

As Amended by House Committee

Session of 2025

HOUSE BILL No. 2159

By Representatives Proctor and Hoheisel

1-30

House Committee on Health and Human Services

Proposed Amendment to HB 2159

March 3, 2025

Prepared by the Office of Revisor of Statutes

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~~ **\$500,000** from the state
33 general 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)-(4) "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, any law enforcement officer, as defined by K.S.A. 22-2202, and~~
11 ~~amendments thereto, and any actual member of any organized fire~~
12 ~~department, whether regular or volunteer.~~

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

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

law enforcement agency,

or criminal forensic laboratory

18 ~~(B) "First responder agency" does not include any law enforcement~~
19 ~~agency.~~

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

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

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

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

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

39 (b) The state board of pharmacy shall issue a statewide opioid
40 antagonist protocol that establishes requirements for a licensed pharmacist
41 to dispense emergency opioid antagonists to a person pursuant to this
42 section. The opioid antagonist protocol shall include procedures to ensure
43 accurate recordkeeping and education of the person to whom the

1 emergency opioid antagonist is furnished, including, but not limited to:
2 Opioid overdose prevention, recognition and response; safe administration
3 of an emergency opioid antagonist; potential side effects or adverse events
4 that may occur as a result of administering an emergency opioid
5 antagonist; a requirement that the administering person immediately
6 contact emergency medical services for a patient; and the availability of
7 drug treatment programs.

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

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

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

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

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

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

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

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

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

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

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

41 (C) training personnel; and

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

1 **(3) A law enforcement agency shall be exempt from this**
2 **subsection unless such law enforcement agency elects to provide an**
3 **emergency opioid antagonist dispensed or furnished pursuant to the**
4 **opioid antagonist protocol in subsection (b).**

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

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

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

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

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

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

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

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