

Substitute for HOUSE BILL No. 2250

By Committee on Health and Human Services

2-17

1 AN ACT concerning health and healthcare; relating to rendering medical  
2 assistance; allowing for the use of expired *emergency* opioid  
3 antagonists to treat an opioid overdose; *permitting first responders to*  
4 *distribute and administer expired emergency opioid antagonists*;  
5 amending K.S.A. 2025 Supp. 22-2312 *and 65-16,127* and repealing the  
6 existing ~~section~~ *sections*.

7  
8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 2025 Supp. 22-2312 is hereby amended to read as  
10 follows: 22-2312. (a) A law enforcement officer shall not take a person  
11 into custody based solely on the commission of an offense described in  
12 subsection (b) if the law enforcement officer, after making a reasonable  
13 determination and considering the facts and surrounding circumstances,  
14 reasonably believes that the person:

15 (1) (A) Initiated contact with a law enforcement officer, law  
16 enforcement agency or emergency medical services and requested medical  
17 assistance on the person's own behalf because the person reasonably  
18 believed they needed medical assistance as a result of the use of a  
19 controlled substance; and

20 (B) cooperated with law enforcement officers and emergency medical  
21 services personnel in providing such medical assistance;

22 (2) (A) was a person who rendered aid, *including administering an*  
23 *emergency opioid antagonist*, to another person who reasonably appeared  
24 to need medical assistance as a result of the use of a controlled substance  
25 or initiated contact with a law enforcement officer, law enforcement  
26 agency or emergency medical services and requested medical assistance  
27 for another person who reasonably appeared to need medical assistance as  
28 a result of the use of a controlled substance;

29 (B) provided such person's full name and any other relevant  
30 information that is necessary to provide the medical assistance described  
31 in paragraph (2)(A) as requested by law enforcement or emergency  
32 medical services;

33 (C) remained at the scene with the person who reasonably appeared  
34 to need medical assistance until emergency medical services personnel and  
35 law enforcement officers arrived; and

36 (D) cooperated with emergency medical services personnel and law

1 enforcement officers in providing such medical assistance; or

2 (3) (A) was the person who reasonably appeared to need medical  
3 assistance as a result of the use of a controlled substance as described in  
4 subsection (a)(2)(A); and

5 (B) cooperated with emergency medical services personnel and law  
6 enforcement officers in providing such medical assistance.

7 (b) (1) Except as provided in paragraph (2), each person who meets  
8 the criteria in subsection (a) is immune from criminal prosecution for a  
9 violation of K.S.A. 21-5706 or 21-5709(b)(2), and amendments thereto,  
10 and any city ordinance or county resolution prohibiting the acts prohibited  
11 by K.S.A. 21-5706 or 21-5709(b)(2), and amendments thereto.

12 (2) No person is immune from criminal prosecution as provided in  
13 paragraph (1) if the quantity of controlled substances found at the scene of  
14 the encounter with law enforcement would be sufficient to create a  
15 rebuttable presumption of an intent to distribute as described in K.S.A. 21-  
16 5705(e), and amendments thereto.

17 (c) The provisions of this section shall not apply to a person seeking  
18 medical assistance during the course of the execution of an arrest warrant  
19 or search warrant or a lawful search.

20 (d) Nothing in this section shall be construed to preclude a person  
21 who is immune from criminal prosecution pursuant to this section from  
22 being prosecuted based on evidence obtained from an independent source.

23 (e) A person shall not be allowed to initiate or maintain an action  
24 against a law enforcement officer, or the officer's employer, based on the  
25 officer's compliance or failure to comply with this section. Except in cases  
26 of reckless or intentional misconduct, a law enforcement officer shall be  
27 immune from liability for arresting a person who is later determined to be  
28 immune from prosecution pursuant to this section.

29 (f) As used in this section:

30 (1) "Controlled substance" means the same as defined in K.S.A. 21-  
31 5701, and amendments thereto; ~~and~~.

32 (2) "*Emergency opioid antagonist*" means an intranasal form of a  
33 drug that inhibits the effects of opioids and that is approved by the federal  
34 food and drug administration for the treatment of an opioid overdose.  
35 "*Emergency opioid antagonist*" includes an expired emergency opioid  
36 antagonist up to 10 years past such emergency opioid antagonist's  
37 expiration date.

38 (2)(3) "Law enforcement officer" means the same as defined in  
39 K.S.A. 21-5111, and amendments thereto.

40 **Sec. 2. K.S.A. 2025 Supp. 65-16,127 is hereby amended to read as**  
41 **follows: 65-16,127. (a) As used in this section:**

42 (1) "*Bystander*" means a family member, friend, caregiver or other  
43 person in a position to assist a person who the family member, friend,

1 *caregiver or other person believes, in good faith, to be experiencing an*  
2 *opioid overdose.*

3 (2) *"Emergency opioid antagonist" means any drug that inhibits*  
4 *the effects of opioids and that is approved by the United States food and*  
5 *drug administration for the treatment of an opioid overdose. Except as*  
6 *provided in subsection (h), "emergency opioid antagonist" includes an*  
7 *expired emergency opioid antagonist up to 10 years past such emergency*  
8 *opioid antagonist's expiration date.*

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

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

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

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

27 (7) *"Patient" means a person believed to be at risk of experiencing*  
28 *an opioid overdose.*

29 (8) *"School nurse" means a professional nurse licensed by the*  
30 *board of nursing and employed by a school district to perform nursing*  
31 *procedures in a school setting.*

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

37 (b) *The state board of pharmacy shall issue a statewide opioid*  
38 *antagonist protocol that establishes requirements for a licensed*  
39 *pharmacist to dispense emergency opioid antagonists to a person*  
40 *pursuant to this section. The opioid antagonist protocol shall include*  
41 *procedures to ensure accurate recordkeeping and education of the*  
42 *person to whom the emergency opioid antagonist is furnished,*  
43 *including, but not limited to: Opioid overdose prevention, recognition*

1 *and response; safe administration of an emergency opioid antagonist;*  
2 *potential side effects or adverse events that may occur as a result of*  
3 *administering an emergency opioid antagonist; a requirement that the*  
4 *administering person immediately contact emergency medical services*  
5 *for a patient; and the availability of drug treatment programs.*

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

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

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

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

20 *(2) standards and procedures to store, distribute and administer an*  
21 *emergency opioid antagonist;*

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

26 *(4) inventory requirements and reporting any administration of an*  
27 *emergency opioid antagonist to a healthcare provider.*

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

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

35 *(A) Obtaining a supply of emergency opioid antagonists;*

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

39 *(C) training personnel; and*

40 *(D) coordinating agency activities with local emergency ambulance*  
41 *services and medical directors to provide quality assurance activities.*

42 *(3) A law enforcement agency shall be exempt from this subsection*  
43 *unless electing to provide an emergency opioid antagonist dispensed or*

1 *furnished pursuant to the opioid antagonist protocol in subsection (b).*

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

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

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

23 *(h) Pharmacists, healthcare providers and school nurses shall not*  
24 *prescribe, dispense, distribute or furnish an expired emergency opioid*  
25 *antagonist.*

26 *(i) The state board of pharmacy shall adopt rules and regulations*  
27 *as may be necessary to implement the provisions of this section*~~*prior to*~~  
28 ~~*January 1, 2018.*~~

29 ~~*(j)*~~ *(j) This section shall be a part of and supplemental to the*  
30 *pharmacy act of the state of Kansas.*

31 ~~Sec. 2.~~ 3. K.S.A. 2025 Supp. 22-2312-~~is~~ and 65-16,127 are hereby  
32 repealed.

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