

SENATE BILL No. 193

By Committee on Public Health and Welfare

2-4

1 AN ACT concerning the state board of pharmacy; relating to emergency
2 opioid antagonists; removing law enforcement agencies and officers
3 from the board's statewide opioid antagonist protocol; amending K.S.A.
4 2024 Supp. 65-16,127 and repealing the existing section.

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

7 Section 1. K.S.A. 2024 Supp. 65-16,127 is hereby amended to read as
8 follows: 65-16,127. (a) As used in this section:

9 (1) "Bystander" means a family member, friend, caregiver or other
10 person in a position to assist a person who the family member, friend,
11 caregiver or other person believes, in good faith, to be experiencing an
12 opioid overdose.

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

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

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

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

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

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

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

1 required.

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

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

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

11 (b) The state board of pharmacy shall issue a statewide opioid
12 antagonist protocol that establishes requirements for a licensed pharmacist
13 to dispense emergency opioid antagonists to a person pursuant to this
14 section. The opioid antagonist protocol shall include procedures to ensure
15 accurate recordkeeping and education of the person to whom the
16 emergency opioid antagonist is furnished, including, but not limited to:
17 Opioid overdose prevention, recognition and response; safe administration
18 of an emergency opioid antagonist; potential side effects or adverse events
19 that may occur as a result of administering an emergency opioid
20 antagonist; a requirement that the administering person immediately
21 contact emergency medical services for a patient; and the availability of
22 drug treatment programs.

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

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

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

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

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

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

43 (4) inventory requirements and reporting any administration of an

1 emergency opioid antagonist to a healthcare provider.

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

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

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

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

13 (C) training personnel; and

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

16 (g) (1) Any healthcare provider or pharmacist who, in good faith and
17 with reasonable care, prescribes or dispenses an emergency opioid
18 antagonist pursuant to this section shall not, by an act or omission, be
19 subject to civil liability, criminal prosecution or any disciplinary or other
20 adverse action by a professional licensure entity arising from the
21 healthcare provider or pharmacist prescribing or dispensing the emergency
22 opioid antagonist.

23 (2) Any patient, bystander, school nurse, *law enforcement officer, as*
24 *defined in K.S.A. 22-2202, and amendments thereto*, or a first responder,
25 scientist or technician operating under a first responder agency, who, in
26 good faith and with reasonable care, receives and administers an
27 emergency opioid antagonist pursuant to this section to a person
28 experiencing a suspected opioid overdose shall not, by an act or omission,
29 be subject to civil liability or criminal prosecution, unless personal injury
30 results from the gross negligence or willful or wanton misconduct in the
31 administration of the emergency opioid antagonist.

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

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

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

1 Sec. 2. K.S.A. 2024 Supp. 65-16,127 is hereby repealed.

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