

1       AN ACT relating to opioid antagonists.

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

3           ➔Section 1. KRS 217.186 is amended to read as follows:

4       (1) As used in this section, "opioid antagonist" means naloxone or any other United  
5           States Food and Drug Administration-approved drug designed to reverse the effects  
6           of an opioid overdose.

7       (2) *(a)* A licensed health care~~health care~~ provider who, acting in good faith,  
8           directly or by standing order, prescribes or dispenses an opioid antagonist to a  
9           person or agency who, in the judgment of the health care~~health care~~  
10           provider, is capable of administering the drug for an emergency opioid  
11           overdose, shall not, as a result of his or her acts or omissions, be subject to  
12           disciplinary or other adverse action under KRS Chapter 311, 311A, 314, or  
13           315 or any other professional licensing statute.

14       *(b)* As used in this subsection, "licensed health care~~health care~~ provider"  
15           includes a pharmacist as defined in KRS 315.010 who holds a separate  
16           certification issued by the Kentucky Board of Pharmacy authorizing the  
17           initiation of the dispensing of an opioid antagonist under subsection (6) of this  
18           section.

19       (3) A prescription for an opioid antagonist may include authorization for administration  
20           of the drug to the person for whom it is prescribed by a third party, if the  
21           prescribing instructions indicate the need for the third party, upon administering the  
22           drug, to immediately notify a local public safety answering point of the situation  
23           necessitating the administration.

24       (4) A person or agency, including a peace officer, jailer, firefighter, paramedic, or  
25           emergency medical technician or a school employee authorized to administer  
26           medication under KRS 156.502, may:

27           (a) Receive a prescription for an opioid antagonist;



1                   2. A limitation on the forms of the opioid antagonist and means of its  
2                   administration that may be dispensed pursuant to this subsection.

3       (7) (a) The board of each local public school district and the governing body of each  
4                   private and parochial school or school district may permit a school to keep an  
5                   opioid antagonist on the premises and regulate the administration of an opioid  
6                   antagonist to any individual suffering from an apparent opiate-related  
7                   overdose.

8       (b) In collaboration with local health departments, local health providers, and  
9                   local schools and school districts, the Kentucky Department for Public Health  
10                  shall develop clinical protocols to address supplies of an opioid antagonist  
11                  kept by schools under this subsection[section] and to advise on the clinical  
12                  administration of an opioid antagonist.

13       (8) (a) Each public postsecondary educational institution shall provide access to  
14                  opioid antagonists at convenient locations on campus in a sufficient  
15                  number to adequately serve the population of the institution. Access may be  
16                  provided through the installation of emergency opioid antagonist cabinets  
17                  that include:

18                  1. Instructions for administration of the opioid antagonist and specific  
19                  instructions to call emergency medical services;

20                  2. One (1) rescue breathing barrier device with gloves and alcohol; and

21                  3. Any other information or equipment determined to be necessary by the  
22                  Kentucky Department for Public Health.

23       (b) In collaboration with public postsecondary educational institutions, the  
24                  Kentucky Department for Public Health shall develop best practices and  
25                  clinical protocols to address supplies of opioid antagonists to be provided on  
26                  campuses under this subsection and to advise on the clinical administration  
27                  of opioid antagonists.

(c) Each public postsecondary educational institution may apply for funds from the opioid abatement trust fund established in KRS 15.293 and any other available funds to coordinate, maintain, and supply the opioid antagonists required under this subsection.

5        **(9)** Notwithstanding any provision of law to the contrary, a licensed health care  
6        provider, including a pharmacist who is utilizing a protocol established by this  
7        section, may dispense an opioid antagonist to any person or agency who, as part of  
8        a harm reduction program, provides training to the public on the mechanism and  
9        circumstances for the administration of an opioid antagonist, regardless of whom  
10       the ultimate user of the opioid antagonist may be. The documentation of the  
11       dispensing of an opioid antagonist to any person or agency operating a harm  
12       reduction program shall satisfy any general documentation or recording  
13       requirements found in administrative regulations regarding legend drugs  
14       promulgated pursuant to this chapter.

15 ➔Section 2. KRS 15.291 is amended to read as follows:

16 (1) There is hereby established the Kentucky Opioid Abatement Advisory Commission.  
17 The commission shall be attached to the Department of Law for administrative  
18 purposes.

19 (2) (a) The commission shall consist of the following voting members:

- 1                   6. One (1) member appointed by the Attorney General representing the
- 2                    drug treatment and prevention community;
- 3                   7. One (1) member appointed by the Attorney General representing law
- 4                    enforcement; and
- 5                   8. Two (2) citizens at large appointed by the Attorney General.

6                   (b) The commission shall consist of the following nonvoting members who shall

7                    serve at the pleasure of their appointing authority:

- 8                   1. One (1) member appointed by the Speaker of the House of
- 9                    Representatives; and
- 10                  2. One (1) member appointed by the President of the Senate.

