

217.186 Definition -- Provider prescribing or dispensing opioid antagonist -- Administration by third party -- Use of opioid antagonist by person or agency authorized to administer medication -- Immunity from liability -- Administrative regulations -- Use of opioid antagonist by schools -- Use of opioid antagonist by licensed health care provider.

- (1) As used in this section, "opioid antagonist" means naloxone or any other United States Food and Drug Administration-approved drug designed to reverse the effects of an opioid overdose.
- (2) A licensed health-care provider who, acting in good faith, directly or by standing order, prescribes or dispenses an opioid antagonist to a person or agency who, in the judgment of the health-care provider, is capable of administering the drug for an emergency opioid overdose, shall not, as a result of his or her acts or omissions, be subject to disciplinary or other adverse action under KRS Chapter 311, 311A, 314, or 315 or any other professional licensing statute. As used in this subsection, "licensed health-care provider" includes a pharmacist as defined in KRS 315.010 who holds a separate certification issued by the Kentucky Board of Pharmacy authorizing the initiation of the dispensing of an opioid antagonist under subsection (6) of this section.
- (3) A prescription for an opioid antagonist may include authorization for administration of the drug to the person for whom it is prescribed by a third party, if the prescribing instructions indicate the need for the third party, upon administering the drug, to immediately notify a local public safety answering point of the situation necessitating the administration.
- (4) A person or agency, including a peace officer, jailer, firefighter, paramedic, or emergency medical technician or a school employee authorized to administer medication under KRS 156.502, may:
 - (a) Receive a prescription for an opioid antagonist;
 - (b) Possess an opioid antagonist pursuant to this subsection and any equipment needed for its administration;
 - (c) Administer an opioid antagonist to an individual suffering from an apparent opioid-related overdose; and
 - (d) Provide, as part of a harm reduction program, an opioid antagonist to persons who have been trained on the mechanism and circumstances of its administration.
- (5) A person acting in good faith who provides or administers an opioid antagonist received under this section shall be immune from criminal and civil liability for the provision or administration, unless personal injury results from the gross negligence or willful or wanton misconduct of the person providing or administering the drug.
- (6)
 - (a) The Board of Pharmacy, in consultation with the Kentucky Board of Medical Licensure, shall promulgate administrative regulations to establish certification, educational, operational, and protocol requirements to implement this section.
 - (b) Administrative regulations promulgated under this subsection shall:

1. Require that any dispensing under this section be done only in accordance with a physician-approved protocol and specify the minimum required components of any such protocol;
 2. Require education as to the mechanism and circumstances for the administration of an opioid antagonist for the person to whom an opioid antagonist is dispensed; and
 3. Require that a record of the dispensing be made available to a physician signing a protocol under this subsection, if desired by the physician.
- (c) Administrative regulations promulgated under this subsection may include:
1. A supplemental educational or training component for a pharmacist seeking certification under this subsection; and
 2. A limitation on the forms of the opioid antagonist and means of its administration that may be dispensed pursuant to this subsection.
- (7) (a) The board of each local public school district and the governing body of each private and parochial school or school district may permit a school to keep an opioid antagonist on the premises and regulate the administration of an opioid antagonist to any individual suffering from an apparent opiate-related overdose.
- (b) In collaboration with local health departments, local health providers, and local schools and school districts, the Kentucky Department for Public Health shall develop clinical protocols to address supplies of an opioid antagonist kept by schools under this section and to advise on the clinical administration of an opioid antagonist.
- (8) Notwithstanding any provision of law to the contrary, a licensed health care provider, including a pharmacist who is utilizing a protocol established by this section, may dispense an opioid antagonist to any person or agency who, as part of a harm reduction program, provides training to the public on the mechanism and circumstances for the administration of an opioid antagonist, regardless of whom the ultimate user of the opioid antagonist may be. The documentation of the dispensing of an opioid antagonist to any person or agency operating a harm reduction program shall satisfy any general documentation or recording requirements found in administrative regulations regarding legend drugs promulgated pursuant to this chapter.

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History: Amended 2022 Ky. Acts ch. 154, sec. 3, effective July 14, 2022. -- Amended 2019 Ky. Acts ch. 130, sec. 1, effective June 27, 2019. -- Amended 2015 Ky. Acts ch. 66, sec. 8, effective March 25, 2015. -- Created 2013 Ky. Acts ch. 118, sec. 10, effective June 25, 2013.