist", naloxone hydrochloride
8 that blocks the effects of an opioid overdose that is
9 administered in a manner approved by the United States Food
10 and Drug Administration or any accepted medical practice
11 method of administering;

12 ~~[(2)]~~ (3) "Opioid-related drug overdose", a condition
13 including, but not limited to, extreme physical illness,
14 decreased level of consciousness, respiratory depression,
15 coma, or death resulting from the consumption or use of an
16 opioid or other substance with which an opioid was combined
17 or a condition that a layperson would reasonably believe to
18 be an opioid-related drug overdose that requires medical
19 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.

 196.1050. 1. The proceeds of any monetary settlement
2 or portion of a global settlement between the attorney
3 general of the state and any drug manufacturers,
4 distributors, or combination thereof to resolve an opioid-
5 related cause of action against such drug manufacturers,
6 distributors, or combination thereof in a state or federal
7 court shall only be utilized to pay for opioid addiction
8 treatment and prevention services and health care and law
9 enforcement costs related to opioid addiction treatment and
10 prevention. Under no circumstances shall such settlement
11 moneys be utilized to fund other services, programs, or
12 expenses not reasonably related to opioid addiction
13 treatment and prevention.

 2. (1) There is hereby established in the state
15 treasury the "Opioid Addiction Treatment and Recovery Fund",
16 which shall consist of the proceeds of any settlement
17 described in subsection 1 of this section, as well as any
18 funds appropriated by the general assembly, or gifts,
19 grants, donations, or bequests. The state treasurer shall
20 be custodian of the fund. In accordance with sections
21 30.170 and 30.180, the state treasurer may approve
22 disbursements. The fund shall be a dedicated fund and money
23 in the fund shall be used by the department of mental
24 health, the department of health and senior services, the

25 department of social services, [and] the department of
26 public safety, the department of corrections, and the
27 judiciary for the purposes set forth in subsection 1 of this
28 section.

29 (2) Notwithstanding the provisions of section 33.080
30 to the contrary, any moneys remaining in the fund at the end
31 of the biennium shall not revert to the credit of the
32 general revenue fund.

33 (3) The state treasurer shall invest moneys in the
34 fund in the same manner as other funds are invested. Any
35 interest and moneys earned on such investments shall be
36 credited to the fund.