

HOUSE BILL No. 2436

By Representatives Wikle, Amyx, Brownlee Paige, Carmichael, Carr, Ellis, Featherston, Haskins, Hoheisel, Johnson, Martinez, McDonald, Melton, Meyer, Mosley, Neighbor, Oropenza, Poskin, Proctor, Reavis, S. Ruiz, Sweely, Waggoner, Woodard and Xu

1-14

1 AN ACT concerning health and healthcare; relating to rendering medical
2 assistance; allowing for the use of expired opioid antagonists to treat an
3 opioid overdose; amending K.S.A. 2025 Supp. 22-2312 and repealing
4 the existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2025 Supp. 22-2312 is hereby amended to read as
8 follows: 22-2312. (a) A law enforcement officer shall not take a person
9 into custody based solely on the commission of an offense described in
10 subsection (b) if the law enforcement officer, after making a reasonable
11 determination and considering the facts and surrounding circumstances,
12 reasonably believes that the person:

13 (1) (A) Initiated contact with a law enforcement officer, law
14 enforcement agency or emergency medical services and requested medical
15 assistance on the person's own behalf because the person reasonably
16 believed they needed medical assistance as a result of the use of a
17 controlled substance; and

18 (B) cooperated with law enforcement officers and emergency medical
19 services personnel in providing such medical assistance;

20 (2) (A) was a person who rendered aid, *including administering an*
21 *emergency opioid antagonist*, to another person who reasonably appeared
22 to need medical assistance as a result of the use of a controlled substance
23 or initiated contact with a law enforcement officer, law enforcement
24 agency or emergency medical services and requested medical assistance
25 for another person who reasonably appeared to need medical assistance as
26 a result of the use of a controlled substance;

27 (B) provided such person's full name and any other relevant
28 information that is necessary to provide the medical assistance described
29 in paragraph (2)(A) as requested by law enforcement or emergency
30 medical services;

31 (C) remained at the scene with the person who reasonably appeared
32 to need medical assistance until emergency medical services personnel and
33 law enforcement officers arrived; and

34 (D) cooperated with emergency medical services personnel and law

1 enforcement officers in providing such medical assistance; or

2 (3) (A) was the person who reasonably appeared to need medical
3 assistance as a result of the use of a controlled substance as described in
4 subsection (a)(2)(A); and

5 (B) cooperated with emergency medical services personnel and law
6 enforcement officers in providing such medical assistance.

7 (b) (1) Except as provided in paragraph (2), each person who meets
8 the criteria in subsection (a) is immune from criminal prosecution for a
9 violation of K.S.A. 21-5706 or 21-5709(b)(2), and amendments thereto,
10 and any city ordinance or county resolution prohibiting the acts prohibited
11 by K.S.A. 21-5706 or 21-5709(b)(2), and amendments thereto.

12 (2) No person is immune from criminal prosecution as provided in
13 paragraph (1) if the quantity of controlled substances found at the scene of
14 the encounter with law enforcement would be sufficient to create a
15 rebuttable presumption of an intent to distribute as described in K.S.A. 21-
16 5705(e), and amendments thereto.

17 (c) The provisions of this section shall not apply to a person seeking
18 medical assistance during the course of the execution of an arrest warrant
19 or search warrant or a lawful search.

20 (d) Nothing in this section shall be construed to preclude a person
21 who is immune from criminal prosecution pursuant to this section from
22 being prosecuted based on evidence obtained from an independent source.

23 (e) A person shall not be allowed to initiate or maintain an action
24 against a law enforcement officer, or the officer's employer, based on the
25 officer's compliance or failure to comply with this section. Except in cases
26 of reckless or intentional misconduct, a law enforcement officer shall be
27 immune from liability for arresting a person who is later determined to be
28 immune from prosecution pursuant to this section.

29 (f) As used in this section:

30 (1) "Controlled substance" means the same as defined in K.S.A. 21-
31 5701, and amendments thereto; and.

32 (2) *"Emergency opioid antagonist" means an intranasal form of a*
33 *drug that inhibits the effects of opioids and that is approved by the federal*
34 *food and drug administration for the treatment of an opioid overdose.*
35 *"Emergency opioid antagonist" includes an expired emergency opioid*
36 *antagonist up to 10 years past such emergency opioid antagonist's*
37 *expiration date.*

38 (2)(3) "Law enforcement officer" means the same as defined in
39 K.S.A. 21-5111, and amendments thereto.

40 Sec. 2. K.S.A. 2025 Supp. 22-2312 is hereby repealed.

41 Sec. 3. This act shall take effect and be in force from and after its
42 publication in the statute book.