

HOUSE BILL No. 2055

By Committee on Health and Human Services

1-12

1 AN ACT concerning the state board of pharmacy; powers, duties and
2 functions thereof; amending K.S.A. 65-669, 65-1633, 65-1635, 65-
3 1648, 65-1660 and 65-7007 and K.S.A. 2016 Supp. 65-1626, 65-1627,
4 65-1636, 65-1637, 65-1642, 65-1643, 65-1645, 65-1655, 65-1663, 65-
5 1669, 65-1676, 65-2837a and 65-4202 and repealing the existing
6 sections; also repealing K.S.A. 2016 Supp. 65-1637b and 65-1651a.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 2016 Supp. 65-1626 is hereby amended to read as
10 follows: 65-1626. For the purposes of this act:

11 (a) "Administer" means the direct application of a drug, whether by
12 injection, inhalation, ingestion or any other means, to the body of a patient
13 or research subject by:

- 14 (1) A practitioner or pursuant to the lawful direction of a practitioner;
15 (2) the patient or research subject at the direction and in the presence
16 of the practitioner; or
17 (3) a pharmacist as authorized in K.S.A. 65-1635a, and amendments
18 thereto.

19 (b) "Agent" means an authorized person who acts on behalf of or at
20 the direction of a manufacturer, *repackager*, *wholesale* distributor, *third-*
21 *party logistics provider* or dispenser but shall not include a common
22 carrier, public warehouseman or employee of the carrier or warehouseman
23 when acting in the usual and lawful course of the carrier's or
24 warehouseman's business.

25 (c) "Application service provider" means an entity that sells
26 electronic prescription or pharmacy prescription applications as a hosted
27 service where the entity controls access to the application and maintains
28 the software and records on its server.

29 (d) ~~"Authorized distributor of record" means a wholesale distributor~~
30 ~~with whom a manufacturer has established an ongoing relationship to~~
31 ~~distribute the manufacturer's prescription drug. An ongoing relationship is~~
32 ~~deemed to exist between such wholesale distributor and a manufacturer~~
33 ~~when the wholesale distributor, including any affiliated group of the~~
34 ~~wholesale distributor, as defined in section 1504 of the internal revenue~~
35 ~~code, complies with any one of the following: (1) The wholesale~~
36 ~~distributor has a written agreement currently in effect with the~~

1 ~~manufacturer evidencing such ongoing relationship; and (2) the wholesale~~
2 ~~distributor is listed on the manufacturer's current list of authorized~~
3 ~~distributors of record, which is updated by the manufacturer on no less~~
4 ~~than a monthly basis."Automated dispensing system" means a robotic or~~
5 ~~mechanical system, controlled by a computer that: (1) Performs~~
6 ~~operations or activities, other than compounding or administration,~~
7 ~~relative to the storage, packaging, labeling, dispensing or distribution of~~
8 ~~drugs; (2) collects, controls and maintains all transaction information;~~
9 ~~and (3) operates in accordance with the board's rules and regulations.~~

10 (e) *"Biological product" means a virus, a therapeutic serum, a toxin,*
11 *an antitoxin, a vaccine, blood, a blood polypeptide, or an analogous*
12 *product, arsphenamine or derivative or arphenamine, or any other*
13 *trivalent organic arsenic compound that is applicable to the prevention,*
14 *treatment or cure of a disease or condition of humans.*

15 (f) *"Board" means the state board of pharmacy created by K.S.A.*
16 *74-1603, and amendments thereto.*

17 (g) *"Brand exchange" means the dispensing of a different drug*
18 *product of the same dosage form and strength and of the same generic*
19 *name as the brand name drug product prescribed.*

20 (h) *"Brand name" means the registered trademark name given to a*
21 *drug product by its manufacturer, labeler or distributor.*

22 ~~"Chain pharmacy warehouse" means a permanent physical~~
23 ~~location for drugs or devices, or both, that acts as a central warehouse and~~
24 ~~performs intracompany sales or transfers of prescription drugs or devices~~
25 ~~to chain pharmacies that have the same ownership or control. Chain~~
26 ~~pharmacy warehouses must be registered as wholesale distributors.~~

27 (i) ~~"Co-licensee~~*Co-licensed partner" means a person or*
28 *pharmaceutical manufacturer that has entered into an agreement with*
29 *another pharmaceutical manufacturer or an affiliate of the manufacturer to*
30 *engage in a business activity or occupation related to the manufacture or*
31 *distribution of a prescription drug and the national drug code on the drug*
32 *product label shall be used to determine the identity of the drug*
33 *manufacturer product.*

34 (j) *"Common carrier" means any person who undertakes, whether*
35 *directly or by any other arrangement, to transport property, including*
36 *drugs, for compensation.*

37 (k) *"Compounding" means the combining of components into a*
38 *compounded preparation under either of the following conditions:*

39 (1) *As the result of a practitioner's prescription drug order or*
40 *initiative based on the practitioner-patient-pharmacist relationship in the*
41 *course of professional practice, to meet the specialized medical need of an*
42 *individual patient of the practitioner that cannot be filled by an FDA-*
43 *approved drug; or*

1 (2) *for the purpose of, or incident to, research, teaching or chemical*
 2 *analysis, and not for sale or dispensing.*

3 *Compounding shall include the preparation of drugs or devices in*
 4 *anticipation of receiving prescription drug orders based on routine,*
 5 *regularly observed prescribing patterns.*

6 *Compounding shall not include reconstituting any oral or topical drug*
 7 *according to the FDA-approved labeling for the drug, or preparing any*
 8 *sterile or nonsterile preparation that is essentially a copy of a*
 9 *commercially available product.*

10 (1) "DEA" means the U.S. department of justice, drug enforcement
 11 administration.

12 ~~(k)~~ (m) "Deliver" or "delivery" means the actual, constructive or
 13 attempted transfer from one person to another of any drug whether or not
 14 an agency relationship exists.

15 ~~(l)~~-(n) "Direct supervision" means the process by which the
 16 responsible pharmacist shall observe and direct the activities of a
 17 pharmacy student or pharmacy technician to a sufficient degree to assure
 18 that all such activities are performed accurately, safely and without risk or
 19 harm to patients, and complete the final check before dispensing.

20 ~~(m)~~-(o) "Dispense" or "dispensing" means to deliver prescription
 21 medication to the ultimate user or research subject by or pursuant to the
 22 lawful order of a practitioner or pursuant to the prescription of a mid-level
 23 practitioner.

24 ~~(n)~~-(p) "Dispenser" means:

25 (1) A practitioner or pharmacist who dispenses prescription
 26 medication, or a physician assistant who has authority to dispense
 27 prescription-only drugs in accordance with K.S.A. 65-28a08(b), and
 28 amendments thereto; or

29 (2) *a retail pharmacy, hospital pharmacy or group of pharmacies*
 30 *under common ownership and control that do not act as a wholesale*
 31 *distributor, or affiliated warehouses or distribution centers of such entities*
 32 *under common ownership and control that do not act as a wholesale*
 33 *distributor.*

34 ~~(o)~~-(q) "Distribute" or "distribution" means to deliver, offer to deliver,
 35 sell, offer to sell, purchase, trade, transfer, broker, give away, handle, store
 36 or receive, other than by administering or dispensing, any ~~drug~~ product,
 37 but does not include dispensing a product pursuant to a prescription
 38 executed in accordance with 21 U.S.C. § 353 or the dispensing of a
 39 product approved under 21 U.S.C. § 360b.

40 ~~(p)~~-(r) "Distributor" means a person ~~who~~ or entity that distributes a
 41 drug.

42 ~~(q)~~-(s) "Drop shipment" means the sale, by a manufacturer, ~~that~~
 43 ~~manufacturer's~~ co-licensee, ~~that~~ ~~manufacturer's~~ third party logistics

1 provider, *repackager* or ~~that manufacturer's~~ exclusive distributor, of the
2 manufacturer's prescription drug, to a wholesale distributor whereby the
3 wholesale distributor takes title but not possession of such prescription
4 drug and the wholesale distributor invoices the ~~pharmacy, the chain~~
5 ~~pharmacy warehouse, or other designated person authorized by law to~~
6 ~~dispense or administer such prescription drug, and the pharmacy, the chain~~
7 ~~pharmacy warehouse, or other designated person authorized by law to~~
8 ~~dispense or administer such prescription drug~~ *dispenser, and the dispenser*
9 receives delivery of the prescription drug directly from the manufacturer,
10 ~~that manufacturer's co-licensee, that manufacturer's repackager,~~ third-party
11 logistics provider, or ~~that manufacturer's~~ exclusive distributor, of such
12 prescription drug. Drop shipment shall be part of the "normal distribution
13 channel."

14 ~~(†)-(t)~~ "Drug" means: (1) Articles recognized in the official United
15 States pharmacopeia, or other such official compendiums of the United
16 States, or official national formulary, or any supplement of any of them;
17 (2) articles intended for use in the diagnosis, cure, mitigation, treatment or
18 prevention of disease in human or other animals; (3) articles, other than
19 food, intended to affect the structure or any function of the body of human
20 or other animals; and (4) articles intended for use as a component of any
21 articles specified in paragraph (1), (2) or (3); but does not include devices
22 or their components, parts or accessories, except that the term "drug" shall
23 not include amygdalin (laetrile) or any livestock remedy, if such livestock
24 remedy had been registered in accordance with the provisions of article 5
25 of chapter 47 of the Kansas Statutes Annotated, prior to its repeal.

