

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2250** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Substitute for House Bill No. 2250 with Senate Committee amendments, as follows:

On page 1, following line 8, by inserting:

"New Section 1. (a) As used in this section:

- (1) "Department" means the department of health and environment.
 - (2) "Expedited partner therapy" means to prescribe, administer, dispense or otherwise provide antimicrobial drugs to a sexual partner of a patient clinically diagnosed by a healthcare provider as infected with a sexually transmitted disease without a physical examination of such sexual partner.
 - (3) "Healthcare provider" means a practitioner or mid-level practitioner as those terms are defined in K.S.A. 65-1626, and amendments thereto.
 - (4) "Pharmacist" means a person licensed by the state board of pharmacy to practice pharmacy.
 - (5) "Secretary" means the secretary of health and environment or the secretary's designee.
 - (6) "Sexually transmitted disease" means any disease transmitted through sexual contact, defined by rules and regulations adopted by the secretary as a reportable infectious disease under K.S.A. 65-118, and amendments thereto, and designated as appropriate for expedited partner therapy by rules and regulations adopted by the secretary.
- (b) (1) A healthcare provider who clinically diagnoses a patient with a sexually

transmitted disease may provide expedited partner therapy if, in the professional judgment of the healthcare provider, the patient's sexual partner is unlikely or unable to present for examination, testing and treatment.

(2) A healthcare provider who provides expedited partner therapy shall provide counseling to the patient, including distributing written materials developed and provided by the department to be given by the patient to the patient's sexual partner.

(3) A healthcare provider shall use expedited partner therapy only for a patient's sexual partner who may have been exposed to a sexually transmitted disease within 60 days immediately prior to the patient's clinical diagnosis and who is able to be contacted and identified by the patient.

(4) A child who is 16 years of age or older may consent to receive expedited partner therapy when no parent or guardian is immediately available.

(c) (1) No healthcare provider or pharmacist shall be liable for civil damages resulting from any act or omission in good faith compliance with the provisions of this section, including civil damages for refusing to provide expedited partner therapy, other than an act or omission constituting gross negligence or intentional or reckless misconduct.

(2) No healthcare provider or pharmacist shall be subject to disciplinary action by the state board of healing arts, the board of nursing or the state board of pharmacy, as applicable, on the basis of an act or omission in good faith compliance with the provisions of this section, other than an act or omission constituting gross negligence or intentional or reckless misconduct.

(d) The department shall include the following information in written materials developed and provided for distribution as required by subsection (b)(2):

(1) A warning that a woman who is pregnant or might be pregnant should not take certain antibiotics and should immediately contact a healthcare provider for an examination;

(2) information about the antimicrobial drug and dosage provided or prescribed, including a warning that a sexual partner who has a history of allergy to the drug or the pharmaceutical class of drug should not take the drug and should immediately contact a healthcare provider for examination;

(3) information about the treatment and prevention of sexually transmitted diseases;

(4) the requirement of sexual abstinence until a period of time after treatment to prevent infecting other sexual partners;

(5) notification of the importance of the sexual partners receiving examination and testing for human immunodeficiency virus and other sexually transmitted diseases and information about available resources;

(6) notification of the risk to the patient, the patient's sexual partner and the general public if the sexually transmitted disease is not completely and successfully treated;

(7) the responsibility of the sexual partner to inform the sexual partner's own sexual partners of the risk of sexually transmitted disease and the importance of prompt examination and treatment by a healthcare provider; and

(8) such other information deemed necessary by the secretary.

(e) The secretary shall adopt rules and regulations as necessary to implement and administer this section.

New Sec. 2. (a) A licensed private psychiatric hospital that utilizes the services of a pharmacist may stock and maintain an emergency medication kit approved by such hospital's medical staff and pharmacist.

(b) The emergency medication kit shall be used only in emergency cases under the supervision and direction of a prescriber and a pharmacist who shall have supervisory responsibility of maintaining such kit.

(c) Drugs in an emergency medication kit shall be maintained under the control of the pharmacist-in-charge of the pharmacy from which the kit came until administered to the patient upon the proper order of a practitioner.

(d) Drugs contained within the emergency medication kit may include controlled substances, but in such a case, a pharmaceutical services committee shall be responsible for specifically limiting the type and quantity of controlled substance to be placed in each emergency kit.

(e) Administration of controlled substances contained within the emergency medication kit shall be in compliance with the provisions of the uniform controlled substances act.

