

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2162
101ST GENERAL ASSEMBLY

5011S.04T

2022

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- Section A. Sections 195.206 and 196.1050, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 195.206 and 196.1050, to read as follows:
- 195.206. 1. As used in this section, the following terms shall mean:
- 2 **(1) "Addiction mitigation medication", naltrexone hydrochloride that is**
3 **administered in a manner approved by the United States Food and Drug**
4 **Administration or any accepted medical practice method of administering;**
- 5 ~~[(1)]~~ (2) "Opioid antagonist", naloxone hydrochloride that blocks the effects of an
6 opioid overdose that is administered in a manner approved by the United States Food and
7 Drug Administration or any accepted medical practice method of administering;
- 8 ~~[(2)]~~ (3) "Opioid-related drug overdose", a condition including, but not limited to,
9 extreme physical illness, decreased level of consciousness, respiratory depression, coma, or
10 death resulting from the consumption or use of an opioid or other substance with which an
11 opioid was combined or a condition that a layperson would reasonably believe to be an
12 opioid-related drug overdose that requires medical assistance.
- 13 2. Notwithstanding any other law or regulation to the contrary:
- 14 (1) The director of the department of health and senior services, if a licensed
15 physician, may issue a statewide standing order for an opioid antagonist **or an addiction**
16 **mitigation medication;**

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

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

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

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

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

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

9 2. (1) There is hereby established in the state treasury the "Opioid Addiction
10 Treatment and Recovery Fund", which shall consist of the proceeds of any settlement
11 described in subsection 1 of this section, as well as any funds appropriated by the general
12 assembly, or gifts, grants, donations, or bequests. The state treasurer shall be custodian of the

13 fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve
14 disbursements. The fund shall be a dedicated fund and money in the fund shall be used by the
15 department of mental health, the department of health and senior services, the department of
16 social services, ~~and~~ the department of public safety, **the department of corrections, and**
17 **the judiciary** for the purposes set forth in subsection 1 of this section.

18 (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys
19 remaining in the fund at the end of the biennium shall not revert to the credit of the general
20 revenue fund.

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

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