

House File 2296 - Introduced

HOUSE FILE 2296

BY FORBES

A BILL FOR

1 An Act relating to the provision of harm reduction vending
2 machines.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 124.414, subsection 1, paragraph b, Code
2 2024, is amended to read as follows:

3 *b.* "Drug paraphernalia" does not include ~~hypodermic~~ any of
4 the following:

5 (1) Hypodermic needles or syringes if manufactured,
6 delivered, sold, or possessed for a lawful purpose.

7 (2) Equipment, products, or materials used to analyze or
8 test for the presence of fentanyl, a fentanyl analog, or a drug
9 adulterant within a controlled substance.

10 Sec. 2. Section 135.190, Code 2024, is amended to read as
11 follows:

12 **135.190 Possession and administration of opioid antagonists**
13 **— harm reduction vending machines — immunity.**

14 1. For purposes of this section subchapter, unless the
15 context otherwise requires:

16 *a.* "Community-based organization" means a public or private
17 organization that provides health or human services to meet the
18 needs of a community including but not limited to a nonprofit
19 organization, a social service provider, or an organization
20 providing substance abuse disorder prevention, treatment,
21 recovery, or harm reduction services.

22 *b.* "Fentanyl test strip" means equipment, products, or
23 materials used to analyze or test for the presence of fentanyl,
24 a fentanyl analog, or a drug adulterant within a controlled
25 substance.

26 *c.* "First responder" means an emergency medical care
27 provider, a registered nurse staffing an authorized service
28 program under section 147A.12, a physician assistant staffing
29 an authorized service program under section 147A.13, a fire
30 fighter, or a peace officer as defined in section 801.4 who is
31 trained and authorized to administer an opioid antagonist.

32 *d.* "Harm reduction vending machine" means a vending machine
33 stocked with opioid antagonists and fentanyl test strips that
34 are accessed free of charge through an access code obtained
35 by calling the telephone number or visiting the internet site

1 provided on the vending machine.

2 ~~b.~~ e. "Licensed health care professional" means the same as
3 defined in [section 280.16](#).

4 ~~e.~~ f. "Opioid antagonist" means the same as defined in
5 section 147A.1.

6 ~~d.~~ g. "Opioid-related overdose" means the same as defined
7 in [section 147A.1](#).

8 ~~e.~~ h. "Person in a position to assist" means a family
9 member, friend, caregiver, community-based organization, health
10 care provider, employee of a substance use disorder treatment
11 facility, school employee, first responder as defined in
12 section 147A.1, or other person who may be in a place to render
13 aid to a person at risk of experiencing an opioid-related
14 overdose.

15 ~~f.~~ i. "Secondary distributor" means a law enforcement
16 agency, emergency medical services program, fire department,
17 school district, health care provider, licensed behavioral
18 health provider, county health department, or the department
19 of health and human services.

20 2. *a.* Notwithstanding any other provision of law to the
21 contrary, a licensed health care professional may prescribe an
22 opioid antagonist to a person in a position to assist or to a
23 secondary distributor.

24 *b.* (1) Notwithstanding any other provision of law to the
25 contrary, a pharmacist licensed under [chapter 155A](#) may, by
26 standing order or through collaborative agreement, dispense,
27 furnish, or otherwise provide an opioid antagonist to a person
28 in a position to assist or to a secondary distributor.

29 (2) A pharmacist or secondary distributor who dispenses,
30 furnishes, or otherwise provides an opioid antagonist pursuant
31 to a valid prescription, standing order, or collaborative
32 agreement shall provide written instruction, which shall
33 include emergency, crisis, and substance use referral contact
34 information, to the recipient in accordance with any protocols
35 and instructions developed by the department under this

1 section.

2 3. A person in a position to assist may possess and provide
3 or administer an opioid antagonist to an individual if the
4 person in a position to assist reasonably and in good faith
5 believes that such individual is experiencing an opioid-related
6 overdose.

7 4. a. Notwithstanding any other provision of law to the
8 contrary, the chief medical officer of the department may issue
9 a standing order that does not identify individual patients
10 at the time it is issued for the purpose of dispensing opioid
11 antagonists to a person in a position to assist.

12 b. Notwithstanding any provision of law to the contrary, the
13 chief medical officer of the department shall issue a standing
14 order that does not identify individual patients at the time
15 it is issued for the purpose of dispensing opioid antagonists
16 through harm reduction vending machines as provided in section
17 135.190B.

18 5. A person in a position to assist may distribute an opioid
19 antagonist to any individual pursuant to [this section](#).

20 6. A person in a position to assist, a secondary
21 distributor, or a prescriber of an opioid antagonist who has
22 acted reasonably and in good faith shall not be liable for
23 any injury arising from the provision, administration, or
24 assistance in the administration of an opioid antagonist as
25 provided in [this section](#).

26 7. A school district may obtain a valid prescription for an
27 opioid antagonist and maintain a supply of opioid antagonists
28 in a secure location at each location where a student may be
29 present for use as provided in [this section](#).

30 8. The department may adopt rules pursuant to [chapter 17A](#) to
31 implement and administer [this section](#).

32 Sec. 3. Section 135.190A, Code 2024, is amended to read as
33 follows:

34 **135.190A Opioid antagonist ~~medication~~ fund.**

35 1. An opioid antagonist ~~medication~~ fund for first

1 responders is created within the state treasury under the
2 control of the department. The fund shall consist of moneys
3 appropriated to or deposited into the fund.

4 2. Moneys in the fund are appropriated to the department for
5 the purchase, maintenance, and replacement of opioid ~~antagonist~~
6 ~~medication~~ antagonists administered by first responders to
7 persons experiencing an opioid-related overdose, and for the
8 purchase, maintenance, and replacement of opioid antagonists
9 provided through harm reduction vending machines pursuant
10 to section 135.190B. The department ~~is authorized to~~ may
11 designate moneys in the fund for the purchase, maintenance, and
12 replacement of opioid ~~antagonist medication~~ antagonists used by
13 the department or other entities under [this section](#).

