



Region 7 Harm Reduction Laws

Drug overdose is a continuing epidemic that claimed the lives of over 105,000 Americans in 2023. Opioids, either alone or in combination with other substances, were responsible for approximately 75% 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 the legality of injection and smoking equipment, 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 August 1, 2023.



Mid-America (HHS Region 7)

ATTC

Addiction Technology Transfer Center Network
Funded by Substance Abuse and Mental Health Services Administration

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:

[Harm Reduction Laws in the United States](#)

[Legality of Drug Checking Equipment](#)

[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

Legality of Injection and Smoking Equipment

- [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.

Legality of Drug Checking Equipment

- [Iowa Code § 124.414\(1\)\(a\)\(3\)](#)
- All equipment, products or materials used to “knowingly or intentionally and primarily...test the strength, effectiveness, or purity of a controlled substance” are considered drug paraphernalia.

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.



Region 7 Harm Reduction Laws

Iowa (continued)

Naloxone Standing Order

- The Iowa standing order will likely be found [here](#), but at the time of writing, this website was still transitioning.
- The chief medical officer of the Department of Public Health may issue a standing order “for the purpose of dispensing opioid antagonist to a person in a position to assist.” [Iowa Code 135.190\(4\)](#)
- Iowa law does not clearly permit a prescriber other than the chief medical officer to issue a standing order but permits a pharmacist to dispense under one. [Iowa Code § 147A.18\(b\)\(1\)](#). Further, licensed health care professionals may prescribe an opioid antagonist in the name of a service program, law enforcement agency, fire department, or secondary distributor to be maintained for use as provided by the law. [Iowa Code § 147.18A\(1\)\(a\)](#).

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:
 - Delivery of a controlled substance without profit
 - Possession of a controlled substance
 - Hosting of people using controlled substances
 - 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:
 - Be the first person to seek help for the patient
 - Provide their name and contact information to law enforcement or medical personnel
 - Remain on the scene until help arrives and 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.
- 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 Law

Kansas

Legality of Injection and Smoking Equipment

- [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.

Legality of Drug Checking Equipment

- Equipment to test or analyze controlled substances are drug paraphernalia if used or intended to be used to inject or inhale controlled substances. [Kan. Stat. Ann. § 21-5701\(f\)\(2\)\(D\)](#).
- Use, possession, and distribution of drug checking equipment is prohibited and punishable as paraphernalia as described above.
 - Any materials used to test for the presence of fentanyl, fentanyl analogs, ketamine, or GHB are exempted from the drug paraphernalia law. [Kan. Stat. Ann. § 21-5701\(f\)\(3\)\(B\)](#).

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.



Region 7 Harm Reduction Laws

Kansas (continued)

Naloxone Standing Order

- https://pharmacy.ks.gov/docs/librariesprovider10/naloxone/naloxone-statewide-protocol---official.pdf?sfvrsn=c709a601_14
- 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.
- 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

- Currently there is no Good Samaritan Law in Kansas. But there is a Bill under review that provides immunity from prosecution for certain drug crimes when persons seek or provide medical assistance related to the use of a controlled substance. It is adjourned until Monday, January 13, 2025.

Missouri

Legality of Injection and Smoking Equipment

- [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 \(18\)\(k\)](#).
- Drug paraphernalia includes equipment products, substances and materials used, intended for use, or designed for use in injecting or inhaling controlled substances into the body in violation of the law.
- Possession of drug-related objects, including syringes, is illegal and a misdemeanor punishable by up to one year in jail
- Sale, distribution, or delivery and possession with intent to sell, distribute, or deliver drug paraphernalia is a class A misdemeanor, punishable by up to 1 year incarceration and/or a \$2000 maximum fine. [Mo. Ann. Stat. §§ 579.040\(1\); 558.002\(1\)\(2\)](#).
- Syringe exchange is not authorized in Missouri.



Region 7 Harm Reduction Laws

Missouri (continued)

Legality of Drug Checking Equipment

- [2023 Mo Legis Serv S.B 186](#)
- It is legal to make, own, sell, deliver, or use any device or equipment to test for the presence of fentanyl or any similar synthetic substance

Naloxone Access Law

- [Mo. Ann. Stat. § 195.206](#); [Mo. Ann. Stat. § 338.205](#)
- Anyone in Missouri can legally purchase and possess naloxone.
- 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.
- Pharmacists can provide naloxone under the standing order or physician's protocol and are protected from legal or professional consequences if they act in good faith and with reasonable care. The physician who authorizes the protocol is also protected.
- The physician authorizing the standing order is immune from criminal or civil liability and professional discipline.
- Any person who administers naloxone to 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. The person must contact emergency personnel after administering the drug.
- Pharmacists may give naloxone to anyone they are authorized to give it to under the standing order or protocol.
- Any person who lawfully receives naloxone may store it and give it out so long as they do it for free.

Naloxone Standing Order

- <https://health.mo.gov/data/opioids/pdf/naloxone-standing-order.pdf>
- The order allows Missouri licensed physicians 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.



Region 7 Harm Reduction Laws

Missouri (continued)

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.

Nebraska

Syringe Possession & Distribution

- Syringes and equipment, products, and materials of any kind used to inject or inhale controlled substances in violation of the law are considered drug paraphernalia. [Neb. Rev. Stat. Ann. §28-439\(3\), \(4\)](#).
- Use or possession with intent to use drug paraphernalia is an infraction. [Neb. Rev. Stat. Ann. § 28-441\(2\)](#).
- Delivery, possession with intent to deliver, or sale of drug paraphernalia in violation of the law is a class II misdemeanor. [Neb. Rev. Stat. Ann. § 28-442\(3\)](#).
- The delivery statute does not apply to pharmacy employees who sell syringes for the prevention of the spread of infectious diseases. [Neb. Rev. Stat. Ann. § 28-442\(2\)](#).
- Syringe services programs are not authorized in Nebraska.

Legality of Drug Checking Equipment

- Nebraska's definition of drug paraphernalia does not include references to testing or analyzing. [Neb. Rev. Stat. Ann. § 28-439](#).
- Unlike some other state paraphernalia laws, Nebraska's has not been modified since 1980. Notably, testing equipment was not removed from the law; it was simply never present. This strongly suggests that drug checking equipment is not considered drug paraphernalia in the state.



Region 7 Harm Reduction Laws

Nebraska (continued)

Naloxone Access Law

- Health professionals, authorized to prescribe, may prescribe, administer, or dispense naloxone with reasonable care and are protected from legal trouble. [Neb. Rev. Stat. Ann. § 28-470\(1\)](#).
- Any person who administers naloxone in good faith and who lawfully gets naloxone is immune from administrative action or criminal prosecution [Neb. Rev. Stat. Ann. § 28-470\(2\)](#).
- An emergency responder or law enforcement officer who gets naloxone from their organization and administers naloxone is immune from administrative action or criminal prosecution and cannot be civilly liable for administering the naloxone so long as there was no willful, wanton, or grossly negligent act. [Neb. Rev. Stat. Ann. § 28-470\(3\), \(4\)](#).

Naloxone Standing Order

- <https://dhhs.ne.gov/DOP%20document%20library/Naloxone%20Standing%20Order.pdf>
- This order allows the public to have naloxone dispensed through a pharmacy.
- Certain forms of naloxone, such as Naloxone nasal spray are also available without a prescription for purchase.
- 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, Ashleigh Dennis and Corey Davis at the Network for Public Health Law's Harm Reduction Legal Project (<https://www.networkforphl.org/resources/harm-reduction-laws-in-the-united-states/>), 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 August 1, 2023.

[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.

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



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