26 ~~(s)-(u)~~ "Durable medical equipment" means ~~technologically~~
27 ~~sophisticated medical devices that may be used in a residence, including~~
28 ~~the following equipment that:~~ (1) ~~Oxygen and oxygen delivery system~~
29 *Provides therapeutic benefits or enables an individual to perform certain*
30 *tasks that the individual is unable to otherwise undertake due to certain*
31 *medical conditions or illnesses;* (2) ~~ventilators is primarily and~~
32 *customarily used to serve a medical purpose;* (3) ~~respiratory disease~~
33 ~~management devices generally is not useful to a person in the absence of~~
34 *an illness or injury;* (4) ~~continuous positive airway pressure (CPAP)~~
35 ~~devices can withstand repeated use;~~ (5) ~~electronic and computerized~~
36 ~~wheelchairs and seating systems is appropriate for use in the home, long-~~
37 *term care facility or medical care facility, but may be transported to other*
38 *locations to allow the individual to complete instrumental activities of*
39 *daily living, which are more complex tasks required for independent living;*
40 *and* (6) ~~apnea monitors;~~ (7) ~~transectaneous electrical nerve stimulator~~
41 ~~(TENS) units;~~ (8) ~~low air loss cutaneous pressure management devices;~~ (9)
42 ~~sequential compression devices;~~ (10) ~~feeding pumps;~~ (11) ~~home~~
43 ~~phototherapy devices;~~ (12) ~~infusion delivery devices;~~ (13) ~~distribution of~~

1 ~~medical gases to end users for human consumption; (14) hospital beds;~~
2 ~~(15) nebulizers; or (16) may include devices and medical supplies or other~~
3 ~~similar equipment determined by the board in rules and regulations~~
4 ~~adopted by the board.~~

5 ~~(t)-(v)~~ "Electronic prescription" means an electronically prepared
6 prescription that is authorized and transmitted from the prescriber to the
7 pharmacy by means of electronic transmission.

8 ~~(u)-(w)~~ "Electronic prescription application" means software that is
9 used to create electronic prescriptions and that is intended to be installed
10 on the prescriber's computers and servers where access and records are
11 controlled by the prescriber.

12 ~~(v)-(x)~~ "Electronic signature" means a confidential personalized
13 digital key, code, number or other method for secure electronic data
14 transmissions which identifies a particular person as the source of the
15 message, authenticates the signatory of the message and indicates the
16 person's approval of the information contained in the transmission.

17 ~~(w)-(y)~~ "Electronic transmission" means the transmission of an
18 electronic prescription, formatted as an electronic data file, from a
19 prescriber's electronic prescription application to a pharmacy's computer,
20 where the data file is imported into the pharmacy prescription application.

21 ~~(x)-(z)~~ "Electronically prepared prescription" means a prescription
22 that is generated using an electronic prescription application.

23 ~~(y)-(aa)~~ "Exclusive distributor" means ~~any entity that: (1) Contracts~~
24 ~~with a manufacturer to provide or coordinate warehousing, wholesale~~
25 ~~distribution or other services on behalf of a manufacturer and who takes~~
26 ~~title to that manufacturer's prescription drug, but who does not have~~
27 ~~general responsibility to direct the sale or disposition of the manufacturer's~~
28 ~~prescription drug; (2) is registered as a wholesale distributor under the~~
29 ~~pharmacy act of the state of Kansas; and (3) to be considered part of the~~
30 ~~normal distribution channel, must be an authorized distributor of record~~
31 ~~the wholesale distributor that directly purchased the product from the~~
32 ~~manufacturer and is the sole distributor of that manufacturer's product to~~
33 ~~a subsequent repackager, wholesale distributor or dispenser.~~

34 ~~(z)-(bb)~~ "FDA" means the U.S. department of health and human
35 services, food and drug administration.

36 (cc) "Facsimile transmission" or "fax transmission" means the
37 transmission of a digital image of a prescription from the prescriber or the
38 prescriber's agent to the pharmacy. "Facsimile transmission" includes, but
39 is not limited to, transmission of a written prescription between the
40 prescriber's fax machine and the pharmacy's fax machine; transmission of
41 an electronically prepared prescription from the prescriber's electronic
42 prescription application to the pharmacy's fax machine, computer or
43 printer; or transmission of an electronically prepared prescription from the

1 prescriber's fax machine to the pharmacy's fax machine, computer or
2 printer.

3 ~~(aa)~~-(dd) "Generic name" means the established chemical name or
4 official name of a drug or drug product.

5 ~~(bb)~~-(ee) "Health care entity" means any person that provides
6 diagnostic, medical, surgical or dental treatment or rehabilitative care but
7 does not include any retail pharmacy or wholesale distributor.

8 (ff) (1) "Institutional drug room" means any location where
9 prescription-only drugs are stored and from which prescription-only drugs
10 are administered or dispensed and which is maintained or operated for the
11 purpose of providing the drug needs of:

12 (A) Inmates of a jail or correctional institution or facility;

13 (B) residents of a juvenile detention facility, as defined by the revised
14 Kansas code for care of children and the revised Kansas juvenile justice
15 code;

16 (C) students of a public or private university or college, a community
17 college or any other institution of higher learning which is located in
18 Kansas;

19 (D) employees of a business or other employer; or

20 (E) persons receiving inpatient hospice services.

21 (2) "Institutional drug room" does not include:

22 (A) Any registered pharmacy;

23 (B) any office of a practitioner; or

24 (C) a location where no prescription-only drugs are dispensed and no
25 prescription-only drugs other than individual prescriptions are stored or
26 administered.

27 ~~(ee)~~-(gg) "Intermediary" means any technology system that receives
28 and transmits an electronic prescription between the prescriber and the
29 pharmacy.

30 ~~(dd)~~-(hh) "Intracompany transaction" means any transaction or
31 transfer between any division, subsidiary, parent or affiliated or related
32 company under common ownership or control of a corporate entity, or any
33 transaction or transfer between ~~co-licensees of a co-licensed product~~
34 ~~co-licensed partners~~.

35 (ii) "Label" means a display of written, printed or graphic matter
36 upon the immediate container of any drug.

37 (jj) "Labeling" means the process of preparing and affixing a label to
38 any drug container, exclusive of the labeling by a manufacturer, packer or
39 distributor of a non-prescription drug or commercially packaged legend
40 drug.

41 (kk) "Long-term care facility" means "nursing facility," as defined in
42 K.S.A. 39-923, and amendments thereto.

43 ~~(ee)~~-(ll) "Medical care facility" shall have the meaning provided in

1 K.S.A. 65-425, and amendments thereto, except that the term shall also
2 include facilities licensed under the provisions of K.S.A. 75-3307b, and
3 amendments thereto, except community mental health centers and
4 facilities for people with intellectual disability.

5 ~~(ff)~~—(mm) "Manufacture" means the production, preparation,
6 propagation, compounding, conversion or processing of a drug either
7 directly or indirectly by extraction from substances of natural origin,
8 independently by means of chemical *or biological* synthesis or by a
9 combination of extraction and chemical *or biological* synthesis—~~and~~
10 ~~includes any or the~~ packaging or repackaging of the drug or labeling or
11 relabeling of its container, except that this term shall not include the
12 preparation or compounding of a drug by an individual for the individual's
13 own use or the preparation, compounding, packaging or labeling of a drug
14 by:

15 (1) A practitioner or a practitioner's authorized agent incident to such
16 practitioner's administering or dispensing of a drug in the course of the
17 practitioner's professional practice;

18 (2) a practitioner, by a practitioner's authorized agent or under a
19 practitioner's supervision for the purpose of, or as an incident to, research,
20 teaching or chemical analysis and not for sale; or

21 (3) a pharmacist or the pharmacist's authorized agent acting under the
22 direct supervision of the pharmacist for the purpose of, or incident to, the
23 dispensing of a drug by the pharmacist.

24 ~~(gg)~~(nn) "Manufacturer" means a person licensed or approved by the
25 FDA to engage in the manufacture of drugs and devices:

26 (1) *A person that holds an application approved under section 505 of*
27 *the federal food, drug and cosmetic act or a license issued under section*
28 *351 of the federal public health service act for such drug, or if such drug*
29 *is not the subject of an approved application or license, the person who*
30 *manufactured the drug;*

31 (2) *a co-licensed partner of the person described in paragraph (1)*
32 *that obtains the drug directly from a person described in paragraph (1) or*
33 *(3); or*

34 (3) *an affiliate of a person described in paragraph (1) or (2) that*
35 *receives the product directly from a person described in paragraph (1) or*
36 *(2).*

37 ~~(hh)~~(oo) "Mid-level practitioner" means a certified nurse-midwife
38 engaging in the independent practice of midwifery under the independent
39 practice of midwifery act, an advanced practice registered nurse issued a
40 license pursuant to K.S.A. 65-1131, and amendments thereto, who has
41 authority to prescribe drugs pursuant to a written protocol with a
42 responsible physician under K.S.A. 65-1130, and amendments thereto, or a
43 physician assistant licensed pursuant to the physician assistant licensure

1 act who has authority to prescribe drugs pursuant to a written agreement
2 with a supervising physician under K.S.A. 65-28a08, and amendments
3 thereto.

4 ~~(ii) "Normal distribution channel" means a chain of custody for a~~
5 ~~prescription-only drug that goes from a manufacturer of the prescription-~~
6 ~~only drug, from that manufacturer to that manufacturer's co-licensed~~
7 ~~partner, from that manufacturer to that manufacturer's third-party logistics~~
8 ~~provider or from that manufacturer to that manufacturer's exclusive~~
9 ~~distributor, directly or by drop shipment, to:~~

10 (1) A pharmacy to a patient or to other designated persons authorized
11 by law to dispense or administer such drug to a patient;

12 (2) a wholesale distributor to a pharmacy to a patient or other
13 designated persons authorized by law to dispense or administer such drug
14 to a patient;

15 (3) a wholesale distributor to a chain pharmacy warehouse to that
16 chain pharmacy warehouse's intracompany pharmacy to a patient or other
17 designated persons authorized by law to dispense or administer such drug
18 to a patient; or

19 (4) a chain pharmacy warehouse to the chain pharmacy warehouse's
20 intracompany pharmacy to a patient or other designated persons authorized
21 by law to dispense or administer such drug to a patient.

22 *(pp) "Nonresident pharmacy" means a pharmacy located outside of*
23 *Kansas.*

24 *(qq) "Outsourcing facility" or "virtual outsourcing facility" means a*
25 *facility at one geographic location or address that is engaged in the*
26 *compounding of sterile drugs and has registered with the FDA as an*
27 *outsourcing facility pursuant to 21 U.S.C. § 353b.*

28 ~~(jj)-(rr)~~ "Person" means individual, corporation, government,
29 governmental subdivision or agency, partnership, association or any other
30 legal entity.

