

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 117, 343 & 1091
102ND GENERAL ASSEMBLY

0797H.03C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 190.255 and 195.206, RSMo, and to enact in lieu thereof three new sections relating to controlled substances, with penalty provisions.

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

Section A. Sections 190.255 and 195.206, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 190.255, 195.206, and 579.088, to read as
3 follows:

190.255. 1. Any qualified first responder may obtain and administer naloxone to a
2 person suffering from an apparent narcotic or opiate-related overdose in order to revive the
3 person.

4 2. Any licensed drug distributor or pharmacy in Missouri may sell naloxone to
5 qualified first responder agencies to allow the agency to stock naloxone for the administration
6 of such drug to persons suffering from an apparent narcotic or opiate overdose in order to
7 revive the person.

8 3. For the purposes of this section, "qualified first responder" shall mean any [~~state
9 and local law enforcement agency staff,~~ fire department personnel, fire district personnel, or
10 licensed emergency medical technician who is acting under the directives and established
11 protocols of a medical director of a local licensed ground ambulance service licensed under
12 section 190.109, **or any state or local law enforcement agency staff member**, who comes in
13 contact with a person suffering from an apparent narcotic or opiate-related overdose and who
14 has received training in recognizing and responding to a narcotic or opiate overdose and the
15 administration of naloxone to a person suffering from an apparent narcotic or opiate-related
16 overdose. "Qualified first responder agencies" shall mean any state or local law enforcement

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 agency, fire department, or ambulance service that provides documented training to its staff
18 related to the administration of naloxone in an apparent narcotic or opiate overdose situation.

19 4. A qualified first responder shall only administer naloxone by such means as the
20 qualified first responder has received training for the administration of naloxone.

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

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

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

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

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

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

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

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

25 4. A licensed pharmacist who, acting in good faith and with reasonable care, sells or
26 dispenses an opioid antagonist or an addiction mitigation medication and an appropriate
27 device to administer the drug, and the protocol physician, shall not be subject to any criminal
28 or civil liability or any professional disciplinary action for prescribing or dispensing the
29 opioid antagonist or an addiction mitigation medication or any outcome resulting from the
30 administration of the opioid antagonist or an addiction mitigation medication. A physician
31 issuing a statewide standing order under subsection 2 of this section shall not be subject to
32 any criminal or civil liability or any professional disciplinary action for issuing the standing

33 order or for any outcome related to the order or the administration of the opioid antagonist or
34 an addiction mitigation medication.

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

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

**579.088. Notwithstanding any other provision of this chapter or chapter 195 to
2 the contrary, it shall not be unlawful to manufacture, possess, sell, deliver, or use any
3 device, equipment, or other material for the purpose of analyzing controlled substances
4 to detect the presence of fentanyl or any synthetic controlled substance fentanyl
5 analogue.**

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