

HOUSE BILL NO. 2367

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MAY.

6172H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 191, RSMo, by adding thereto five new sections relating to safe consumption facilities.

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

Section A. Chapter 191, RSMo, is amended by adding thereto five new sections, to be known as sections 191.1160, 191.1162, 191.1164, 191.1166, and 191.1168, to read as follows:

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

(1) “Community-based organization”, a public or private organization that:

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

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

(2) “Department”, the department of health and senior services;

(3) “Program”, a safe consumption facility program.

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

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

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

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

(4) The department shall:

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.

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

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

191.1162. 1. A program shall:

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

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

6 (3) Answer questions about safe injection practices;

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

9 (5) Provide referrals to services, including:

10 (a) Substance use disorder counseling and treatment services;

11 (b) Testing for human immunodeficiency virus (HIV), viral hepatitis, and sexually
12 transmitted diseases;

13 (c) Reproductive health education and services; and

14 (d) Wound care;

15 (6) Educate participants on the risks of contracting HIV and viral hepatitis;

16 (7) Provide overdose prevention education and access to or referrals to obtain
17 naloxone;

18 (8) Educate participants regarding proper disposal of hypodermic needles and
19 syringes;

20 (9) Provide reasonable and adequate security of the program site and equipment;

21 (10) Establish a method of identifying program staff members and volunteers who
22 are authorized to access hypodermic needles and syringes and program records; and

23 (11) Train staff members to deliver services offered by the program.

24 2. A program may offer additional services, including:

25 (1) Substance use disorder counseling and treatment services;

26 (2) Testing for HIV, viral hepatitis, and sexually transmitted diseases;

27 (3) Reproductive health education and services; and

28 (4) Wound care.

29 3. A program may:

30 (1) With the consent of the individual, bill the insurance carrier of an individual
31 who uses the services of the program for the cost of covered services;

32 (2) Accept donations, grants, or other financial assistance; and

33 **(3) Apply for grants from the department or any nonprofit or private organization.**

191.1164. 1. A program established under sections 191.1160 to 191.1168 shall
2 **collect the following data:**

3 **(1) The number of individuals served by the program;**

4 **(2) The number of times an individual uses the program's services;**

5 **(3) Demographic profiles of individuals served by the program that include:**

6 **(a) Age;**

7 **(b) Gender;**

8 **(c) Race;**

9 **(d) Zip code of residence; and**

10 **(e) Types of drugs used and methods of administration;**

11 **(4) The number of individuals entering drug counseling and treatment;**

12 **(5) The number of hypodermic needles and syringes distributed;**

13 **(6) The number of individuals who use the services of the program who have been**
14 **arrested for drug-related crimes;**

15 **(7) The program's impact on the crime rate in the neighborhood in which the**
16 **program is located;**

17 **(8) The number of individuals who use the services of the program who adopt safer**
18 **injection practices; and**

19 **(9) The number of individuals rescued and the number of rescue drugs used.**

20 **2. A program may contract with an independent entity to analyze the data collected**
21 **under subsection 1 of this section.**

22 **3. On or before December first each year, a program shall submit to the**
23 **department and the general assembly a report that includes the data collected under**
24 **subsection 1 of this section.**

191.1166. 1. The administrator of a program shall develop and implement a plan
2 **for evaluation of the program as appropriate based on the prevailing knowledge at the**
3 **time.**

4 **2. (1) The evaluation may include:**

5 **(a) Reported changes in the level of drug use among individuals using the services**
6 **of the program; and**

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

9 **(2) The evaluation shall include an analysis of the advisability of continuing the**
10 **program.**

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

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

**7 (2) A staff member of a program, including a health care professional, manager,
8 employee, or volunteer; or**

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

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

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

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