Session of 2025

HOUSE BILL No. 2159

By Representatives Proctor and Hoheisel

1-30

AN ACT concerning law enforcement; relating to emergency opioid antagonists; creating the emergency opioid antagonists assistance grant fund to assist law enforcement agencies with purchasing emergency opioid antagonists; maintaining immunity for law enforcement agencies and officers for damages resulting from administering an emergency opioid antagonist; removing law enforcement agencies and officers from the state board of pharmacy's statewide opioid antagonist protocol; amending K.S.A. 2024 Supp. 65-16,127 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) There is hereby established in the state treasury the emergency opioid antagonists assistance grant fund, to be administered by the attorney general. All moneys credited to the fund shall be for providing assistance to law enforcement agencies across the state in purchasing emergency opioid antagonists.

(2) All expenditures from the emergency opioid antagonists assistance account grant fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or the attorney general's designee.

(c) The attorney general shall develop and implement the emergency opioid antagonists assistance grant program with the goal of providing assistance to law enforcement agencies across the state in purchasing emergency opioid antagonists for law enforcement officers to carry while such officers are on duty. Prioritization of emergency opioid antagonists assistance grant fund moneys shall be given to small law enforcement agencies. Only a law enforcement agency that has adopted a policy requiring the administration of emergency opioid antagonists shall be eligible to receive a grant pursuant to this subsection.

(d) On July 1, 2025, and on July 1 of each year thereafter, the director of accounts and reports shall transfer $4,000,000 from the state general fund to the emergency opioid antagonist assistance grant fund.

Sec. 2. K.S.A. 2024 Supp. 65-16,127 is hereby amended to read as follows: 65-16,127. (a) As used in this section:

(1) "Bystander" means a family member, friend, caregiver or other

person in a position to assist a person who the family member, friend, caregiver or other person believes, in good faith, to be experiencing an opioid overdose.

(2) "Emergency opioid antagonist" means any drug that inhibits the effects of opioids and that is approved by the United States food and drug administration for the treatment of an opioid overdose.

(3) *(A)* "First responder" includes any emergency medical service provider, as defined by K.S.A. 65-6112, and amendments thereto, ~~any law enforcement officer, as defined by K.S.A. 22-2202, and amendments thereto,~~ and any actual member of any organized fire department, whether regular or volunteer.

(B) "First responder" does not include any law enforcement officer, as defined in K.S.A. 22-2202, and amendments thereto.

(4) *(A)* "First responder agency" includes, but is not limited to, any ~~law enforcement agency,~~ fire department ~~or criminal forensic laboratory~~ of any city, county or the state of Kansas.

(B) "First responder agency" does not include any law enforcement agency.

(5) "Opioid antagonist protocol" means the protocol established by the state board of pharmacy pursuant to subsection (b).

(6) "Opioid overdose" means an acute condition including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, mania or death, resulting from the consumption or use of an opioid or another substance with which an opioid was combined, or that a layperson would reasonably believe to be resulting from the consumption or use of an opioid or another substance with which an opioid was combined, and for which medical assistance is required.

(7) "Patient" means a person believed to be at risk of experiencing an opioid overdose.

(8) "School nurse" means a professional nurse licensed by the board of nursing and employed by a school district to perform nursing procedures in a school setting.

(9) "Healthcare provider" means a physician licensed to practice medicine and surgery by the state board of healing arts, a licensed dentist, a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto, or any person authorized by law to prescribe medication.

(b) The state board of pharmacy shall issue a statewide opioid antagonist protocol that establishes requirements for a licensed pharmacist to dispense emergency opioid antagonists to a person pursuant to this section. The opioid antagonist protocol shall include procedures to ensure accurate recordkeeping and education of the person to whom the emergency opioid antagonist is furnished, including, but not limited to:

Opioid overdose prevention, recognition and response; safe administration of an emergency opioid antagonist; potential side effects or adverse events that may occur as a result of administering an emergency opioid antagonist; a requirement that the administering person immediately contact emergency medical services for a patient; and the availability of drug treatment programs.

(c) A pharmacist may furnish an emergency opioid antagonist to a patient or bystander subject to the requirements of this section, the pharmacy act of the state of Kansas and any rules and regulations adopted by the state board of pharmacy thereunder.

(d) A pharmacist furnishing an emergency opioid antagonist pursuant to this section may not permit the person to whom the emergency opioid antagonist is furnished to waive any consultation required by this section or any rules and regulations adopted thereunder.

(e) Any first responder, scientist or technician operating under a first responder agency or school nurse is authorized to possess, store, distribute and administer emergency opioid antagonists as clinically indicated, provided that all personnel with access to emergency opioid antagonists are trained, at a minimum, on the following:

(1) Techniques to recognize signs of an opioid overdose;

(2) standards and procedures to store, distribute and administer an emergency opioid antagonist;

(3) emergency follow-up procedures, including the requirement to summon emergency ambulance services either immediately before or immediately after administering an emergency opioid antagonist to a patient; and

(4) inventory requirements and reporting any administration of an emergency opioid antagonist to a healthcare provider.

(f) (1) Any first responder agency electing to provide an emergency opioid antagonist to its employees or volunteers for the purpose of administering the emergency opioid antagonist shall procure the services of a physician to serve as physician medical director for the first responder agency's emergency opioid antagonist program.

(2) The first responder agency shall utilize the physician medical director or a licensed pharmacist for the purposes of:

(A) Obtaining a supply of emergency opioid antagonists;

(B) receiving assistance developing necessary policies and procedures that comply with this section and any rules and regulations adopted thereunder;

(C) training personnel; and

(D) coordinating agency activities with local emergency ambulance services and medical directors to provide quality assurance activities.

(g) (1) Any healthcare provider or pharmacist who, in good faith and

with reasonable care, prescribes or dispenses an emergency opioid antagonist pursuant to this section shall not, by an act or omission, be subject to civil liability, criminal prosecution or any disciplinary or other adverse action by a professional licensure entity arising from the healthcare provider or pharmacist prescribing or dispensing the emergency opioid antagonist.

(2) Any patient, bystander, school nurse, or a first responder, scientist or technician operating under a first responder agency, who, in good faith and with reasonable care, receives and administers an emergency opioid antagonist pursuant to this section to a person experiencing a suspected opioid overdose shall not, by an act or omission, be subject to civil liability or criminal prosecution, unless personal injury results from the gross negligence or willful or wanton misconduct in the administration of the emergency opioid antagonist.

(3) Any first responder agency employing or contracting any person that, in good faith and with reasonable care, administers an emergency opioid antagonist pursuant to this section to a person experiencing a suspected opioid overdose shall not, by an act or omission, be subject to civil liability, criminal prosecution, any disciplinary or other adverse action by a professional licensure entity or any professional review.

(4) Any law enforcement officer, as defined in K.S.A. 22-2202, and amendments thereto, or law enforcement agency employing or contracting with any person who, in good faith and with reasonable care, administers an emergency opioid antagonist to a person experiencing a suspected opioid overdose shall not, by an act or omission, be subject to civil liability, criminal prosecution, any disciplinary or other adverse action by a professional licensure entity or any professional review.

(h) The state board of pharmacy shall adopt rules and regulations as may be necessary to implement the provisions of this section prior to January 1, 2018.

(i) This section shall be a part of and supplemental to the pharmacy act of the state of Kansas.

Sec. 3. K.S.A. 2024 Supp. 65-16,127 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.