11                  (3) (a) Members of the commission appointed under subsection (2)(a)1. to 3. of this

12                  section shall serve terms concurrent with holding their respective offices or

13                  positions.

14                  (b) The remaining members of the commission shall serve staggered two (2) year

15                  terms as follows:

- 16                  1. Members of the commission appointed under subsection (2)(a)4. to 6. of
- 17                  this section shall serve an initial term of two (2) years; and
- 18                  2. Members of the commission appointed under subsection (2)(a)7. to 8. of
- 19                  this section shall serve an initial term of one (1) year.

20                  (c) Members of the commission shall not receive compensation for their services

21                  but may be reimbursed for necessary travel and lodging expenses incurred in

22                  the performance of their duties.

23                  (4) (a) Meetings of the commission shall be conducted according to KRS 61.800 to

24                  61.850.

25                  (b) The commission shall meet at least twice within each calendar year.

26                  (c) Five (5) voting members of the commission shall constitute a quorum for the

27                  transaction of business.

1 (d) Each member of the commission shall have one (1) vote, with all actions  
2 being taken by an affirmative vote of the majority of members present.

3 (5) The commission shall award moneys from the opioid abatement trust fund  
4 established in KRS 15.293 to reimburse prior expenses or to fund projects  
5 according to the following criteria related to opioid use disorder (OUD) or any co-  
6 occurring substance use disorder or mental health (SUD/MH) issues:

7 (a) Reimbursement for:

8 1. Any portion of the cost related to outpatient and residential treatment  
9 services, including:

10 a. Services provided to incarcerated individuals;

11 b. Medication-assisted treatment;

12 c. Abstinence-based treatment; and

13 d. Treatment, recovery, or other services provided by community  
14 health centers or not-for-profit providers;

15 2. Emergency response services provided by law enforcement or first  
16 responders; or

17 3. Any portion of the cost of administering an opioid antagonist as defined  
18 in KRS 217.186; or

19 (b) Provide funding for any project which:

20 1. Supports intervention, treatment, and recovery services provided to  
21 persons:

22 a. With OUD or co-occurring SUD/MH issues; or

23 b. Who have experienced an opioid overdose;

24 2. Supports detoxification services, including:

25 a. Medical detoxification;

26 b. Referral to treatment; or

27 c. Connections to other services;

- 1       3. Provides access to opioid-abatement-related housing, including:
  - 2       a. Supportive housing; or
  - 3       b. Recovery housing;
- 4       4. Provides or supports transportation to treatment or recovery programs or services;
- 5       5. Provides employment training or educational services for persons in treatment or recovery;
- 6       6. Creates or supports centralized call centers that provide information and connections to appropriate services;
- 7       7. Supports crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH issues or persons that have experienced an opioid overdose;
- 8       8. Improves oversight of opioid treatment programs to ensure evidence-based and evidence-informed practices;
- 9       9. Provides scholarships and support for certified addiction counselors and other mental and behavioral health providers, including:
  - 10      a. Training scholarships;
  - 11      b. Fellowships;
  - 12      c. Loan repayment programs; or
  - 13      d. Incentives for providers to work in rural or underserved areas of the Commonwealth;
- 14      10. Provides training on medication-assisted treatment for health care providers, students, or other supporting professionals;
- 15      11. Supports efforts to prevent over-prescribing and ensures appropriate prescribing and dispensing of opioids;
- 16      12. Supports enhancements or improvements consistent with state law for



- 1           24. Covers the cost of administering an opioid antagonist as defined in KRS
- 2           217.186;
- 3           25. Supports pre-trial services that connect individuals with OUD and any
- 4           co-occurring SUD/MH issues to evidence-informed treatment and
- 5           related services;
- 6           26. Supports treatment and recovery courts for persons with OUD and any
- 7           co-occurring SUD/MH issues, but only if they provide referrals to
- 8           evidence-informed treatment;
- 9           27. Provides evidence-informed treatment, recovery support, harm
- 10          reduction, or other appropriate services to individuals with OUD and
- 11          any co-occurring SUD/MH issues who are incarcerated, leaving jail or
- 12          prison, have recently left jail or prison, are on probation or parole, are
- 13          under community corrections supervision, or are in re-entry programs or
- 14          facilities;
- 15          28. Meets the criteria included in any settlement agreement, judgment, or
- 16          bankruptcy order as provided in KRS 15.293(3)(a);~~or~~
- 17          29. Provides access to opioid antagonists on the campuses of public
- 18          postsecondary educational institutions as provided in Section 1 of this
- 19          Act; or
- 20          30. Any other project deemed appropriate for opioid-abatement purposes by
- 21          the commission.
- 22         (6) The commission may identify additional duties or responsibilities, including:
- 23           (a) Reporting on projects and programs related to addressing the opioid epidemic;
- 24           (b) Developing priorities, goals, and recommendations for spending on the
- 25           projects and programs;
- 26           (c) Working with state agencies or outside entities to develop measures for
- 27           projects and programs that address substance use disorders; or

