

SECOND REGULAR SESSION

HOUSE BILL NO. 2797

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DOGAN.

5646H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to the fentanyl testing strip pilot program.

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

Section A. Chapter 191, RSMo, is amended by adding thereto one new section, to be
2 known as section 191.1175, to read as follows:

3 **191.1175. 1. Subject to appropriation, there is hereby established a three-year**
4 **pilot program for the purpose of implementing and studying the efficacy, public health,**
5 **and public safety outcomes of the use of fentanyl testing strips by individuals addicted to**
6 **opioids and other substances.**

7 **2. The department of health and senior services shall develop the three-year pilot**
8 **program to implement and study the public health and public safety outcomes of**
9 **fentanyl testing strips. The pilot program shall be a competitive grant process. The**
10 **department of health and senior services shall develop criteria for grant eligibility,**
11 **which shall include the implementation of a fentanyl testing program that shall be**
12 **designed to:**

13 **(1) Enable those struggling with opioid and other drug addiction to test for the**
14 **presence of fentanyl and other derivatives before each episode of drug use;**

15 **(2) Study the program's public health and public safety outcomes, including any**
strategies or behaviors adopted by individuals using test strips that result in the
reduction of overdose and overdose death; and

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.

16 **(3) Enable the use of fentanyl test strips by police, service providers, individuals**
17 **dependent on drugs, and others to support the creation of rapid response systems and**
18 **public health warnings to reduce incidence of overdose deaths.**

19 **3. The department of health and senior services shall develop and make public a**
20 **list of laboratories offering quality test strips. The list shall be updated annually as part**
21 **of the pilot program.**

22 **4. (1) There is hereby created in the state treasury the "Fentanyl Testing Strip**
23 **Program Fund", which shall consist of moneys appropriated to it by the general**
24 **assembly and any gifts, contributions, grants, or bequests received from federal, private,**
25 **or other sources. The state treasurer shall be custodian of the fund. In accordance with**
26 **sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund**
27 **shall be a dedicated fund and, upon appropriation, moneys in this fund shall be used**
28 **solely as provided in this section.**

29 **(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
30 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
31 **general revenue fund.**

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

35 **5. (1) The department of health and senior services may promulgate rules and**
36 **regulations for the pilot program, which may include, but not be limited to:**

37 **(a) Rules that regulate the nature and manner of testing;**

38 **(b) Rules that regulate the procedures and apparatus for testing;**

39 **(c) Rules that require and provide for a data collection and management plan to**
40 **be used by the department of health and senior services to manage outreach, testing,**
41 **data access, fees and fee payments, and any required reports; and**

42 **(d) Rules that allow for those participating in the program, in addition to any**
43 **and all necessary education, treatment, or rehabilitation programs, to access**
44 **government and nongovernmental drug addiction treatment programs while**
45 **accessing fentanyl testing strips.**

46 **(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is**
47 **created under the authority delegated in this section shall become effective only if it**
48 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
49 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
50 **vested with the general assembly pursuant to chapter 536 to review, to delay the**
51 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**

52 then the grant of rulemaking authority and any rule proposed or adopted after August
53 28, 2022, shall be invalid and void.

54 6. The department of health and senior services shall develop guidelines and an
55 evaluation process for review of the fentanyl testing strip program.

56 7. The department of health and senior services shall report annually on the
57 activities and status of the program to the general assembly and to the chairs of both the
58 house of representatives and senate standing committees with jurisdiction over matters
59 relating to health care. The report shall include a list and description of all programs
60 that received grant funds, the size of the grant awarded to each program, other sources
61 of public funds that supported each program, and a detailed analysis of the impact of
62 each program, including the number of individuals participating, the types of services
63 each participant received, the health and safety outcomes of the participants at the time
64 they completed the program and one, six, twelve, and twenty-four months following
65 participation in the program, and the lives saved and estimated savings due to reduced
66 overdoses.

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