

**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.