

## Substitute for SENATE BILL No. 193

By Committee on Public Health and Welfare

2-17

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1 AN ACT concerning the state board of pharmacy; relating to emergency  
2 opioid antagonists; exempting law enforcement agencies who do not  
3 provide emergency opioid antagonist pursuant to the statewide protocol  
4 from the requirement to procure a physician medical director;  
5 amending K.S.A. 2024 Supp. 65-16,127 and repealing the existing  
6 section.

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

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

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

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

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

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

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

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

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

1 opioid overdose.

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

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

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

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

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

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

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

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

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

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

43 (f) (1) Any first responder agency electing to provide an emergency

1 opioid antagonist to its employees or volunteers for the purpose of  
2 administering the emergency opioid antagonist shall procure the services  
3 of a physician to serve as physician medical director for the first responder  
4 agency's emergency opioid antagonist program.

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

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

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

11 (C) training personnel; and

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

14 (3) *A law enforcement agency shall be exempt from this subsection  
15 unless electing to provide an emergency opioid antagonist dispensed or  
16 furnished pursuant to the opioid antagonist protocol in subsection (b).*

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

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

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

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

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

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

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