

As Further Amended by House Committee

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Session of 2025

HOUSE BILL No. 2159

By Representatives Proctor and Hoheisel

1-30

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 See: 2: Section 1. K.S.A. 2024 Supp. 65-16,127 is hereby amended to

1 read as follows: 65-16,127. (a) As used in this section:

2 (1) "Bystander" means a family member, friend, caregiver or other
3 person in a position to assist a person who the family member, friend,
4 caregiver or other person believes, in good faith, to be experiencing an
5 opioid overdose.

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

9 ~~(3)-(4) "First responder" includes any emergency medical service~~
10 ~~provider, as defined by K.S.A. 65-6112, and amendments thereto, any law~~
11 ~~enforcement officer, as defined by K.S.A. 22-2202, and amendments~~
12 ~~thereto, any law enforcement officer, as defined by K.S.A. 22-2202, and~~
13 ~~amendments thereto, and any actual member of any organized fire~~
14 ~~department, whether regular or volunteer.~~

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

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

21 ~~(B) "First responder agency" does not include any law enforcement~~
22 ~~agency.~~

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

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

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

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

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

42 (b) The state board of pharmacy shall issue a statewide opioid
43 antagonist protocol that establishes requirements for a licensed pharmacist

1 to dispense emergency opioid antagonists to a person pursuant to this
2 section. The opioid antagonist protocol shall include procedures to ensure
3 accurate recordkeeping and education of the person to whom the
4 emergency opioid antagonist is furnished, including, but not limited to:
5 Opioid overdose prevention, recognition and response; safe administration
6 of an emergency opioid antagonist; potential side effects or adverse events
7 that may occur as a result of administering an emergency opioid
8 antagonist; a requirement that the administering person immediately
9 contact emergency medical services for a patient; and the availability of
10 drug treatment programs.

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

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

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

- 24 (1) Techniques to recognize signs of an opioid overdose;
- 25 (2) standards and procedures to store, distribute and administer an
26 emergency opioid antagonist;
- 27 (3) emergency follow-up procedures, including the requirement to
28 summon emergency ambulance services either immediately before or
29 immediately after administering an emergency opioid antagonist to a
30 patient; and
- 31 (4) inventory requirements and reporting any administration of an
32 emergency opioid antagonist to a healthcare provider.

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

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

- 40 (A) Obtaining a supply of emergency opioid antagonists;
- 41 (B) receiving assistance developing necessary policies and
42 procedures that comply with this section and any rules and regulations
43 adopted thereunder;

1 (C) training personnel; and

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

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

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

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

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

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

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

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

41 Sec. 3. 2. K.S.A. 2024 Supp. 65-16,127 is hereby repealed.

42 Sec. 4. 3. This act shall take effect and be in force from and after its
43 publication in the statute book.