

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 538

98TH GENERAL ASSEMBLY

1040H.05P

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To amend chapters 195 and 338, RSMo, by adding thereto two new sections relating to dispensing opioid antagonist drugs.

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

Section A. Chapters 195 and 338, RSMo, are amended by adding thereto two new sections, to be known as sections 195.206 and 338.205, to read as follows:

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

**(1) “Opioid antagonist”, any intranasal naloxone that binds to opioid receptors and blocks or disinhibits the effects of opioids acting on those receptors;**

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

**2. Notwithstanding any other law or regulation to the contrary, any licensed pharmacist or pharmacy technician in Missouri may sell and dispense an opioid antagonist under physician protocol to any person who is at least eighteen years of age with a valid Missouri identification card or driver license. The licensed pharmacist or pharmacy technician shall record the date of sale, the identification number of the dispensed drug, and the name, address, and date of birth of the person receiving the opioid antagonist.**

**3. A licensed pharmacist or pharmacy technician who, acting in good faith and with reasonable care, sells or dispenses an opioid antagonist and appropriate device to administer the drug and the protocol physician shall not be subject to any criminal or civil**

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 liability or any professional disciplinary action for prescribing or dispensing the opioid  
19 antagonist or any outcome resulting from the administration of the opioid antagonist.

20 4. Notwithstanding any other law or regulation to the contrary, it shall be  
21 permissible for any person to possess an opioid antagonist.

22 5. Any person who administers an opioid antagonist to another person shall,  
23 immediately after administering the drug, contact emergency personnel. Any person who,  
24 acting in good faith and with reasonable care, administers an opioid antagonist to another  
25 person whom the person believes to be suffering an opioid-related drug overdose shall be  
26 immune from criminal prosecution, disciplinary actions from his or her professional  
27 licensing board, and civil liability due to the administration of the opioid antagonist.

338.205. 1. Notwithstanding any other law or regulation to the contrary, any  
2 person or organization acting under a standing order issued by a health care professional  
3 who is otherwise authorized to prescribe an opioid antagonist may store an opioid  
4 antagonist without being subject to the licensing and permitting requirements of this  
5 chapter and may dispense an opioid antagonist if the person does not collect a fee or  
6 compensation for dispensing the opioid antagonist.

7 2. As used in this section, the term “opioid antagonist” shall mean any intranasal  
8 naloxone that binds to opioid receptors and blocks or disinhibits the effects of opioids  
9 acting on those receptors.

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