



Region 7 Harm Reduction Laws

Drug overdose is a continuing epidemic that claimed the lives of over 67,000 Americans in 2018. Opioids, either alone or in combination with other substances, were responsible for approximately 70% of these deaths. Many of these lost lives and other opioid-related harms are preventable through the timely administration of the opioid reversal drug naloxone and, where appropriate, other follow-up care.

Similarly, consistent access to new injection supplies is critical to prevent the transmission of HIV, viral hepatitis, and other bloodborne diseases among people who inject drugs, and to prevent subsequent infection of sexual partners, children, and others. Unfortunately, state laws and local rules can make it difficult for people who inject drugs to access these lifesaving supplies, and variations in laws among states can create confusion among both people who inject drugs and people and organizations working to ensure that they have the supplies they need to protect themselves and others.



This document is designed to reduce this information gap and help individuals and organizations better understand how the legal landscape in their state may impact access to harm reduction services and supplies, including overdose Good Samaritan laws, which provide limited protection from criminal sanctions to encourage people to call for help in an overdose emergency. Specifically, it covers laws related to syringe possession and distribution, naloxone access, statewide naloxone standing orders, and overdose Good Samaritan overdose protections in all 50 states and the District of Columbia.

For each state, each area of law is briefly explained in plain language. The relevant citation is also listed, together with a hyperlink that will take the reader to the text of the law. All information is current as of September 15, 2020.





Region 7 Harm Reduction Laws

This document was developed by the Harm Reduction Legal Project with the support of NEXT Distro, an online and mail-based harm reduction platform designed to reduce opioid overdose death, prevent injection-related disease transmission, and improve the lives of people who use drugs. For more information about the Harm Reduction Legal Project or to request information or technical assistance regarding harm reduction law or policy, please visit <https://www.networkforphl.org/resources/topics/projects/harm-reduction-legal-project/> or email harmreduction@networkforphl.org. For more information about NEXT Distro or to access harm reduction supplies, please visit <https://nextdistro.org/>. The information contained in this document is available in an easy to access format on the NEXT website at <https://nextdistro.org/policies>.

For more information on each of the laws describe below, please see the following hyperlinks:

[Syringe Possession and Distribution](#)

[Naloxone Access](#)

[Naloxone Standing Order](#)

[The Good Samaritan Law](#)

The laws described below were pulled from a larger, nationwide document that included each state. This document provides information about these laws in Region 7 states (Iowa, Kansas, Missouri, and Nebraska) specifically.





Region 7 Harm Reduction Laws

Iowa

Syringe Possession & Distribution

- Iowa Code § 124.414
- All equipment, products or materials used to inject a controlled substance into the human body are considered drug paraphernalia.
- Manufacture, delivery, sale, or possession of drug paraphernalia is a simple misdemeanor. However, the law excludes syringes from the definition of drug paraphernalia if they are manufactured, delivered, sold, or possessed for a “lawful purpose.”
- Syringe exchange is not currently legal in Iowa.

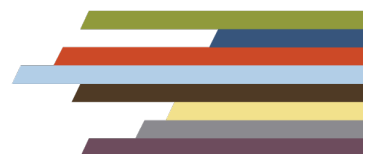
Naloxone Access Law

- Iowa Code § 135.190
- A licensed healthcare professional may prescribe, and a pharmacist may give out, naloxone to a person in a position to help another person at risk of experiencing an overdose.
- A prescriber who has acted reasonably and in good faith is not liable for any injury caused by any administration of the naloxone.
- Pharmacists may give out naloxone under a traditional prescription as well as through a standing order or collaborative practice agreement.
- A person in a position to help may possess and provide or administer naloxone to a person they reasonably and in good faith believe is experiencing an overdose, and is not liable for any injury resulting from their help.

Naloxone Standing Order

https://pharmacy.iowa.gov/sites/default/files/documents/2019/09/iowa_naloxone_standing_order_-_092119.pdf Allows pharmacists to provide intranasal naloxone (Narcan and generic atomizer) and auto-injector naloxone (like Evzio).

- Allows pharmacists to give naloxone to a person at risk of overdose, a friend, family member, or person in a position to help someone at risk of overdose, or a first responder employed by a service program, law enforcement agency, or fire department.
- Requires pharmacists to determine the person seeking naloxone’s eligibility and keep an eligibility form on file for each person seeking naloxone.
- Requires people seeking naloxone to complete training provided by the pharmacist.
- Allows pharmacists to give out up to 5 naloxone kits to any one person at one time unless more is reasonable and justified.
- Minors must have parental consent to get naloxone under the standing order.





