

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for House Bill No. 168, Page 1, Section A, Line 2, by  
2 inserting after all of said section and line the following:

3  
4 "191.1012. 1. Any entity registered with the department of health and senior services that  
5 possesses, distributes, delivers, sells, or manufactures hypodermic needles or syringes shall not  
6 distribute or sell hypodermic needles within one thousand feet of any school building.

7 191.1200. 1. For the purposes of sections 191.1160 to 191.1168, the following terms shall  
8 mean:

9 (1) "Community-based organization", a public or private organization that:

10 (a) Is representative of a community or significant segments of a community; and

11 (b) Provides educational, health, or social services to individuals in the community;

12 (2) "Department", the department of health and senior services;

13 (3) "Program", a safe consumption facility program.

14 2. A local health department may establish a safe consumption facility program in one or  
15 more jurisdictions.

16 3. (1) A community-based organization may establish a safe consumption facility program  
17 in one or more jurisdictions with the approval of the department.

18 (2) A community-based organization may apply to the department for approval of a program  
19 at any time, regardless of previous applications.

20 (3) The department shall make its determination of whether to approve an application  
21 submitted under this subsection based on the ability of the community-based organization to satisfy  
22 the requirements of sections 191.1160 to 191.1168.

23 (4) The department shall:

24 (a) Approve or deny the application of a community-based organization within forty-five  
25 days after the date of receipt of the application; and

26 (b) Provide a written explanation of the department's determination to the community-based  
27 organization.

28 191.1202. 1. A program shall:

29 (1) Provide a location supervised by health care professionals or other trained staff where  
30 drug users can self-administer preobtained drugs;

31 (2) Provide sterile injection supplies, collect used hypodermic needles and syringes, and  
32 provide secure hypodermic needle and syringe disposal services;

33 (3) Answer questions about safe injection practices;

34 (4) Administer first aid, if needed; monitor participants for potential overdose; and  
35 administer rescue medications, including naloxone;

36 (5) Provide referrals to services, including:

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

- 1 (a) Substance use disorder counseling and treatment services;
- 2 (b) Testing for human immunodeficiency virus (HIV), viral hepatitis, and sexually
- 3 transmitted diseases;
- 4 (c) Reproductive health education and services; and
- 5 (d) Wound care;
- 6 (6) Educate participants on the risks of contracting HIV and viral hepatitis;
- 7 (7) Provide overdose prevention education and access to or referrals to obtain naloxone;
- 8 (8) Educate participants regarding proper disposal of hypodermic needles and syringes;
- 9 (9) Provide reasonable and adequate security of the program site and equipment;
- 10 (10) Establish a method of identifying program staff members and volunteers who are
- 11 authorized to access hypodermic needles and syringes and program records; and
- 12 (11) Train staff members to deliver services offered by the program.
- 13 2. A program may offer additional services, including:
- 14 (1) Substance use disorder counseling and treatment services;
- 15 (2) Testing for HIV, viral hepatitis, and sexually transmitted diseases;
- 16 (3) Reproductive health education and services; and
- 17 (4) Wound care.
- 18 3. A program may:
- 19 (1) With the consent of the individual, bill the insurance carrier of an individual who uses
- 20 the services of the program for the cost of covered services;
- 21 (2) Accept donations, grants, or other financial assistance; and
- 22 (3) Apply for grants from the department or any nonprofit or private organization.
- 23 191.1204. 1. A program established under sections 191.1160 to 191.1168 shall collect the
- 24 following data:
- 25 (1) The number of individuals served by the program;
- 26 (2) The number of times an individual uses the program's services;
- 27 (3) Demographic profiles of individuals served by the program that include:
- 28 (a) Age;
- 29 (b) Gender;
- 30 (c) Race;
- 31 (d) Zip code of residence; and
- 32 (e) Types of drugs used and methods of administration;
- 33 (4) The number of individuals entering drug counseling and treatment;
- 34 (5) The number of hypodermic needles and syringes distributed;
- 35 (6) The number of individuals who use the services of the program who have been arrested
- 36 for drug-related crimes;
- 37 (7) The program's impact on the crime rate in the neighborhood in which the program is
- 38 located;
- 39 (8) The number of individuals who use the services of the program who adopt safer
- 40 injection practices; and
- 41 (9) The number of individuals rescued and the number of rescue drugs used.
- 42 2. A program may contract with an independent entity to analyze the data collected under
- 43 subsection 1 of this section.
- 44 3. On or before December first each year, a program shall submit to the department and the
- 45 general assembly a report that includes the data collected under subsection 1 of this section.
- 46 191.1206. 1. The administrator of a program shall develop and implement a plan for
- 47 evaluation of the program as appropriate based on the prevailing knowledge at the time.
- 48 2. (1) The evaluation may include:
- 49 (a) Reported changes in the level of drug use among individuals using the services of the

1 program; and

2 (b) Reported changes in drug use among individuals using the services of the program.

3 (2) The evaluation shall include an analysis of the advisability of continuing the program.

4 191.1168. 1. Any of the following persons acting in accordance with the provisions of  
5 sections 191.1160 to 191.1168 shall not be subject to arrest, prosecution, or any civil or  
6 administrative penalty, including a civil penalty or disciplinary action by a professional licensing  
7 board, or be denied any right or privilege for involvement in the operation or use of services of the  
8 program:

9 (1) An individual who uses services of a program;

10 (2) A staff member of a program, including a health care professional, manager, employee,  
11 or volunteer; or

12 (3) A property owner who owns the facility at which a program is located and operates.

13 2. Any property owner, manager, employee, volunteer, or individual using the services of a  
14 program and acting in accordance with the provisions of sections 191.1160 to 191.1168 shall not be  
15 subject to the seizure or forfeiture of any real or personal property used in connection with a  
16 program under state or local law.

17 3. Notwithstanding the provisions of subsections 1 and 2 of this section, a property owner,  
18 manager, employee, volunteer, or individual using the services of a program is not immune from  
19 criminal prosecution for any activities not authorized or approved by the program."; and

20  
21 Further amend said bill by amending the title, enacting clause, and intersectional references  
22 accordingly.