(f) The pharmacist-in-charge of the licensed private psychiatric hospital shall be responsible for developing procedures, proper control and accountability for the emergency kit and maintain complete and accurate records.

(g) The secretary and the state board of pharmacy shall jointly adopt such rules and regulations that are necessary to effectuate the provisions of this act. Such rules and regulations shall include, but not be limited to, the contents of the emergency medication kit, procedures for the control and accountability of the emergency medication kit, recordkeeping and storage of the emergency medication kit.

(h) As used in this section:

(1) "Emergency medication kit" means a stock supply of such drugs as are required to meet the immediate therapeutic needs of patients when the drug is not available from another source in sufficient time to prevent harm;

(2) "licensed private psychiatric hospital" means an institution, excluding state institutions as defined in K.S.A. 76-12a01, and amendments thereto, that is primarily engaged in providing services, by and under the supervision of qualified professionals, for the diagnosis and

treatment of mentally ill individuals that is licensed pursuant to K.S.A. 39-2008, and amendments thereto;

(3) "pharmacist" means the same as defined in K.S.A. 65-1626, and amendments thereto;

(4) "pharmacist-in-charge" means the same as defined in K.S.A. 65-1626, and amendments thereto;

(5) "practitioner" means the same as defined in K.S.A. 65-1626, and amendments thereto;

(6) "prescriber" means the same as defined in K.S.A. 65-1626, and amendments thereto; and

(7) "secretary" means the secretary of health and environment.";

Also on page 1, in line 9, by striking "Section 1." and inserting "Sec. 3";

On page 5, following line 30, by inserting:

"Sec. 5. K.S.A. 2025 Supp. 65-1680 is hereby amended to read as follows: 65-1680. (a) A pharmacist may distribute a stock supply of standard-dose and pediatric-dose epinephrine ~~auto-injectors~~ delivery systems to a school pursuant to a prescription made pursuant to K.S.A. 72-6283, and amendments thereto, from a physician or mid-level practitioner in the name of the school. A pharmacist who distributes a stock supply of standard-dose or pediatric-dose epinephrine ~~auto-injectors~~ delivery systems to a school shall not be liable for civil damages resulting from the administration of such medication pursuant to this section, K.S.A. 65-2872b or 72-6283, and amendments thereto.

(b) A pharmacist may distribute a stock supply of albuterol metered-dose inhalers, albuterol solution and spacers to a school pursuant to a prescription made pursuant to K.S.A. 72-6283, and amendments thereto, from a physician or mid-level practitioner in the name of the

school. A pharmacist who distributes a stock supply of albuterol metered-dose inhalers, albuterol solution or spacers to a school shall not be liable for civil damages resulting from the administration of such medication pursuant to this section, K.S.A. 65-2872b or 72-6283, and amendments thereto.

(c) The terms used in this section mean the same as defined in K.S.A. 72-6283, and amendments thereto.

Sec. 6. K.S.A. 72-6282 is hereby amended to read as follows: 72-6282. (a) As used in this section:

(1) "Medication" means a medicine prescribed by a ~~health care~~ healthcare provider for the treatment of anaphylaxis or asthma, including, but not limited to, any medicine defined in section 201 of the federal food, drug and cosmetic act, inhaled bronchodilators and ~~auto-injectible~~ epinephrine delivery systems.

(2) "~~Health care~~Healthcare provider" means:

(A) A physician licensed by the state board of healing arts to practice medicine and surgery; or

~~(B) an advanced practice registered nurse issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs as provided by K.S.A. 65-1130, and amendments thereto; or (C) a physician assistant licensed pursuant to the physician assistant licensure act who has authority to prescribe drugs prior to January 11, 2016, pursuant to a written protocol with a responsible physician under K.S.A. 65-28a08, and amendments thereto, and on and after January 11, 2016, pursuant to a written agreement with a supervising physician under K.S.A. 65-28a08, and amendments thereto~~ a mid-level practitioner as such term is defined in K.S.A. 65-1626, and amendments thereto.

(3) "School" means any public or accredited nonpublic school.

(4) "Self-administration" means a student's discretionary use of such student's medication pursuant to a prescription or written direction from a ~~health-care~~ healthcare provider.

