AN ACT concerning controlled substances; relating to prescriptions therefor; requiring electronic prescriptions for controlled substances.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) No prescriber shall prescribe any controlled substance in this state unless such prescription is by electronic prescription. This section shall not apply to any prescription that meets one of the following conditions, provided the prescriber documents such condition on the face of the prescription:

(1) The prescription cannot be electronically transmitted due to a technological, electrical or other infrastructure failure as described in rules and regulations adopted by the board;

(2) the prescription includes elements that are not supported by the standards for electronic prescriptions adopted by the board;

(3) the United States food and drug administration requires the prescription to contain certain elements that are not able to be accomplished with an electronic prescription; or

(4) the prescription is prescribed under a research protocol.

(b) (1) A prescriber may request a waiver from the provisions of subsection (a), for a period not to exceed six months, if such prescriber cannot comply with subsection (a) due to economic hardship, technological limitations that reasonably are not within the prescriber's control or other circumstance demonstrated by the prescriber. If a waiver is granted by the board, the prescriber may request that such waiver be renewed for a period not to exceed six months. Requests for a waiver or renewal shall be submitted to the board in such form and manner as prescribed by the board and shall include the reason for the request and any other information required by the board.

(2) If a prescriber prescribes a controlled substance by non-electronic prescription, such prescriber shall indicate that the prescription is made pursuant to a waiver granted pursuant to this section. A pharmacist shall not be required to verify the validity of any waiver, either with the prescriber or the board, but may do so in accordance with K.S.A. 65-1637, and amendments thereto.

(c) As used in this section, the term "controlled substance" means any drug, substance or immediate precursor included in the schedule
designated in K.S.A. 65-4107, and amendments thereto, and any other
narcotic drug.

(d) The provisions of this section shall be a part of and supplemental
to the pharmacy act of the state of Kansas.

Sec. 2. This act shall take effect and be in force from and after
January 1, 2020, and its publication in the statute book.