

1 AN ACT relating to controlled substances.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 218A IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) When prescribing a controlled substance that contains any salt, compound,*
6 *derivative, or preparation of an opioid to a human patient, a practitioner shall:*

7 *(a) Co-prescribe for the patient a drug approved by the federal Food and Drug*
8 *Administration for the complete or partial reversal of opioid-induced*
9 *respiratory depression and document the prescription in the patient's*
10 *medical record, if one (1) or more of the following conditions are present:*

11 *1. The prescription dosage for the patient is fifty (50) or more morphine*
12 *milligram equivalents of an opioid medication per day;*

13 *2. A controlled substance that contains any salt, compound, derivative,*
14 *or preparation of an opioid is prescribed concurrently with a*
15 *prescription for benzodiazepine; or*

16 *3. The patient presents with an increased risk for overdose as evidenced*
17 *by but not limited to:*

18 *a. A patient history of overdose;*

19 *b. A patient history of substance use disorder; or*

20 *c. A patient risk for returning to a high dose of a controlled*
21 *substance that contains any salt, compound, derivative, or*
22 *preparation of an opioid to which the patient is no longer*
23 *tolerant;*

24 *(b) Consistent with the existing standard of care, provide to a patient receiving*
25 *a prescription pursuant to paragraph (a) of this subsection, education on*
26 *overdose prevention and the use of a drug approved by the federal Food and*
27 *Drug Administration for the complete or partial reversal of opioid-induced*

- 1 respiratory depression; and
- 2 (c) Consistent with the existing standard of care, provide to one (1) or more
- 3 persons designated by the patient or, for a patient who is a minor, to the
- 4 minor's parent or guardian, education on overdose prevention and the use
- 5 of a drug approved by the federal Food and Drug Administration for the
- 6 complete or partial reversal of opioid-induced respiratory depression.
- 7 (2) A practitioner who fails to comply with the requirements established in
- 8 subsection (1) of this section, may be referred to the appropriate licensing board
- 9 solely for the imposition of administrative sanctions deemed appropriate by that
- 10 board.
- 11 (3) Nothing in this section shall be construed to:
- 12 (a) Create a private right of action against a practitioner who fails to comply
- 13 with the requirements of subsection (1) of this section; or
- 14 (b) Limit a practitioner's liability for negligent diagnosis or treatment of a
- 15 patient, as allowed under applicable state or federal law.