31 ~~(kk)-(ss)~~ "Pharmacist" means any natural person licensed under this
32 act to practice pharmacy.

33 ~~(H)-(tt)~~ "Pharmacist-in-charge" means the pharmacist who is
34 responsible to the board for a registered establishment's compliance with
35 the laws and regulations of this state pertaining to the practice of
36 pharmacy, manufacturing of drugs and the distribution of drugs. The
37 pharmacist-in-charge shall supervise such establishment on a full-time or a
38 part-time basis and perform such other duties relating to supervision of a
39 registered establishment as may be prescribed by the board by rules and
40 regulations. Nothing in this definition shall relieve other pharmacists or
41 persons from their responsibility to comply with state and federal laws and
42 regulations.

43 ~~(mm)-(uu)~~ "Pharmacist intern" means: (1) A student currently

1 enrolled in an accredited pharmacy program; (2) a graduate of an
2 accredited pharmacy program serving an internship; or (3) a graduate of a
3 pharmacy program located outside of the United States which is not
4 accredited and who has successfully passed equivalency examinations
5 approved by the board.

6 ~~(nn)~~-(vv) "Pharmacy," "drugstore" or "apothecary" means premises,
7 laboratory, area or other place: (1) Where drugs are offered for sale where
8 the profession of pharmacy is practiced and where prescriptions are
9 compounded and dispensed; ~~or~~ (2) which has displayed upon it or within it
10 the words "pharmacist," "pharmaceutical chemist," "pharmacy,"
11 "apothecary," "drugstore," "druggist," "drugs," "drug sundries" or any of
12 these words or combinations of these words or words of similar import
13 either in English or any sign containing any of these words; or (3) where
14 the characteristic symbols of pharmacy or the characteristic prescription
15 sign "Rx" may be exhibited. As used in this subsection, premises refers
16 only to the portion of any building or structure leased, used or controlled
17 by the licensee in the conduct of the business registered by the board at the
18 address for which the registration was issued.

19 ~~(oo)~~-(ww) "Pharmacy prescription application" means software that is
20 used to process prescription information, is installed on a pharmacy's
21 computers or servers, and is controlled by the pharmacy.

22 ~~(pp)~~-(xx) "Pharmacy technician" means an individual who, under the
23 direct supervision and control of a pharmacist, may perform packaging,
24 manipulative, repetitive or other nondiscretionary tasks related to the
25 processing of a prescription or medication order and who assists the
26 pharmacist in the performance of pharmacy related duties, but who does
27 not perform duties restricted to a pharmacist.

28 ~~(qq)~~-(yy) "Practitioner" means a person licensed to practice medicine
29 and surgery, dentist, podiatrist, veterinarian, optometrist or scientific
30 investigator or other person authorized by law to use a prescription-only
31 drug in teaching or chemical analysis or to conduct research with respect
32 to a prescription-only drug.

33 ~~(rr)~~-(zz) "Preceptor" means a licensed pharmacist who possesses at
34 least two years' experience as a pharmacist and who supervises students
35 obtaining the pharmaceutical experience required by law as a condition to
36 taking the examination for licensure as a pharmacist.

37 ~~(ss)~~-(aaa) "Prescriber" means a practitioner or a mid-level
38 practitioner.

39 ~~(tt)~~-(bbb) "Prescription" or "prescription order" means: (1) An order
40 to be filled by a pharmacist for prescription medication issued and signed
41 by a prescriber in the authorized course of such prescriber's professional
42 practice; or (2) an order transmitted to a pharmacist through word of
43 mouth, note, telephone or other means of communication directed by such

1 prescriber, regardless of whether the communication is oral, electronic,
2 facsimile or in printed form.

3 ~~(uu)~~(ccc) "Prescription medication" means any drug, including label
4 and container according to context, which is dispensed pursuant to a
5 prescription order.

6 ~~(vv)~~(ddd) "Prescription-only drug" means any drug whether intended
7 for use by human or animal, required by federal or state law, including 21
8 U.S.C. § 353, to be dispensed only pursuant to a written or oral
9 prescription or order of a practitioner or is restricted to use by practitioners
10 only.

11 ~~(ww)~~(eee) "Probation" means the practice or operation under a
12 temporary license, registration or permit or a conditional license,
13 registration or permit of a business or profession for which a license,
14 registration or permit is granted by the board under the provisions of the
15 pharmacy act of the state of Kansas requiring certain actions to be
16 accomplished or certain actions not to occur before a regular license,
17 registration or permit is issued.

18 ~~(xx)~~(fff) "Product" shall have the meaning as defined by part H of
19 the federal drug supply chain security act, 21 U.S.C. § 351 et seq., 21
20 U.S.C. § 360eee.

21 (ggg) "Professional incompetency" means:

22 (1) One or more instances involving failure to adhere to the
23 applicable standard of pharmaceutical care to a degree which constitutes
24 gross negligence, as determined by the board;

25 (2) repeated instances involving failure to adhere to the applicable
26 standard of pharmaceutical care to a degree which constitutes ordinary
27 negligence, as determined by the board; or

28 (3) a pattern of pharmacy practice or other behavior which
29 demonstrates a manifest incapacity or incompetence to practice pharmacy.

30 ~~(yy)~~(hhh) "Readily retrievable" means that records kept by automatic
31 data processing applications or other electronic or mechanized record-
32 keeping systems can be separated out from all other records within a
33 reasonable time not to exceed 48 hours of a request from the board or
34 other authorized agent or that hard-copy records are kept on which certain
35 items are asterisked, redlined or in some other manner visually identifiable
36 apart from other items appearing on the records.

37 (iii) "Repackage" means changing the container, wrapper, quantity or
38 label of a drug to further the distribution of the drug.

39 (jii) "Repackager" means a person who owns or operates a facility
40 that repackages.

41 ~~(zz)~~(lll) "Retail dealer" means a person selling at retail
42 nonprescription drugs which are prepackaged, fully prepared by the
43 manufacturer or distributor for use by the consumer and labeled in

1 accordance with the requirements of the state and federal food, drug and
 2 cosmetic acts. Such nonprescription drugs shall not include: (1) A
 3 controlled substance; (2) a prescription-only drug; or (3) a drug intended
 4 for human use by hypodermic injection.

5 *(mmm) "Return" means providing product to the authorized*
 6 *immediate trading partner from which such product was purchased or*
 7 *received, or to a returns processor or reverse logistics provider for*
 8 *handling of such product.*

9 *(nnn) "Returns processor" or "reverse logistics provider" means a*
 10 *person who owns or operates an establishment that disposes of or*
 11 *otherwise processes saleable or nonsaleable products received from an*
 12 *authorized trading partner such that the product may be processed for*
 13 *credit to the purchaser, manufacturer or seller, or disposed of for no*
 14 *further distribution.*

15 ~~(aaa)~~(ooo) "Secretary" means the executive secretary of the board.

16 ~~(bbb)~~(ppp) "Third-party logistics provider" means an entity that: ~~(1)~~
 17 ~~provides or coordinates warehousing, distribution or other logistic services~~
 18 ~~of a product in interstate commerce on behalf of a manufacturer,~~
 19 ~~wholesale distributor or dispenser, but does not take title to the~~
 20 ~~prescription drug ownership of the product or have general responsibility~~
 21 ~~to direct the prescription drug's sale or disposition of the product; (2) is~~
 22 ~~registered as a wholesale distributor under the pharmacy act of the state of~~
 23 ~~Kansas; and (3) to be considered part of the normal distribution channel,~~
 24 ~~must also be an authorized distributor of record.~~

25 *(qqq) "Trading partner" means:*

26 *(1) A manufacturer, repackager, wholesale distributor or dispenser*
 27 *from whom a manufacturer, repackager, wholesale distributor or dispenser*
 28 *accepts direct ownership of a product or to whom a manufacturer,*
 29 *repackager, wholesale distributor or dispenser transfers direct ownership*
 30 *of a product; or*

31 *(2) a third-party logistics provider from whom a manufacturer,*
 32 *repackager, wholesale distributor or dispenser accepts direct possession*
 33 *of a product or to whom a manufacturer, repackager, wholesale distributor*
 34 *or dispenser transfers direct possession of a product.*

35 *(rrr) "Transaction" means the transfer of product between persons in*
 36 *which a change of ownership occurs.*

37 ~~(eee)~~(sss) "Unprofessional conduct" means:

38 (1) Fraud in securing a registration or permit;

39 (2) intentional adulteration or mislabeling of any drug, medicine,
 40 chemical or poison;

41 (3) causing any drug, medicine, chemical or poison to be adulterated
 42 or mislabeled, knowing the same to be adulterated or mislabeled;

43 (4) intentionally falsifying or altering records or prescriptions;

1 (5) unlawful possession of drugs and unlawful diversion of drugs to
2 others;

3 (6) willful betrayal of confidential information under K.S.A. 65-1654,
4 and amendments thereto;

5 (7) conduct likely to deceive, defraud or harm the public;

6 (8) making a false or misleading statement regarding the licensee's
7 professional practice or the efficacy or value of a drug;

8 (9) commission of any act of sexual abuse, misconduct or
9 exploitation related to the licensee's professional practice; or

10 (10) performing unnecessary tests, examinations or services which
11 have no legitimate pharmaceutical purpose.

12 ~~(ddd)~~(*ttt*) "Vaccination protocol" means a written protocol, agreed to
13 by a pharmacist and a person licensed to practice medicine and surgery by
14 the state board of healing arts, which establishes procedures and
15 recordkeeping and reporting requirements for administering a vaccine by
16 the pharmacist for a period of time specified therein, not to exceed two
17 years.

18 ~~(eee)~~(*uuu*) "Valid prescription order" means a prescription that is
19 issued for a legitimate medical purpose by an individual prescriber
20 licensed by law to administer and prescribe drugs and acting in the usual
21 course of such prescriber's professional practice. A prescription issued
22 solely on the basis of an internet-based questionnaire or consultation
23 without an appropriate prescriber-patient relationship is not a valid
24 prescription order.