(b) Each school district shall adopt a policy authorizing the self-administration of medication by students enrolled in kindergarten or any of the grades one through 12. A student shall meet all requirements of a policy adopted pursuant to this subsection. Such policy shall include:

(1) A requirement of a written statement from the student's ~~health-care~~ healthcare provider stating the name and purpose of the medication; the prescribed dosage; the time the medication is to be regularly administered, ~~and~~ any additional special circumstances under which the medication is to be administered; and the length of time for which the medication is prescribed;

(2) a requirement that the student has demonstrated to the ~~health-care~~ healthcare provider or such provider's designee and the school nurse or such nurse's designee the skill level necessary to use the medication and any device that is necessary to administer such medication as prescribed. If there is no school nurse, the school shall designate a person for the purposes of this subsection;

(3) a requirement that the ~~health-care~~ healthcare provider has prepared a written treatment plan for managing asthma or anaphylaxis episodes of the student and for medication use by the student during school hours;

(4) a requirement that the student's parent or guardian has completed and submitted to the school any written documentation required by the school, including the treatment plan prepared as required by paragraph (3) and documents related to liability;

(5) a requirement that all teachers responsible for the student's supervision shall be notified that permission to carry medications and self-medicate has been granted; and

(6) any other requirement imposed by the school district pursuant to this section and K.S.A. 72-1138(e), and amendments thereto.

(c) A school district shall require annual renewal of parental authorization for the self-administration of medication.

(d) A school district, and its officers, employees and agents, ~~which~~ that authorizes the self-administration of medication in compliance with the provisions of this section shall not be held liable in any action for damage, injury or death resulting directly or indirectly from the self-administration of medication.

(e) A school district shall provide written notification to the parent or guardian of a student that the school district and its officers, employees and agents are not liable for damage, injury or death resulting directly or indirectly from the self-administration of medication. The parent or guardian of the student shall sign a statement acknowledging that the school district and its officers, employees or agents incur no liability for damage, injury or death resulting directly or indirectly from the self-administration of medication and agreeing to release, indemnify and hold the school and its officers, employees and agents; harmless from and against any claims relating to the self-administration of such medication.

(f) A school district shall require that any back-up medication provided by the student's parent or guardian be kept at the student's school in a location to which the student has immediate access in the event of an asthma or anaphylaxis emergency.

(g) A school district shall require that information described in subsection (b)(3) and (4) be kept on file at the student's school in a location easily accessible in the event of an asthma or anaphylaxis emergency.

(h) An authorization granted pursuant to subsection (b) shall allow a student to possess and use such student's medication at any place where a student is subject to the jurisdiction or

supervision of the school district or its officers, employees or agents.

(i) A board of education may adopt a policy pursuant to K.S.A. 72-1138(e), and amendments thereto, ~~which~~ that:

(1) Imposes requirements relating to the self-administration of medication ~~which~~ that are in addition to those required by this section; and

(2) establishes a procedure for, and the conditions under which, the authorization for the self-administration of medication may be revoked.

Sec. 7. K.S.A. 2025 Supp. 72-6283 is hereby amended to read as follows: 72-6283. (a) As used in this section, K.S.A. 65-1680 and 65-2872b, and amendments thereto:

(1) "Albuterol" means a short-acting beta-2 agonist-inhaled medication, otherwise known as a bronchodilator, that is prescribed by a physician or mid-level practitioner for the treatment of respiratory distress.

(2) "Albuterol metered-dose inhaler" means a portable drug delivery system containing a canister of multiple premeasured doses of albuterol in a device actuator.

(3) "Albuterol solution" means a liquid form of albuterol for use with a nebulizer.

(4) "Anaphylaxis" or "anaphylactic reaction" means a sudden, severe and potentially life-threatening multi-system allergic reaction.

(5) "Designated school personnel" means an employee, officer, agent or volunteer of a school who has completed training, documented by the school nurse, a physician or a mid-level practitioner, to administer emergency medication on a voluntary basis outside of the scope of employment.

(6) "Emergency medication" means epinephrine or albuterol.

(7) "Epinephrine" means a medication prescribed by a physician or mid-level practitioner for the emergency treatment of anaphylaxis prior to the arrival of emergency medical

system responders.

(8) "~~Epinephrine auto-injector~~ delivery system" means a device that ~~automatically injects~~ is approved by the federal food and drug administration, contains a premeasured dose of epinephrine and is used to administer epinephrine into the human body.

(9) "Mid-level practitioner" means the same as ~~such term~~ is defined in K.S.A. 65-1626, and amendments thereto.

(10) "Nebulizer" means a device that is used to change a liquid medication to a fine spray of liquid or mist for the administration of the medication through inhalation.