Region 7 Harm Reduction Laws

Good Samaritan Law

[Iowa Code § 124.418](#)

If a person calls for help for themselves, information or evidence collected as a result of calling for help cannot be considered probable cause or be admissible as evidence for the following crimes:

- o Delivery of a controlled substance without profit
- o Possession of a controlled substance
- o Hosting of people using controlled substances
- o Possession of drug paraphernalia

If a person seeks help for another person in need of medical assistance, the same immunity applies, but the individual seeking help must:

- o Be the first person to seek help for the patient
- o Provide their name and contact information to law enforcement or medical personnel
- o Remain on the scene until help arrives
- o Cooperate with law enforcement or medical personnel

A person's pretrial release, probation, supervised release, or parole cannot be revoked based on information collected as a result of calling for help.

Calling for help or providing help can be used as a mitigating factor in other prosecutions.

[Iowa Code § 124.418\(4\)](#).

Both the person who overdosed and a person who reported the overdose of another person may receive this immunity one time only.





Region 7 Harm Reduction Laws

Kansas

Syringe Possession & Distribution

- Kan. Stat. Ann. § 21-5709; § 21-5710
- Syringes are drug paraphernalia under Kan. Stat. Ann. § 21-5701 if used or intended to be used to inject controlled substances.
- Use, possession, or possession with intent to use drug paraphernalia is a class B nonperson misdemeanor if the goal was to use a controlled substance. Higher penalties exist if the paraphernalia was used or possessed to manufacture or test a controlled substance.
- Distribution, or possession with intent to distribute, drug paraphernalia is illegal and punishable as several levels of felony or misdemeanor, with higher penalties when distributing to minors or near schools.
- There are no laws allowing syringe services programs.

Naloxone Access Law

- Kan. Stat. Ann. § 65-16,127
- Allows pharmacists to provide naloxone to a person believed to be at risk of experiencing an opioid overdose and to a family member, friend, caregiver or other person in a position to help a person whom the helper believes, in good faith, to be experiencing an opioid overdose without an individual prescription under a state protocol.
- Any prescriber or pharmacist who prescribes or gives out naloxone in good faith and with reasonable care is not civilly or criminally liable, and cannot be subject to professional discipline.
- Any patient, bystander, or first responder who receives and administers naloxone is not subject to civil liability or criminal prosecution in most cases.

Naloxone Standing Order

- https://www.pharmacy.ks.gov/docs/default-source/Naloxone/naloxone-statewide-protocol---official.pdf?sfvrsn=c709a601_6
- Kansas does not have a standing order, but instead has a protocol that allows pharmacists to give out naloxone without an individual prescription. Because Kansas's protocol requires pharmacists to opt-in to the protocol, check with the pharmacy before attempting to get naloxone to see if they participate.
- Kansas's protocol covers intranasal naloxone (both Narcan spray and generic atomizer), intramuscular naloxone, and auto-injector naloxone (like Evzio).
- Parental consent is required to provide naloxone to anyone under 18.





Region 7 Harm Reduction Laws

Kansas (continued)

- The pharmacist is required to give **counseling** on how to administer naloxone and where to get substance use disorder (SUD) treatment to anyone getting naloxone under the protocol.

Good Samaritan Law

- Kansas does not have drug overdose Good Samaritan law protections.

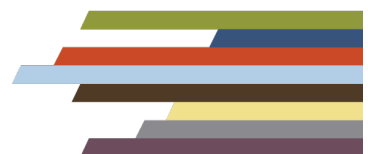
Missouri

Syringe Possession & Distribution

- [Mo. Ann. Stat. § 579.074; 579.040](#)
- Syringes are drug paraphernalia when used, intended for use, or designed for use in injecting controlled substances into the body. [Mo. Ann. Stat. § 195.010 \(18\)\(k\)](#).
- The use, possession with intent to use, sale or delivery, and possession with intent to sell or deliver drug paraphernalia that a reasonable person would know will be used to inject a controlled substance into the body is illegal.
- The use or possession with intent to use drug paraphernalia is a class D misdemeanor, with higher penalties for repeat offenses. [Mo. Ann. Stat. § 579.074 \(2\)](#).
- Sale or delivery and possession with intent to sell or deliver drug paraphernalia is a class A misdemeanor. [Mo. Ann. Stat. § 579.040 \(1\)](#).
- Syringe exchange is not authorized in Missouri.

Naloxone Access Law

- [Mo. Ann. Stat. § 195.206; Mo. Ann. Stat. § 338.205](#)
- The director of the department of health, if they are a physician, or a licensed physician acting with the consent of the director, may issue a statewide standing order for naloxone.
- Any pharmacist may give out naloxone under the standing order or a physician protocol, and is immune from criminal or civil liability or professional discipline so long as they act with good faith and reasonable care. A physician who authorizes a protocol also receives this immunity.
- The physician authorizing the standing order is immune from criminal or civil liability and professional discipline.
- Any person can possess naloxone.





