

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.