(11) "Pharmacist" means the same as ~~such term~~ is defined in K.S.A. 65-1626, and amendments thereto.

(12) "Physician" means any person licensed by the state board of healing arts to practice medicine and surgery.

(13) "Respiratory distress" means impaired ventilation of the respiratory system or impaired oxygenation of the blood.

(14) "School" means any school operated by a school district organized under the laws of this state or any accredited nonpublic school that provides education to elementary or secondary students.

(15) "School nurse" means a registered nurse licensed by the board of nursing to practice nursing in Kansas or a licensed practical nurse working under a registered nurse who is employed by a school to perform nursing services in a school setting.

(16) "Spacer" means a holding chamber that is used to optimize the delivery of aerolized albuterol from an albuterol metered-dose inhaler.

(17) "Stock supply" means an appropriate quantity of emergency medication as recommended by a physician or mid-level practitioner.

(b) (1) A school may maintain a stock supply of emergency medication upon obtaining a prescription from a physician or mid-level practitioner in the name of the school. A physician or mid-level practitioner shall review the school's policies and procedures established pursuant to subsection (c) prior to prescribing such emergency medication.

(2) A stock supply of epinephrine may consist of one or more standard-dose or pediatric-dose epinephrine ~~auto-injectors~~ delivery systems. A school nurse or designated school personnel may administer such epinephrine in an emergency situation to any individual who displays the signs and symptoms of anaphylaxis at school, on school property or at a school-sponsored event if such school nurse or designated school personnel reasonably believes that an individual is exhibiting the signs and symptoms of an anaphylactic reaction.

(3) A stock supply of albuterol may consist of one or more albuterol metered-dose inhalers, one or more doses of albuterol solution and one or more spacers or nebulizers. A school nurse or designated school personnel may administer such albuterol in an emergency situation to any individual who displays the signs and symptoms of respiratory distress at school, on school property or at a school-sponsored event if such school nurse or designated school personnel reasonably believes that an individual is exhibiting the signs and symptoms of respiratory distress.

(c) A school that maintains a stock supply of emergency medication shall establish school policies and procedures relating to:

(1) Storage of the emergency medication, which shall require that the emergency medication is stored:

(A) In a safe location that is readily accessible to the school nurse or designated school personnel; and

(B) in accordance with manufacturer temperature recommendations;

(2) periodic monitoring of the inventory and expiration dates of emergency medication;

(3) administration of emergency medication by designated school personnel; and

(4) training requirements for designated school personnel, which shall be conducted by a school nurse, physician or mid-level practitioner on not less than on an annual basis for such designated school personnel. Such training shall include, but not be limited to, the following:

(A) Recognition of the symptoms of anaphylaxis and respiratory distress;

(B) administration of emergency medication;

(C) calling for emergency medical system responders;

(D) monitoring the condition of an individual after emergency medication has been administered;

(E) notification of the parent, guardian or next of kin; and

(F) safe disposal and sanitation of used equipment.

(d) A school shall publish information related to the school's emergency medication policies and procedures and shall maintain records of the training provided to designated school personnel.

(e) A school may accept monetary gifts, grants and donations to carry out the provisions of this section or may accept epinephrine ~~auto-injectors~~ delivery systems, albuterol metered-dose inhalers, albuterol solution, spacers or nebulizers from a manufacturer or wholesaler.";

Also on page 5, in line 31, before "K.S.A." by inserting "K.S.A. 72-6282 and"; also in line 31, by striking "and" and inserting ", 65-1680,"; also in line 31, after "65-16,127" by inserting "and 72-6283"; in line 33, by striking "4";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "to"; in line 2, by striking "assistance" and inserting "certain medications; relating to treatment of sexually transmitted infection

treatment; permitting the use of expedited partner therapy for the treatment thereof; authorizing a licensed private psychiatric hospital to maintain a stock supply of emergency medication kits for pharmaceutical emergencies"; in line 4, after the semicolon by inserting "permitting a pharmacist to distribute epinephrine delivery systems to a school for emergency medication kits; amending definitions related to medication in schools to allow for use of epinephrine delivery systems;"

Also on page 1, in the title, in line 5, after "amending" by inserting "K.S.A. 72-6282 and"; also in line 5, by striking the first "and" and inserting ", 65-1680,"; also in line 5, after "65-16,127" by inserting "and 72-6283";

And your committee on conference recommends the adoption of this report.

Conferees on part of Senate

Conferees on part of House