25 ~~(fff)~~(*vvv*) "Veterinary medical teaching hospital pharmacy" means
26 any location where prescription-only drugs are stored as part of an
27 accredited college of veterinary medicine and from which prescription-
28 only drugs are distributed for use in treatment of or administration to a
29 nonhuman.

30 ~~(ggg)~~(*www*) "Wholesale distributor" means any person engaged in
31 wholesale distribution of prescription drugs ~~or devices in or into the state,~~
32 ~~including, but not limited to, manufacturers, repackagers, own-label~~
33 ~~distributors, private-label distributors, jobbers, brokers, warehouses,~~
34 ~~including manufacturers' and distributors' warehouses, co-licensees,~~
35 ~~exclusive distributors, third party logistics providers, chain pharmacy~~
36 ~~warehouses that conduct wholesale distributions, and wholesale drug~~
37 ~~warehouses, independent wholesale drug traders and retail pharmacies that~~
38 ~~conduct wholesale distributions. Wholesale distributor shall not include~~
39 ~~persons engaged in the sale of durable medical equipment to consumers or~~
40 ~~patients, other than a manufacturer, co-licensed partner, third-party~~
41 ~~logistics provider or repackager.~~

42 ~~(hhh)~~(*xxx*) "Wholesale distribution" means the distribution *or receipt*
43 ~~of prescription drugs or devices by wholesale distributors to or by persons~~

1 other than consumers or patients, and includes the transfer of prescription
2 drugs by a pharmacy to another pharmacy if the total number of units of
3 transferred drugs during a twelve-month period does not exceed 5% of the
4 total number of all units dispensed by the pharmacy during the
5 immediately preceding twelve-month period in which a change of
6 ownership occurs. Wholesale distribution does not include:

7 (1) The sale, purchase or trade of a prescription drug or device, an
8 offer to sell, purchase or trade a prescription drug or device or the
9 dispensing of a prescription drug or device pursuant to a prescription;

10 (2) the sale, purchase or trade *distribution* of a prescription drug or
11 device or an offer to sell, purchase or trade *distribute* a prescription drug or
12 device for emergency medical reasons, including a public health
13 emergency declaration pursuant to section 319 of the public health service
14 act, except that, for purposes of this paragraph, a drug shortage not
15 caused by a public health emergency shall not constitute an emergency
16 medical reason;

17 (3) intracompany transactions, as defined in this section, unless in
18 violation of own use provisions *distribution of any drug between members*
19 *of an affiliate or within a manufacturer*;

20 (4) the sale, purchase or trade *distribution* of a prescription drug or
21 device or an offer to sell, purchase or trade *distribute* a prescription drug or
22 device among hospitals, chain pharmacy warehouses, pharmacies or other
23 health care entities that are under common control;

24 (5) the sale, purchase or trade *distribution* of a prescription drug or
25 device or the offer to sell, purchase or trade *distribute* a prescription drug
26 or device by a charitable organization described in 503(c)(3) of the internal
27 revenue code of 1954 to a nonprofit affiliate of the organization to the
28 extent otherwise permitted by law;

29 (6) the purchase or other acquisition by a *dispenser*; hospital or other
30 similar health care entity that is a member of a group purchasing
31 organization of a prescription drug or device for its own use from the
32 group purchasing organization or from other hospitals or similar health
33 care entities that are members of these organizations for use by such
34 dispenser, hospital or other health care entity;

35 (7) the transfer of prescription drugs or devices between pharmacies
36 pursuant to a centralized prescription processing agreement *the*
37 *distribution of a drug by the manufacturer of such drug*;

38 (8) the sale, purchase or trade of blood and blood components
39 intended for transfusion *the receipt or transfer of a drug by an authorized*
40 *third-party logistics provider*; provided that such third-party logistics
41 provider does not take ownership of the drug;

42 (9) the return of recalled, expired, damaged or otherwise non-salable
43 prescription drugs, when conducted by a hospital, health care entity,

1 ~~pharmacy, chain pharmacy warehouse or charitable institution in~~
2 ~~accordance with the board's rules and regulations~~ *a common carrier that*
3 *transports a drug, provided that the common carrier does not take*
4 *ownership of the drug;*

5 ~~(10) the sale, transfer, merger or consolidation of all or part of the~~
6 ~~business of a retail pharmacy or pharmacies from or with another retail~~
7 ~~pharmacy or pharmacies, whether accomplished as a purchase and sale of~~
8 ~~stock or business assets, in accordance with the board's rules and~~
9 ~~regulations~~ *the distribution of a drug, or an offer to distribute a drug by an*
10 *authorized repackager that has taken ownership or possession of the drug*
11 *and repacks it in accordance with section 582(e) of the federal food, drug*
12 *and cosmetic act;*

13 ~~(11) the distribution of drug samples by manufacturers' and~~
14 ~~authorized distributors' representatives~~ *saleable drug returns when*
15 *conducted by a dispenser;*

16 ~~(12) the sale~~ *distribution of minimal quantities of drugs by licensed*
17 *retail pharmacies to licensed practitioners for office use;*

18 ~~(13) the distribution of a collection of finished medical devices,~~
19 ~~which may include a product or biological product in accordance with 21~~
20 ~~U.S.C. § 353(e)(4)(M);~~

21 ~~(14) the distribution of an intravenous drug that, by its formulation,~~
22 ~~is intended for the replenishment of fluids and electrolytes, including~~
23 ~~sodium, chloride and potassium, or calories, including dextrose and~~
24 ~~amino acids;~~

25 ~~(15) the distribution of an intravenous drug used to maintain the~~
26 ~~equilibrium of water and minerals in the body, such as dialysis solutions;~~

27 ~~(16) the distribution of a drug that is intended for irrigation, or~~
28 ~~sterile water, whether intended for such purposes or for injection;~~

29 ~~(17) the distribution of medical gas;~~

30 ~~(18) facilitating the distribution of a product by providing solely~~
31 ~~administrative services, including processing of orders and payments;~~

32 ~~(19) the transfer of a product by a hospital or other health care~~
33 ~~entity, or by a wholesale distributor or manufacturer operating under the~~
34 ~~direction of a hospital or other health care entity, to a repackager~~
35 ~~described in section 581(16)(B) and registered under section 510 of the~~
36 ~~food, drug and cosmetic act for the purpose of repackaging the drug for~~
37 ~~use by that hospital or other health care entity, or other health care~~
38 ~~entities under common control, if ownership of the drug remains with the~~
39 ~~hospital or other health care entity at all times; or~~

40 ~~(13) (20) the sale or transfer from a retail pharmacy or chain~~
41 ~~pharmacy warehouse of expired, damaged, returned or recalled~~
42 ~~prescription drugs to the original manufacturer, originating wholesale~~
43 ~~distributor or to a third-party returns processor in accordance with the~~

1 board's rules and regulations.

2 Sec. 2. K.S.A. 2016 Supp. 65-1627 is hereby amended to read as
3 follows: 65-1627. (a) The board may revoke, suspend, place in a
4 probationary status or deny ~~a~~ *an application or* renewal of any license of
5 any pharmacist upon a finding that:

6 (1) ~~The license was obtained by licensee has obtained, renewed or~~
7 *reinstated, or attempted to obtain, renew or reinstate, a license by false or*
8 *fraudulent means, including misrepresentation of a material fact;*

9 (2) the licensee has been convicted of a *misdemeanor involving*
10 *moral turpitude or gross immorality or any felony* and the licensee fails to
11 show that the licensee has been sufficiently rehabilitated to warrant the
12 public trust;

13 (3) the licensee is found by the board to be guilty of unprofessional
14 conduct or professional incompetency;

15 (4) the licensee is addicted to the liquor or drug habit to such a degree
16 as to render the licensee unfit to practice the profession of pharmacy;

17 (5) the licensee has violated a provision of the federal or state food,
18 drug and cosmetic act, the uniform controlled substances act of the state of
19 Kansas, or any rule and regulation adopted under any such act;

20 (6) the licensee is found by the board to have filled a prescription not
21 in strict accordance with the directions of the practitioner or a mid-level
22 practitioner;

23 (7) the licensee is found to be mentally or physically incapacitated to
24 such a degree as to render the licensee unfit to practice the profession of
25 pharmacy;

26 (8) the licensee has violated any of the provisions of the pharmacy act
27 of the state of Kansas or any rule and regulation adopted by the board
28 pursuant to the provisions of such pharmacy act;

29 (9) the licensee has failed to comply with the *continuing education*
30 requirements of the board ~~relating to the continuing education of~~
31 ~~pharmacists for license renewal;~~

32 (10) the licensee as a pharmacist in charge or consultant pharmacist
33 under the provisions of ~~subsection (e) or (d) of~~ K.S.A. 65-1648(c) or (d),
34 and amendments thereto, has failed to comply with the requirements of
35 ~~subsection (e) or (d) of~~ K.S.A. 65-1648(c) or (d), and amendments thereto;

36 (11) the licensee has knowingly submitted a misleading, deceptive,
37 untrue or fraudulent misrepresentation on a claim form, bill or statement;

38 (12) the licensee has had a license to practice pharmacy revoked,
39 suspended or limited, has been censured or has had other disciplinary
40 action taken, or voluntarily surrendered the license after formal
41 proceedings have been commenced, or has had an application for license
42 denied, by the proper licensing authority of another state, territory, District
43 of Columbia or other country, a certified copy of the record of the action of

1 the other jurisdiction being conclusive evidence thereof;

2 (13) the licensee has self-administered any controlled substance
3 without a practitioner's prescription order or a mid-level practitioner's
4 prescription order; or

5 (14) the licensee has assisted suicide in violation of K.S.A. 21-3406,
6 prior to its repeal, or K.S.A. 2016 Supp. 21-5407, and amendments
7 thereto, as established by any of the following:

8 (A) A copy of the record of criminal conviction or plea of guilty for a
9 felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2016
10 Supp. 21-5407, and amendments thereto.

11 (B) A copy of the record of a judgment of contempt of court for
12 violating an injunction issued under K.S.A. 60-4404, and amendments
13 thereto.

