

SENATE BILL NO. 989

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAY.

Read 1st time February 10, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5235S.01I

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
2 sections, to be known as sections 191.1200, 191.1203, 191.1206, 191.1209, and
3 191.1212, to read as follows:

**191.1200. 1. For the purposes of sections 191.1200 to 191.1212, the
2 following terms shall mean:**

3 **(1) "Community-based organization", a public or private
4 organization that:**

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

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

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

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

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

13 **3. (1) A community-based organization may establish a safe
14 consumption facility program in one or more jurisdictions with the
15 approval of the department.**

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

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

22 of sections 191.1200 to 191.1212.

23 (4) The department shall:

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

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

191.1203. 1. A program shall:

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

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

8 (3) Answer questions about safe injection practices;

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

12 (5) Provide referrals to services, including:

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

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

16 (c) Reproductive health education and services; and

17 (d) Wound care;

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

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

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

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

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

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

- 31 **2. A program may offer additional services, including:**
32 **(1) Substance use disorder counseling and treatment services;**
33 **(2) Testing for HIV, viral hepatitis, and sexually transmitted**
34 **diseases;**
35 **(3) Reproductive health education and services; and**
36 **(4) Wound care.**
37 **3. A program may:**
38 **(1) With the consent of the individual, bill the insurance carrier**
39 **of an individual who uses the services of the program for the cost of**
40 **covered services;**
41 **(2) Accept donations, grants, or other financial assistance; and**
42 **(3) Apply for grants from the department or any nonprofit or**
43 **private organization.**

- 191.1206. 1. A program established under sections 191.1200 to**
2 **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 program's**
5 **services;**
6 **(3) Demographic profiles of individuals served by the program**
7 **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 and**
14 **treatment;**
15 **(5) The number of hypodermic needles and syringes distributed;**
16 **(6) The number of individuals who use the services of the**
17 **program who have been arrested for drug-related crimes;**
18 **(7) The program's impact on the crime rate in the neighborhood**
19 **in which the program is located;**
20 **(8) The number of individuals who use the services of the**
21 **program who adopt safer injection practices; and**
22 **(9) The number of individuals rescued and the number of rescue**
23 **drugs used.**
24 **2. A program may contract with an independent entity to analyze**

25 the data collected under subsection 1 of this section.

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

191.1209. 1. The administrator of a program shall develop and
2 implement a plan for evaluation of the program as appropriate based
3 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 individuals
6 using the services of the program; and

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

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

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

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

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

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

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

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

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