

**As Amended by House Committee**

*Session of 2017*

**HOUSE BILL No. 2217**

By Committee on Health and Human Services

1-31

1 AN ACT concerning emergency opioid antagonists; relating to standards  
2 governing the use and administration thereof; education requirements;  
3 civil and criminal liability.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

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

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

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

14 (3) "First responder" includes any attendant, as defined by K.S.A. 65-  
15 6112, and amendments thereto, any law enforcement officer, as defined by  
16 K.S.A. 22-2202, and amendments thereto, and any actual member of any  
17 organized fire department, whether regular or volunteer.

18 (4) "First responder agency" includes, but is not limited to, any law  
19 enforcement agency, fire department, ~~ambulance service~~ or criminal  
20 forensic laboratory of any city, county or the state of Kansas.

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

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

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

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

36 (9) "Healthcare provider" means a physician licensed to practice

1 medicine and surgery by the state board of healing arts, a licensed dentist,  
2 a mid-level practitioner as defined by K.S.A. 65-1626, and amendments  
3 thereto, or any person authorized by law to prescribe medication—~~except~~  
4 ~~that "healthcare provider" does not include a certified nurse-midwife.~~

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

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

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

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

- 30 (1) Techniques to recognize signs of an opioid overdose;
- 31 (2) standards and procedures to store and administer an emergency  
32 opioid antagonist;
- 33 (3) emergency follow-up procedures, including the requirement to  
34 summon emergency ambulance services either immediately before or  
35 immediately after administering an emergency opioid antagonist to a  
36 patient; and
- 37 (4) inventory requirements and reporting any administration of an  
38 emergency opioid antagonist to a healthcare provider.

39 (f) (1) Any first responder agency electing to provide an emergency  
40 opioid antagonist **to its employees or volunteers** for the purpose of  
41 administering the emergency opioid antagonist shall procure the services  
42 of a physician to serve as physician medical director for the first responder  
43 agency's emergency opioid antagonist program.

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

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

4 (B) receiving assistance developing necessary policies and  
5 procedures that comply with this section and any rules and regulations  
6 adopted thereunder;

7 (C) training personnel; and

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

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

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

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

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

34 (i) This section shall be part of and supplemental to the pharmacy act  
35 of the state of Kansas.

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