14 (C) A copy of the record of a judgment assessing damages under
15 K.S.A. 60-4405, and amendments thereto; ~~or~~

16 (15) the licensee has failed to furnish the board, its investigators or its
17 representatives any information legally requested by the board;

18 (16) *the licensee has violated or failed to comply with any lawful*
19 *order or directive of the board; or*

20 (17) *the licensee has violated any of the provisions of the prescription*
21 *monitoring program act of the state of Kansas or any rule and regulation*
22 *of the board pursuant to the provisions of the prescription monitoring*
23 *program act.*

24 (b) In determining whether or not the licensee has violated subsection
25 (a)(3), (a)(4), (a)(7) or (a)(13), the board upon reasonable suspicion of
26 such violation has authority to compel a licensee to submit to mental or
27 physical examination or drug screen, or any combination thereof, by such
28 persons as the board may designate. To determine whether reasonable
29 suspicion of such violation exists, the investigative information shall be
30 presented to the board as a whole. Information submitted to the board as a
31 whole and all reports, findings and other records shall be confidential and
32 not subject to discovery by or release to any person or entity. The licensee
33 shall submit to the board a release of information authorizing the board to
34 obtain a report of such examination or drug screen, or both. A person
35 affected by this subsection shall be offered, at reasonable intervals, an
36 opportunity to demonstrate that such person can resume the competent
37 practice of pharmacy with reasonable skill and safety to patients. For the
38 purpose of this subsection, every person licensed to practice pharmacy and
39 who shall accept the privilege to practice pharmacy in this state by so
40 practicing or by the making and filing of a renewal application to practice
41 pharmacy in this state shall be deemed to have consented to submit to a
42 mental or physical examination or a drug screen, or any combination
43 thereof, when directed in writing by the board and further to have waived

1 all objections to the admissibility of the testimony, drug screen or
2 examination report of the person conducting such examination or drug
3 screen, or both, at any proceeding or hearing before the board on the
4 ground that such testimony or examination or drug screen report
5 constitutes a privileged communication. In any proceeding by the board
6 pursuant to the provisions of this subsection, the record of such board
7 proceedings involving the mental and physical examination or drug screen,
8 or any combination thereof, shall not be used in any other administrative
9 or judicial proceeding.

10 (c) The board may temporarily suspend or temporarily limit the
11 license of any licensee in accordance with the emergency adjudicative
12 proceedings under the Kansas administrative procedure act if the board
13 determines that there is cause to believe that grounds exist for disciplinary
14 action under subsection (a) against the licensee and that the licensee's
15 continuation in practice would constitute an imminent danger to the public
16 health and safety.

17 (d) The board may suspend, revoke, place in a probationary status or
18 deny a renewal of any retail dealer's permit issued by the board when
19 information in possession of the board discloses that such operations for
20 which the permit was issued are not being conducted according to law or
21 the rules and regulations of the board. When the board determines that
22 action under this subsection requires the immediate protection of the
23 public interest, the board shall conduct an emergency proceeding in
24 accordance with K.S.A. 77-536, and amendments thereto, under the
25 Kansas administrative procedure act.

26 (e) The board may revoke, suspend, place in a probationary status or
27 deny a renewal of the registration of a pharmacy upon a finding that:

28 (1) Such pharmacy has been operated in such manner that violations
29 of the provisions of the pharmacy act of the state of Kansas or of the rules
30 and regulations of the board have occurred in connection therewith;

31 (2) the owner or any pharmacist employed at such pharmacy is
32 convicted, subsequent to such owner's acquisition of or such employee's
33 employment at such pharmacy, of a violation of the pharmacy act or
34 uniform controlled substances act of the state of Kansas, or the federal or
35 state food, drug and cosmetic act;

36 (3) the owner or any pharmacist employed by such pharmacy has
37 fraudulently claimed money for pharmaceutical services; or

38 (4) the registrant has had a registration revoked, suspended or limited,
39 has been censured or has had other disciplinary action taken, or an
40 application for registration denied, by the proper registering authority of
41 another state, territory, District of Columbia or other country, a certified
42 copy of the record of the action of the other jurisdiction being conclusive
43 evidence thereof.

1 When the board determines that action under this subsection requires
2 the immediate protection of the public interest, the board shall conduct an
3 emergency proceeding in accordance with K.S.A. 77-536, and
4 amendments thereto, under the Kansas administrative procedure act.

5 (f) A registration to manufacture *or repackage* drugs, to ~~distribute at~~
6 ~~operate as a wholesale drug distributor~~, to sell durable medical
7 equipment *or to operate as a third-party logistics provider*, or a
8 registration for the place of business where any such operation is
9 conducted, may be suspended, revoked, placed in a probationary status or
10 the renewal of such registration may be denied by the board upon a finding
11 that the registrant or the registrant's agent:

12 (1) Has materially falsified any application filed pursuant to or
13 required by the pharmacy act of the state of Kansas;

14 (2) has been convicted of a felony under any federal or state law
15 relating to the manufacture or distribution of drugs;

16 (3) has had any federal registration for the manufacture or distribution
17 of drugs suspended or revoked;

18 (4) has refused to permit the board or its duly authorized agents to
19 inspect the registrant's establishment in accordance with the provisions of
20 K.S.A. 65-1629, and amendments thereto;

21 (5) has failed to keep, or has failed to file with the board or has
22 falsified records required to be kept or filed by the provisions of the
23 pharmacy act of the state of Kansas or by the board's rules and regulations;
24 or

25 (6) has violated the pharmacy act of the state of Kansas or rules and
26 regulations adopted by the state board of pharmacy under the pharmacy act
27 of the state of Kansas ~~or~~, has violated the uniform controlled substances
28 act or rules and regulations adopted by the state board of pharmacy under
29 the uniform controlled substances act *or has violated a provision of the*
30 *federal drug supply chain security act or any rule or regulation adopted*
31 *under such act*. When the board determines that action under this
32 subsection requires the immediate protection of the public interest, the
33 board shall conduct an emergency proceeding in accordance with K.S.A.
34 77-536, and amendments thereto, under the Kansas administrative
35 procedure act.

36 (g) Orders under this section, and proceedings thereon, shall be
37 subject to the provisions of the Kansas administrative procedure act.

38 Sec. 3. K.S.A. 65-1633 is hereby amended to read as follows: 65-
39 1633. Every pharmacist who changes residential address *or email address*
40 shall within 30 days thereof ~~by letter~~ notify the ~~executive secretary of the~~
41 ~~board~~ of such change *on a form prescribed and furnished by the board*,
42 and upon receipt of the notice the ~~executive secretary~~ shall make the
43 proper alterations in the record kept for that purpose.

1 Sec. 4. K.S.A. 65-1635 is hereby amended to read as follows: 65-
2 1635. (a) Nothing contained in the pharmacy act of the state of Kansas
3 shall prohibit any duly licensed practitioner from purchasing and keeping
4 drugs, from compounding prescriptions or from administering, supplying
5 or dispensing to such practitioner's patients such drugs as may be fit,
6 proper and necessary. Except as provided in subsection (b) or (c), such
7 drugs shall be dispensed by such practitioner and shall comply with the
8 Kansas food, drug and cosmetic act and be subject to inspection as
9 provided by law.

10 (b) Nothing contained in the pharmacy act of the state of Kansas shall
11 be construed to prohibit any nurse or other person, acting under the
12 direction of a duly licensed practitioner, from administering drugs to a
13 patient.

14 (c) Nothing contained in the pharmacy act of the state of Kansas shall
15 be construed to prohibit any registered nurse, acting under the supervision
16 of a person who is licensed to practice medicine and surgery as of July 1,
17 1982, from dispensing drugs to patients of such person so long as the
18 principal office of such person is, and as of July 1, 1982, was, located in a
19 city not having a registered pharmacy within its boundaries. For the
20 purposes of this subsection (c), "supervision" means guidance and
21 direction of the dispensing of drugs by the person licensed to practice
22 medicine and surgery who shall be physically present in the general
23 location at which the drugs are being dispensed.

24 (d) Nothing contained in the pharmacy act of the state of Kansas shall
25 be construed to prohibit a duly registered ~~wholesaler~~ *wholesale distributor*
26 from distributing a prescription-only drug pursuant to a veterinarian
27 practitioner's written prescription or order, where a valid veterinarian-
28 client-patient relationship, VCPR, as defined in K.S.A. 47-816, and
29 amendments thereto, exists, to the layman responsible for the control of
30 the animal.

31 Sec. 5. K.S.A. 2016 Supp. 65-1636 is hereby amended to read as
32 follows: 65-1636. (a) Except as otherwise provided in this act, the sale and
33 ~~distribution~~ *dispensing* of drugs shall be limited to pharmacies operating
34 under registrations as required by this act, and the actual sale or
35 ~~distribution~~ *dispensing* of drugs shall be made by a pharmacist or other
36 persons acting under the immediate personal direction and supervision of
37 the pharmacist.

38 (b) The donation, acceptance, transfer, distribution or dispensing of
39 any drug in compliance with the provisions of the utilization of unused
40 medications act and any rules and regulations promulgated thereunder
41 shall not constitute a violation of this section.

42 Sec. 6. K.S.A. 2016 Supp. 65-1637 is hereby amended to read as
43 follows: 65-1637. ~~In every store, shop or other place defined in this act as~~

1 a "pharmacy" there shall be a pharmacist in charge and, except as
2 otherwise provided by law, the compounding and dispensing of
3 prescriptions shall be limited to pharmacists only. Except as otherwise
4 provided by the pharmacy act of this state, when a pharmacist is not in
5 attendance at a pharmacy, the premises shall be enclosed and secured.
6 Prescription orders may be written, oral, telephonic or by electronic
7 transmission unless prohibited by law. Blank forms for written prescription
8 orders may have two signature lines. If there are two lines, one signature
9 line shall state: "Dispense as written" and the other signature line shall
10 state: "Brand exchange permissible." Prescriptions shall only be filled or
11 refilled in accordance with the following requirements:

12 (a) All prescriptions shall be filled in strict conformity with any
13 directions of the prescriber, except:

14 (1) That a pharmacist may provide up to three-month supply of a
15 prescription drug that is not a controlled substance or psychotherapeutic
16 drug when a practitioner has written a drug order to be filled with a
17 smaller supply but included sufficient numbers of refills for a three-month
18 supply; and

19 (2) that a pharmacist who receives a prescription order for a brand-
20 name drug product may exercise brand exchange with a view toward
21 achieving a lesser cost to the purchaser unless:

22 (A) The prescriber, in the case of a prescription signed by the
23 prescriber and written on a blank form containing two signature lines,
24 signs the signature line following the statement "dispense as written,"

25 (B) the prescriber, in the case of a prescription signed by the
26 prescriber, writes in the prescriber's own handwriting "dispense as written"
27 on the prescription;

28 (C) the prescriber, in the case of a prescription other than one in
29 writing signed by the prescriber, expressly indicates the prescription is to
30 be dispensed as communicated; or

31 (D) the federal food and drug administration has determined that a
32 drug product of the same generic name is not bioequivalent to the
33 prescribed brand name prescription medication.