14 3. First responders may contact the department for the
15 procurement of opioid ~~antagonist medication~~ antagonists, and
16 community-based organizations may contact the department for
17 the procurement of opioid antagonists to be placed in harm
18 reduction vending machines. The department shall keep a record
19 of the distribution of moneys from the fund.

20 4. The fund may consist of available federal or state moneys
21 available, as well as any available opioid lawsuit settlement
22 moneys. Funds may be transferred between other state agencies
23 and the fund as appropriate.

24 5. Notwithstanding [section 8.33](#), moneys in the fund
25 that remain unencumbered or unobligated at the close of
26 a fiscal year shall not revert but shall remain available
27 for expenditure for the purposes designated unless federal
28 regulations otherwise require. Notwithstanding section 12C.7,
29 subsection 2, interest or earnings on moneys in the fund shall
30 be credited to the fund.

31 6. The department shall submit a report to the general
32 assembly on or before December 31 of each year which shall
33 contain a list of deposits and expenditures from the fund for
34 the prior fiscal year and the amount of carryover funds, if
35 any, to be distributed in the next fiscal year.

1 ~~7. For purposes of this section:~~

2 ~~a. "First responder" means an emergency medical care~~
3 ~~provider, a registered nurse staffing an authorized service~~
4 ~~program under section 147A.12, a physician assistant staffing~~
5 ~~an authorized service program under section 147A.13, a fire~~
6 ~~fighter, or a peace officer as defined in section 801.4 who is~~
7 ~~trained and authorized to administer an opioid antagonist.~~

8 ~~b. "Opioid antagonist" means the same as defined in section~~
9 ~~147A.1.~~

10 ~~c. "Opioid-related overdose" means the same as defined in~~
11 ~~section 147A.1.~~

12 Sec. 4. NEW SECTION. 135.190B Harm reduction vending
13 machines — immunity — rules.

14 1. The department shall collaborate with the department
15 of public safety, the Iowa harm reduction coalition, and
16 community-based organizations to develop and implement a
17 strategic plan to place and continuously stock harm reduction
18 vending machines to make opioid antagonists and fentanyl test
19 strips readily available to the public in areas throughout the
20 state with the highest prevalence of opioid-related overdose.

21 2. A person who controls, manages, or legally accesses a
22 harm reduction vending machine and who acts reasonably and in
23 good faith shall not be liable for any injury arising from the
24 provision, administration, or assistance in the administration
25 of an opioid antagonist accessed through a harm reduction
26 vending machine as provided in this section.

27 3. The department shall adopt rules pursuant to chapter 17A
28 to administer this section.

29 Sec. 5. CODE EDITOR DIRECTIVE. The Code editor is directed
30 to rename subchapter XXXIII in chapter 135 "OPIOID ANTAGONISTS
31 — QUALIFIED IMMUNITY — FUND — HARM REDUCTION VENDING
32 MACHINES" and include sections 135.190 through 135.190B.

33 EXPLANATION

34 The inclusion of this explanation does not constitute agreement with
35 the explanation's substance by the members of the general assembly.

1 This bill relates to the provision of harm reduction vending
2 machines. The bill amends Code section 135.190 (possession and
3 administration of opioid antagonists — immunity) to provide
4 definitions used in the bill including “harm reduction vending
5 machine” which is defined as a vending machine stocked with
6 opioid antagonists and fentanyl test strips that are accessed
7 free of charge through the use of an access code obtained by
8 calling the telephone number or visiting the internet site
9 provided on the vending machine. Code section 135.190 is also
10 amended to require that, notwithstanding any provision of law
11 to the contrary, the chief medical officer of the department of
12 health and human services (HHS) shall issue a standing order
13 that does not identify individual patients at the time it is
14 issued for the purpose of dispensing opioid antagonists through
15 harm reduction vending machines.

16 The bill amends Code section 135.190A (opioid antagonist
17 medication fund) to provide that the moneys in the fund and
18 appropriated to HHS may be used for the purchase, maintenance,
19 and replacement of opioid antagonists to be placed in harm
20 reduction vending machines; and to provide that community-based
21 organizations may contact HHS for the procurement of opioid
22 antagonists to be placed in harm reduction vending machines.

23 The bill creates new Code section 135.190B (harm reduction
24 vending machines — immunity — rules). The bill requires
25 HHS to collaborate with the department of public safety,
26 the Iowa harm reduction coalition, and community-based
27 organizations to develop and implement a strategic plan to
28 place and continuously stock harm reduction vending machines
29 to make opioid antagonists and fentanyl test strips available
30 to the public in areas throughout the state with the highest
31 prevalence of opioid-related overdose. The bill provides that
32 a person who controls, manages, or legally accesses a harm
33 reduction vending machine and who acts reasonably and in good
34 faith shall not be liable for any injury arising from the
35 provision, administration, or assistance in the administration

1 of an opioid antagonist accessed through a harm reduction
2 vending machine. HHS shall adopt administrative rules to
3 administer the new Code section.

4 Under current Code section 124.414 (drug paraphernalia) a
5 person who knowingly or intentionally manufactures, delivers,
6 sells, or possesses drug paraphernalia commits a simple
7 misdemeanor. A simple misdemeanor is punishable by confinement
8 for no more than 30 days and a fine of at least \$105 but not
9 more than \$855. The bill exempts from the definition of
10 "drug paraphernalia" equipment, products, or materials used
11 to analyze or test for the presence of fentanyl, a fentanyl
12 analog, or a drug adulterant within a controlled substance.