

SECOND REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 690

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR THOMPSON REHDER.

3344S.03P

ADRIANE D. CROUSE, Secretary

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,
2 are repealed and three new sections enacted in lieu thereof, to
3 be known as sections 195.206, 579.040, and 579.076, to read as
4 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,**

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

shall not be subject to any criminal or civil liability or any professional disciplinary action for issuing the standing order or for any outcome related to the order or the administration of the opioid antagonist **or an addiction mitigation medication.**

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

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

579.040. 1. A person commits the offense of unlawful distribution, delivery, or sale of drug paraphernalia if he or she unlawfully distributes, delivers, or sells, or possesses with intent to distribute, deliver, or sell drug paraphernalia knowing, or under circumstances in which one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of this chapter. **Any entity registered with the department of health and senior services that possesses, distributes, or delivers hypodermic needles or syringes for the purpose 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.

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