

**HOUSE BILL No. 2159**

By Representatives Proctor and Hoheisel

1-30

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

10

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (A) Obtaining a supply of emergency opioid antagonists;

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

40 (C) training personnel; and

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

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

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

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

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

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

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

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

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

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