34 (b) Prescription orders shall be recorded in writing by the pharmacist
35 and the record so made by the pharmacist shall constitute the original
36 prescription to be dispensed by the pharmacist. This record, if telephoned
37 by other than the physician shall bear the name of the person so
38 telephoning. Nothing in this paragraph shall be construed as altering or
39 affecting in any way laws of this state or any federal act requiring a written
40 prescription order.

41 (c) (1) Except as provided in paragraph (2), no prescription shall be
42 refilled unless authorized by the prescriber either in the original
43 prescription or by oral order which is reduced promptly to writing and

1 filled by the pharmacist.

2 (2) A pharmacist may refill a prescription order issued on or after the
3 effective date of this act for any prescription drug except a drug listed on
4 schedule II of the uniform controlled substances act or a narcotic drug
5 listed on any schedule of the uniform controlled substances act without the
6 prescriber's authorization when all reasonable efforts to contact the
7 prescriber have failed and when, in the pharmacist's professional
8 judgment, continuation of the medication is necessary for the patient's
9 health, safety and welfare. Such prescription refill shall only be in an
10 amount judged by the pharmacist to be sufficient to maintain the patient
11 until the prescriber can be contacted, but in no event shall a refill under
12 this paragraph be more than a seven day supply or one package of the
13 drug. However, if the prescriber states on a prescription that there shall be
14 no emergency refilling of that prescription, then the pharmacist shall not
15 dispense any emergency medication pursuant to that prescription. A
16 pharmacist who refills a prescription order under this subsection (c)(2)
17 shall contact the prescriber of the prescription order on the next business
18 day subsequent to the refill or as soon thereafter as possible. No
19 pharmacist shall be required to refill any prescription order under this
20 subsection (c)(2). A prescriber shall not be subject to liability for any
21 damages resulting from the refilling of a prescription order by a
22 pharmacist under this subsection (c)(2) unless such damages are
23 occasioned by the gross negligence or willful or wanton acts or omissions
24 by the prescriber.

25 (d) If any prescription order contains a provision that the prescription
26 may be refilled a specific number of times within or during any particular
27 period, such prescription shall not be refilled except in strict conformity
28 with such requirements.

29 (e) If a prescription order contains a statement that during any
30 particular time the prescription may be refilled at will, there shall be no
31 limitation as to the number of times that such prescription may be refilled
32 except that it may not be refilled after the expiration of the time specified
33 or one year after the prescription was originally issued, whichever occurs
34 first.

35 (f) Any pharmacist who exercises brand exchange and dispenses a
36 less expensive drug product shall not charge the purchaser more than the
37 regular and customary retail price for the dispensed drug.

38 Nothing contained in this section shall be construed as preventing a
39 pharmacist from refusing to fill or refill any prescription if in the
40 pharmacist's professional judgment and discretion such pharmacist is of
41 the opinion that it should not be filled or refilled. *(a) The pharmacist shall*
42 *exercise professional judgment regarding the accuracy, validity and*
43 *authenticity of any prescription order consistent with federal and state*

1 laws and rules and regulations. A pharmacist shall not dispense a
2 prescription drug if the pharmacist, in the exercise of professional
3 judgment, determines that the prescription is not a valid prescription
4 order.

5 (b) The prescriber may authorize an agent to transmit to the
6 pharmacy a prescription order orally, by facsimile transmission or by
7 electronic transmission, provided that the first and last names of the
8 transmitting agent are included in the order.

9 (c) (1) A new written or electronically prepared and transmitted
10 prescription order shall be manually or electronically signed by the
11 prescriber. If transmitted by the prescriber's agent, the first and last names
12 of the transmitting agent shall be included in the order.

13 (2) If the prescription is for a controlled substance and is written or
14 printed from an electronic prescription application, the prescription shall
15 be manually signed by the prescriber prior to delivery of the prescription
16 to the patient or prior to facsimile transmission of the prescription to the
17 pharmacy.

18 (3) An electronically prepared prescription shall not be electronically
19 transmitted to the pharmacy if the prescription has been printed prior to
20 electronic transmission. An electronically prepared and transmitted
21 prescription which is printed following electronic transmission shall be
22 clearly labeled as a copy, not valid for dispensing.

23 (4) The board is hereby authorized to conduct pilot projects related to
24 any new technology implementation when deemed necessary and
25 practicable, except that no state moneys shall be expended for such
26 purpose.

27 (d) An authorization to refill a prescription order or to renew or
28 continue an existing drug therapy may be transmitted to a pharmacist
29 through oral communication, in writing, by facsimile transmission or by
30 electronic transmission initiated by or directed by the prescriber.

31 (1) If the transmission is completed by the prescriber's agent, and the
32 first and last names of the transmitting agent are included in the order, the
33 prescriber's signature is not required on the fax or alternate electronic
34 transmission.

35 (2) If the refill order or renewal order differs in any manner from the
36 original order, such as a change of the drug strength, dosage form or
37 directions for use, the prescriber shall sign the order as provided by
38 subsection (c)(1).

39 (e) Regardless of the means of transmission to a pharmacy, only a
40 pharmacist or a pharmacist intern shall be authorized to receive a new
41 prescription order from a prescriber or transmitting agent. A pharmacist,
42 a pharmacist intern or a registered pharmacy technician may receive a
43 refill or renewal order from a prescriber or transmitting agent if such

1 registered pharmacy technician's supervising pharmacist has authorized
2 that function.

3 (f) A refill is one or more dispensings of a prescription drug or device
4 that results in the patient's receipt of the quantity authorized by the
5 prescriber for a single fill as indicated on the prescription order.

6 A prescription for a schedule III, IV or V controlled substance may
7 authorize no more than five refills within six months following the date on
8 which the prescription is issued.

9 (g) All prescriptions shall be filled or refilled in strict conformity with
10 any directions of the prescriber, except:

11 (1) That a pharmacist who receives a prescription order for a brand
12 name drug product, excluding a biological product, may exercise brand
13 exchange with a view toward achieving a lesser cost to the purchaser
14 unless:

15 (A) The prescriber, in the case of a prescription electronically signed
16 by the prescriber, includes the statement "dispense as written" on the
17 prescription;

18 (B) the prescriber, in the case of a written prescription signed by the
19 prescriber, writes in the prescriber's own handwriting "dispense as
20 written" on the prescription;

21 (C) the prescriber, in the case of a prescription other than one in
22 writing signed by the prescriber, expressly indicates the prescription is to
23 be dispensed as communicated; or

24 (D) the federal food and drug administration has determined that a
25 drug product of the same generic name is not bioequivalent to the
26 prescribed brand name prescription medication; and

27 (2) that a pharmacist may provide up to a three-month supply of a
28 prescription drug that is not a controlled substance or psychotherapeutic
29 drug when a practitioner has written a drug order to be filled with a
30 smaller supply but included sufficient numbers of refills for a three-month
31 supply.

32 (h) If a prescription order contains a statement that during any
33 particular time the prescription may be refilled at will, there shall be no
34 limitation as to the number of times that such prescription may be refilled,
35 except that it may not be refilled after the expiration of the time specified
36 or one year after the prescription was originally issued, whichever occurs
37 first.

38 (i) Prescription orders shall be recorded in writing by the pharmacist
39 and the record so made by the pharmacist shall constitute the original
40 prescription to be dispensed by the pharmacist. This record, if telephoned
41 by other than the prescriber, shall bear the full name of the person so
42 telephoning. Nothing in this section shall be construed as altering or
43 affecting in any way laws of this state or any federal act requiring a

1 written prescription order.

2 (j) (1) Except as provided in paragraph (2), no prescription shall be
3 refilled unless authorized by the prescriber either in the original
4 prescription or by oral order which is reduced promptly to writing and
5 filled by the pharmacist.

6 (2) A pharmacist may refill a prescription order issued on or after the
7 effective date of this act for any prescription drug, except a drug listed on
8 schedule II of the uniform controlled substances act or a narcotic drug
9 listed on any schedule of the uniform controlled substances act, without
10 the prescriber's authorization when all reasonable efforts to contact the
11 prescriber have failed and when, in the pharmacist's professional
12 judgment, continuation of the medication is necessary for the patient's
13 health, safety and welfare. Such prescription refill shall only be in an
14 amount judged by the pharmacist to be sufficient to maintain the patient
15 until the prescriber can be contacted, but in no event shall a refill under
16 this paragraph be more than a seven-day supply or one package of the
17 drug. However, if the prescriber states on a prescription that there shall be
18 no emergency refilling of that prescription, then the pharmacist shall not
19 dispense any emergency medication pursuant to that prescription. A
20 pharmacist who refills a prescription order under this subsection (j)(2)
21 shall contact the prescriber of the prescription order on the next business
22 day subsequent to the refill or as soon thereafter as possible. No
23 pharmacist shall be required to refill any prescription order under this
24 subsection (j)(2). A prescriber shall not be subject to liability for any
25 damages resulting from the refilling of a prescription order by a
26 pharmacist under this subsection (j)(2) unless such damages are
27 occasioned by the gross negligence or willful or wanton acts or omissions
28 by the prescriber.

29 (k) If any prescription order contains a provision that the
30 prescription may be refilled a specific number of times within or during
31 any particular period, such prescription shall not be refilled, except in
32 strict conformity with such requirements.

