

SENATE BILL NO. 445

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAY.

1065S.01H

ADRIANE D. CROUSE, Secretary

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 191.1200, 191.1203, 191.1206, 191.1209, and 191.1212, to read as follows:

191.1200. 1. For the purposes of sections 191.1200 to 191.1212, 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.

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

20 (3) The department shall make its determination of
21 whether to approve an application submitted under this
22 subsection based on the ability of the community-based
23 organization to satisfy the requirements of sections
24 191.1200 to 191.1212.

25 (4) The department shall:

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

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

191.1203. 1. A program shall:

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

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

8 (3) Answer questions about safe injection practices;

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

12 (5) Provide referrals to services, including:

13 (a) Substance use disorder counseling and treatment
14 services;

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

17 (c) Reproductive health education and services; and

18 (d) Wound care;

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

21 (7) Provide overdose prevention education and access
22 to or referrals to obtain naloxone;

23 (8) Educate participants regarding proper disposal of
24 hypodermic needles and syringes;

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

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

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

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

33 (1) Substance use disorder counseling and treatment
34 services;

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

37 (3) Reproductive health education and services; and

38 (4) Wound care.

39 3. A program may:

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

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

45 (3) Apply for grants from the department or any
46 nonprofit or private organization.

191.1206. 1. A program established under sections
2 191.1200 to 191.1212 shall collect the following data:

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

- 4 (2) The number of times an individual uses the
5 program's services;
- 6 (3) Demographic profiles of individuals served by the
7 program that include:
- 8 (a) Age;
- 9 (b) Gender;
- 10 (c) Race;
- 11 (d) Zip code of residence; and
- 12 (e) Types of drugs used and methods of administration;
- 13 (4) The number of individuals entering drug counseling
14 and treatment;
- 15 (5) The number of hypodermic needles and syringes
16 distributed;
- 17 (6) The number of individuals who use the services of
18 the program who have been arrested for drug-related crimes;
- 19 (7) The program's impact on the crime rate in the
20 neighborhood in which the program is located;
- 21 (8) The number of individuals who use the services of
22 the program who adopt safer injection practices; and
- 23 (9) The number of individuals rescued and the number
24 of rescue drugs used.

25 2. A program may contract with an independent entity
26 to analyze the data collected under subsection 1 of this
27 section.

28 3. On or before December first each year, a program
29 shall submit to the department and the general assembly a
30 report that includes the data collected under subsection 1
31 of this section.

 191.1209. 1. The administrator of a program shall
2 develop and implement a plan for evaluation of the program
3 as appropriate based on the prevailing knowledge at the time.

4 2. (1) The evaluation may include:

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

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

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

191.1212. 1. Any of the following persons acting in
2 accordance with the provisions of sections 191.1200 to
3 191.1212 shall not be subject to arrest, prosecution, or any
4 civil or administrative penalty, including a civil penalty
5 or disciplinary action by a professional licensing board, or
6 be denied any right or privilege for involvement in the
7 operation or use of services of the program:

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

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

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

13 2. Any property owner, manager, employee, volunteer,
14 or individual using the services of a program and acting in
15 accordance with the provisions of sections 191.1200 to
16 191.1212 shall not be subject to the seizure or forfeiture
17 of any real or personal property used in connection with a
18 program under state or local law.

19 3. Notwithstanding the provisions of subsections 1 and
20 2 of this section to the contrary, a property owner,
21 manager, employee, volunteer, or individual using the
22 services of a program shall not be immune from criminal
23 prosecution for any activities not authorized or approved by
24 the program.

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