Region 7 Harm Reduction Laws

Missouri (continued)

- Any person who administers naloxone to a someone suffering from an opioid-related overdose is immune from criminal or civil liability or professional discipline so long as they act with good faith and reasonable care.
- Pharmacists may give naloxone to anyone they are authorized to give it to under the standing order or protocol. [Mo. Ann. Stat. § 195.206](#).
- Any person who lawfully receives naloxone may store it and give it out so long as they do it for free.

Naloxone Standing Order

- <http://pr.mo.gov/boards/pharmacy/NaloxoneStandingOrder.pdf>
- The order allows pharmacists to give intranasal naloxone (either Narcan spray or generic atomizer) or intramuscular naloxone to people who at risk of overdose or a friend, family member, or other person in the position to help in the case of an overdose.
- The standing order requires that everyone given naloxone must be trained on its use.

Good Samaritan Law

- [Mo. Ann. Stat. § 195.205](#)
- A person who calls for help in good faith for themselves or another person experiencing a drug overdose may not be arrested, charged, prosecuted, or convicted for possession of a controlled substance or imitation controlled substance, possession or use of drug paraphernalia, or public nuisance, so long as the evidence for the charges is discovered as a result of calling for help.
- Any person protected from charges under this law cannot be penalized for violation of a protective order or for violation of a condition of probation or parole. They are also not subject to civil forfeiture.
- The person who overdosed has the same protections.





Region 7 Harm Reduction Laws

Nebraska

Syringe Possession & Distribution

- [Neb. Rev. Stat. Ann. § 28-441](#)
- The use, possession with intent to use, sale or delivery, and possession with intent to sell or deliver drug paraphernalia to inject controlled substances is illegal. [Neb. Rev. Stat. Ann. § 28-441 \(1\); 28-442\(1\)](#).
- Syringes are considered drug paraphernalia. [Neb. Rev. Stat. Ann. § 28-439 \(3\)](#).
- Use or possession with intent to use drug paraphernalia is an infraction. [Neb. Rev. Stat. Ann. § 28-441\(2\)](#).
- Delivery or possession with intent to deliver drug paraphernalia is a class II misdemeanor, with higher penalties for delivery to a minor. [Neb. Rev. Stat. Ann. § 28-442\(3\); 28-443](#).
- The delivery statute does not apply to pharmacy employees who sell syringes for the prevention of the spread of infectious diseases. Syringe exchange is not authorized in Nebraska.

Naloxone Standing Order

- <http://dhhs.ne.gov/PublishingImages/Pages/Drug-Overdose-Prevention-Naloxone/Naloxone%20Standing%20Order.pdf>
- The order allows pharmacists to give intranasal naloxone (either Narcan spray or generic atomizer), intramuscular naloxone, and auto-injector naloxone (like Evzio) to individuals.
- At least two naloxone doses must be dispensed, and refills are permitted as needed.

Good Samaritan Law

- [Neb. Rev. Stat. Ann. § 28-472](#)
- A person may not be arrested, charged, or prosecuted with certain types of simple possession or use of a controlled substance or drug paraphernalia so long as the person sought help in good faith for themselves or another person as soon as possible and the evidence for the charge was discovered as a result of calling for help.
- When calling for another person, the person who calls for help must remain at the scene until EMS or law enforcement arrives and must cooperate with responding parties.
- The person who overdosed has the same protections.





Region 7 Harm Reduction Laws

Additional Resource Links

The original document was developed by Amy Judd Lieberman and Corey Davis at the Network for Public Health Law's Harm Reduction Legal Project (harmreduction@networkforphl.org), with the assistance of Robyn Lin at the University of California, Irvine School of Law and the support of NEXT Distro. The information provided in this document does not constitute legal advice or legal representation. You should always consult with an attorney barred in your state for specific legal advice. This document provides a snapshot of the state of the law as of September 15, 2020.

[Narcan Training](#) – Click to view online training for community members, first responders, and medical professionals on how to use Naloxone.

[Iowa Harm Reduction Resources](#) – Click for more information on the Iowa Harm Reduction Coalition

[Kansas Harm Reduction Resources](#) – Click to learn more about naloxone resources from DCCCA Kansas

[Missouri Harm Reduction Resources](#) - Click to learn more about Harm Reduction projects occurring in Missouri SOR organizations.

[Nebraska Harm Reduction Resources](#) – Click for further education on Nebraska harm reduction policies



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