33 (l) Any pharmacist who exercises brand exchange and dispenses a
34 less expensive drug product shall not charge the purchaser more than the
35 regular and customary retail price for the dispensed drug.

36 (m) Nothing contained in this section shall be construed as
37 preventing a pharmacist from refusing to fill or refill any prescription if in
38 the pharmacist's professional judgment and discretion such pharmacist is
39 of the opinion that it should not be filled or refilled.

40 New Sec. 7. (a) An automated dispensing system shall be under the
41 supervision of a pharmacist licensed in Kansas, who may be retained on a
42 part-time basis and who shall be responsible for recordkeeping and storage
43 of all drugs and verifying and documenting each prescription drug

1 prepared or dispensed by such system.

2 (b) The board shall adopt such rules and regulations relating to
3 automated dispensing systems as necessary for proper control and
4 operation.

5 (c) This section shall be part of and supplemental to the pharmacy act
6 of the state of Kansas.

7 Sec. 8. K.S.A. 2016 Supp. 65-1642 is hereby amended to read as
8 follows: 65-1642. (a) Each pharmacy shall be equipped with proper
9 pharmaceutical utensils, in order that prescriptions can be properly filled
10 and United States ~~pharmacopoeia~~ *pharmacopeia* and national formulary
11 preparations properly compounded, and with proper sanitary appliances
12 which shall be kept in a clean and orderly manner. The board shall
13 prescribe the minimum of such professional and technical equipment
14 which a pharmacy shall at all times possess.

15 (b) Each pharmacy shall keep a suitable book or file which records
16 every prescription order filled at the pharmacy and a medication profile
17 record system as provided under subsection (d). The book or file of
18 prescription orders shall be kept for a period of not less than five years.
19 The book or file of prescription orders shall at all times be open to
20 inspection by members of the board, the secretary of health and
21 environment, the duly authorized agents or employees of such board or
22 secretary and other proper authorities.

23 (c) (1) A medication profile record system shall be maintained in all
24 pharmacies for persons for whom prescriptions are dispensed. The
25 following information shall be recorded: (A) The name and address of the
26 patient for whom the medication is intended; (B) the prescriber's name, the
27 original date the prescription is dispensed and the number or designation
28 identifying the prescription; (C) the name, strength and quantity of the
29 drug dispensed and the name of the dispensing pharmacist; and (D) drug
30 allergies and sensitivities.

31 (2) Upon receipt of a prescription order, the pharmacist shall examine
32 the patient's medication profile record before dispensing the medication to
33 determine the possibility of a harmful drug interaction or reaction to
34 medication. Upon recognizing a potential harmful drug interaction or
35 reaction to the medication, the pharmacist shall take appropriate action to
36 avoid or minimize the problem which shall, if necessary, include
37 consultation with the prescriber with documentation of actions taken on
38 the prescription record.

39 (3) A medication profile record shall be maintained for a period of not
40 less than five years from the date of the last entry in the record.

41 (4) All prescription drug orders communicated by way of electronic
42 transmission shall conform to federal and state laws and the provisions of
43 the board's rules and regulations.

1 (d) No registration shall be issued or continued for the conduct of a
2 pharmacy until or unless the provisions of this section have been complied
3 with.

4 (e) *Each pharmacy shall comply with the requirements of the federal*
5 *drug supply chain security act, 21 U.S.C. § 351 et seq.*

6 Sec. 9. K.S.A. 2016 Supp. 65-1643 is hereby amended to read as
7 follows: 65-1643. It shall be unlawful:

8 (a) For any person to operate, maintain, open or establish any
9 pharmacy within this state without first having obtained a registration from
10 the board. Each application for registration of a pharmacy shall indicate
11 the person or persons desiring the registration, including the pharmacist in
12 charge, as well as the location, including the street name and number, and
13 such other information as may be required by the board to establish the
14 identity and exact location of the pharmacy. The issuance of a registration
15 for any pharmacy shall also have the effect of permitting such pharmacy to
16 operate as a retail dealer without requiring such pharmacy to obtain a retail
17 dealer's permit. On evidence satisfactory to the board: (1) That the
18 pharmacy for which the registration is sought will be conducted in full
19 compliance with the law and the rules and regulations of the board; (2) that
20 the location and appointments of the pharmacy are such that it can be
21 operated and maintained without endangering the public health or safety;
22 and (3) that the pharmacy will be under the supervision of a pharmacist, a
23 registration shall be issued to such persons as the board shall deem
24 qualified to conduct such a pharmacy.

25 (b) For any person to ~~manufacture within this state any drugs except~~
26 ~~under the personal and immediate supervision of a pharmacist or such~~
27 ~~other person or persons as may be approved by the board after an~~
28 ~~investigation and a determination by the board that such person or persons~~
29 ~~is qualified by scientific or technical training or experience to perform~~
30 ~~such duties of supervision as may be necessary to protect the public health~~
31 ~~and safety; and no person shall manufacture any such drugs without first~~
32 ~~obtaining a registration so to do from the board. Such registration shall be~~
33 ~~subject to such rules and regulations with respect to requirements,~~
34 ~~sanitation and equipment, as the board may from time to time adopt for the~~
35 ~~protection of public health and safety violate the federal drug supply chain~~
36 ~~security act, 21 U.S.C. § 351 et seq.~~

37 (c) For any person to distribute at wholesale any drugs without first
38 obtaining a registration ~~so to do as a wholesale distributor~~ from the board.

39 (d) For any person to ~~sell or offer for sale at public auction or private~~
40 ~~sale in a place where public auctions are conducted, any drugs without first~~
41 ~~having obtained a registration from the board so to do, and it shall be~~
42 ~~necessary to obtain the permission of the board in every instance where~~
43 ~~any of the products covered by this section are to be sold or offered for~~

1 ~~sale operate as a third-party logistics provider within this state without~~
2 ~~having first obtained a registration from the board.~~

3 (e) For any person to in any manner distribute or dispense samples of
4 any drugs without first having obtained a permit from the board so to do,
5 and it shall be necessary to obtain permission from the board in every
6 instance where the samples are to be distributed or dispensed. Nothing in
7 this subsection shall be held to regulate or in any manner interfere with the
8 furnishing of samples of drugs to duly licensed practitioners, to mid-level
9 practitioners, to pharmacists or to medical care facilities.

10 (f) Except as otherwise provided in this subsection (f), for any person
11 operating a store or place of business to sell, offer for sale or distribute any
12 drugs to the public without first having obtained a registration or permit
13 from the board authorizing such person so to do. No retail dealer who sells
14 12 or fewer different nonprescription drug products shall be required to
15 obtain a retail dealer's permit under the pharmacy act of the state of Kansas
16 or to pay a retail dealer new permit or permit renewal fee under such act. It
17 shall be lawful for a retail dealer who is the holder of a valid retail dealer's
18 permit issued by the board or for a retail dealer who sells 12 or fewer
19 different nonprescription drug products to sell and distribute
20 nonprescription drugs which are prepackaged, fully prepared by the
21 manufacturer or distributor for use by the consumer and labeled in
22 accordance with the requirements of the state and federal food, drug and
23 cosmetic acts. Such nonprescription drugs shall not include: (1) A
24 controlled substance; (2) a prescription-only drug; or (3) a drug product
25 intended for human use by hypodermic injection; but such a retail dealer
26 shall not be authorized to display any of the words listed in ~~subsection (dd)~~
27 ~~of K.S.A. 65-1626(hh)~~, and amendments thereto, for the designation of a
28 pharmacy or drugstore.

29 (g) For any person to sell any drugs manufactured and sold only in
30 the state of Kansas, unless the label and directions on such drugs shall first
31 have been approved by the board.

32 (h) For any person to operate an institutional drug room without first
33 having obtained a registration to do so from the board. Such registration
34 shall be subject to the provisions of K.S.A. 65-1637a, and amendments
35 thereto, and any rules and regulations adopted pursuant thereto.

36 (i) For any person to operate a veterinary medical teaching hospital
37 pharmacy without first having obtained a registration to do so from the
38 board. Such registration shall be subject to the provisions of K.S.A. 65-
39 1662, and amendments thereto, and any rules and regulations adopted
40 pursuant thereto.

41 (j) For any person to sell or distribute in a pharmacy a controlled
42 substance designated in ~~subsection (e) or (f) of K.S.A. 65-4113(e) or (f)~~,
43 and amendments thereto, unless:

1 (1) (A) Such controlled substance is sold or distributed by a licensed
2 pharmacist, a registered pharmacy technician or a pharmacy intern or clerk
3 supervised by a licensed pharmacist;

4 (B) any person purchasing, receiving or otherwise acquiring any such
5 controlled substance produces a photo identification showing the date of
6 birth of the person and signs a log and enters in the log, or allows the seller
7 to enter in the log, such person's address and the date and time of sale or
8 allows the seller to enter such information into an electronic logging
9 system pursuant to K.S.A. 2016 Supp. 65-16,102, and amendments
10 thereto. The log or database required by the board shall be available for
11 inspection during regular business hours to the board of pharmacy and any
12 law enforcement officer;

13 (C) the seller determines that the name entered in the log corresponds
14 to the name provided on such identification and that the date and time
15 entered are correct; and

16 (D) the seller enters in the log the name of the controlled substance
17 and the quantity sold; or

18 (2) there is a lawful prescription.

19 (k) For any pharmacy to allow customers to have direct access to any
20 controlled substance designated in ~~subsection (e) or (f)~~ of K.S.A. 65-
21 4113(e) or (f), and amendments thereto. Such controlled substance shall be
22 placed behind the counter or stored in a locked cabinet that is located in an
23 area of the pharmacy to which customers do not have direct access.

24 (l) A seller who in good faith releases information in a log pursuant to
25 subsection (j) to any law enforcement officer is immune from civil liability
26 for such release unless the release constitutes gross negligence or
27 intentional, wanton or willful misconduct.

28 (m) For any person to sell or lease or offer for sale or lease durable
29 medical equipment without first obtaining a registration from the board, in
30 accordance with rules and regulations adopted by the board, except that
31 this subsection shall not apply to:

32 (1) Sales not made in the regular course of the person's business; or

33 (2) sales by charitable organizations exempt from federal income
34 taxation pursuant to the internal revenue code of 1986, as amended.

35 (n) *For any person to operate as an outsourcing facility within this*
36 *state, or operate as an outsourcing facility outside of Kansas and ship,*
37 *mail or deliver drugs into this state, without having first obtained a*
38 *registration from the board.*

39 (o) *For any person to operate an automated dispensing system within*
40 *this state without having first obtained a registration from the board.*

41 Sec. 10. K.S.A. 2016 Supp. 65-1645 is hereby amended to read as
42 follows: 65-1645. (a) Application for registrations or permits under K.S.A.
43 65-1643, and amendments thereto, shall be made on a form prescribed and

1 furnished by the board. Applications for registration ~~to distribute at~~
2 ~~wholesale any drugs~~ shall contain such information as may be required by
3 the board in accordance with the provisions of K.S.A. 65-1655, and
4 amendments thereto, *and sections 13 and 14, and amendments thereto.*
5 The application shall be accompanied by the fee prescribed by the board
6 under the provisions of this section. When such application and fees are
7 received by the ~~executive secretary of the board~~ on or before the due date,
8 such application shall have the effect of temporarily renewing the
9 applicant's registration or permit until actual issuance or denial of the
10 renewal. However, if at the time of filing a proceeding is pending before
11 the board which may result in the suspension, probation, revocation or
12 denial of the applicant's registration or permit, the board may declare, by
13 emergency order, that such application for renewal shall not have the effect
14 of temporarily renewing such applicant's registration or permit. Separate
15 applications shall be made and separate registrations or permits issued for
16 each separate place at which is carried on any of the operations for which a
17 registration or permit is required by K.S.A. 65-1643, and amendments
18 thereto.

19 (b) The nonrefundable fees required for the issuing of the licenses,
20 registrations or permits under the pharmacy act of the state of Kansas shall
21 be fixed by the board as herein provided, subject to the following:

22 (1) Pharmacy, new registration not more than \$150, renewal not more
23 than \$125;

24 (2) pharmacist, new license by examination not more than \$350;

25 (3) pharmacist, reinstatement application fee not more than \$250;

26 (4) pharmacist, biennial renewal fee not more than \$200;

27 (5) pharmacist, evaluation fee not more than \$250;

28 (6) pharmacist, reciprocal licensure fee not more than \$250;

29 (7) pharmacist, penalty fee, not more than \$500;

30 (8) manufacturer, new registration not more than \$500, renewal not
31 more than \$400;

32 (9) ~~wholesaler~~ *wholesale distributor*, new registration not more than
33 \$500, renewal not more than \$400, except that a ~~wholesaler~~ *wholesale*
34 *distributor* dealing exclusively in nonprescription drugs, the
35 manufacturing, distributing or dispensing of which does not require
36 registration under the uniform controlled substances act, shall be assessed
37 a fee for registration and reregistration not to exceed \$50;

38 (10) special auction not more than \$50;

39 (11) samples distribution not more than \$50, renewal not more than
40 \$50;

41 (12) institutional drug room, new registration not more than \$40,
42 renewal not more than \$35;

43 (13) retail dealer selling more than 12 different nonprescription drug

1 products, new permit not more than \$12, renewal not more than \$12;

2 (14) certification of grades for each applicant for examination and
3 registration not more than \$25;

4 (15) veterinary medical teaching hospital pharmacy, new registration
5 not more than \$40, renewal not more than \$35;~~or~~

6 (16) durable medical equipment registration fee, not more than \$300,
7 renewal not more than \$300;

8 (17) *third-party logistics provider, new registration not more than*
9 *\$500, renewal not more than \$400, except that a third-party logistics*
10 *provider exclusively providing nonprescription drugs, the manufacturing,*
11 *distributing or dispensing of which does not require registration under the*
12 *uniform controlled substances act, shall be assessed a fee for registration*
13 *and re-registration not to exceed \$50;*

14 (18) *outsourcing facility, new registration not more than \$500,*
15 *renewal not more than \$400;*

16 (19) *repackager, new registration not more than \$500, renewal not*
17 *more than \$400; or*

18 (20) *automated dispensing system registration fee, not more than*
19 *\$40, renewal not more than \$35.*

20 (c) For the purpose of fixing fees, the board may establish classes of
21 retail dealers' permits for retail dealers selling more than 12 different
22 nonprescription drug products, and the board may fix a different fee for
23 each such class of permit.

24 (d) The board shall determine annually the amount necessary to carry
25 out and enforce the provisions of this act for the next ensuing fiscal year
26 and shall fix by rules and regulations the fees authorized for such year at
27 the sum deemed necessary for such purposes. The fees fixed by the board
28 under this section immediately prior to the effective date of this act shall
29 continue in effect until different fees are fixed by the board by rules and
30 regulations as provided under this section.

31 (e) The board may deny renewal of any registration or permit
32 required by K.S.A. 65-1643, and amendments thereto, on any ground
33 which would authorize the board to suspend, revoke or place on probation
34 a registration or permit previously granted pursuant to the provisions of
35 K.S.A. 65-1643, and amendments thereto. Registrations and permits issued
36 under the provisions of K.S.A. 65-1643 and 65-1644, and amendments
37 thereto, shall be conspicuously displayed in the place for which the
38 registration or permit was granted. Such registrations or permits shall not
39 be transferable. All such registrations and permits shall expire every year.
40 The expiration date shall be established by rules and regulations adopted
41 by the board. All registrations and permits shall be renewed annually.
42 Notice of renewal of registrations and permits shall be ~~mailed~~ *sent* by the
43 board to each registrant or permittee at least 30 days prior to expiration of

1 the registration or permit. If application for renewal is not made prior to
2 expiration, the existing registration or permit shall lapse and become null
3 and void on the date of its expiration, and no new registration or permit
4 shall be granted except upon payment of the required renewal fee plus a
5 penalty equal to the renewal fee. Failure of any registrant or permittee to
6 receive such notice of renewal shall not relieve the registrant or permittee
7 from the penalty hereby imposed if the renewal is not made as prescribed.

8 (f) In each case in which a license of a pharmacist is issued or
9 renewed for a period of time less than two years, the board shall prorate to
10 the nearest whole month the license or renewal fee established pursuant to
11 this section.

12 (g) The board may require that fees paid for any examination under
13 the pharmacy act of the state of Kansas be paid directly to the examination
14 service by the person taking the examination.

15 Sec. 11. K.S.A. 65-1648 is hereby amended to read as follows: 65-
16 1648. (a) Any medical care facility pharmacy registered by the board may
17 keep drugs in such facility and may supply drugs to its inpatients and
18 outpatients. Distribution and control of prescription medications in a
19 medical care facility pharmacy shall be under the supervision of a
20 pharmacist in charge. A designated registered nurse or nurses or a licensed
21 physician assistant approved by the pharmacist in charge and under the
22 supervision of the pharmacist in charge shall be in charge of the
23 distribution and control of drugs of a medical care facility pharmacy when
24 a pharmacist is not on the premises. Drugs supplied to outpatients when a
25 pharmacist is not on the premises shall be limited to the quantity necessary
26 until a prescription can be filled.

27 (b) Nothing contained in this act shall be construed as prohibiting an
28 adult care home which utilizes the services of a pharmacist, from
29 maintaining an emergency medication kit approved by the adult care
30 home's medical staff composed of a duly licensed practitioner and a
31 pharmacist. The emergency medication kit shall be used only in
32 emergency cases under the supervision and direction of a duly licensed
33 practitioner, and a pharmacist shall have supervisory responsibility of
34 maintaining said emergency medication kit.

35 (c) Every adult care home which maintains an emergency medication
36 kit under subsection (b) shall comply with the following requirements:

37 (1) Drugs in an emergency medication kit shall be maintained under
38 the control of the pharmacist in charge of the pharmacy from which the kit
39 came until administered to the patient upon the proper order of a
40 practitioner.

41 (2) Drugs contained within the emergency medication kit may
42 include controlled substances, but in such case a pharmaceutical services
43 committee shall be responsible for specifically limiting the type and

1 quantity of controlled substance to be placed in each emergency kit.

2 (3) Administration of controlled substances contained within the
3 emergency medication kit shall be in compliance with the provisions of the
4 uniform controlled substances act.

5 (4) The consultant pharmacist of the adult care home shall be
6 responsible for developing procedures, proper control and accountability
7 for the emergency medication kit and shall maintain complete and accurate
8 records of the controlled substances, if any, placed in the emergency kit.
9 Periodic physical inventory of the kit shall be required.

10 (d) (1) The state department of health and environment, any county,
11 city-county or multicounty health department, indigent health care clinic,
12 federally qualified health center and any private not-for-profit family
13 planning clinic, when registered by the board, may keep drugs for the
14 purpose of distributing drugs to patients being treated by that health
15 department, indigent health care clinic, federally qualified health center or
16 family planning clinic. Distribution and control of prescription
17 medications in a health department, indigent health care clinic, federally
18 qualified health center or family planning clinic shall be under the
19 supervision of a pharmacist in charge. A designated registered nurse or
20 nurses or a licensed physician assistant approved by the pharmacist in
21 charge shall be in charge of distribution and control of drugs in the health
22 department, indigent health care clinic, federally qualified health center or
23 family planning clinic under the supervision of the pharmacist in charge
24 when a pharmacist is not on the premises. Drugs supplied to patients when
25 a pharmacist is not on the premises shall be limited to the quantity
26 necessary to complete a course of treatment as ordered by the practitioner
27 supervising such treatment.

28 (2) The board shall adopt rules and regulations relating to specific
29 drugs to be used, to recordkeeping and to storage of drugs by a health
30 department, indigent health care clinic, federally qualified health center or
31 family planning clinic as are necessary for proper control of drugs.

32 (3) *Any medical care facility pharmacy registered by the board shall*
33 *comply with the applicable requirements of the federal drug supply chain*
34 *security act, 21 U.S.C. § 351 et seq.*

35 Sec. 12. K.S.A. 2016 Supp. 65-1655 is hereby amended to read as
36 follows: 65-1655. (a) The board shall require an applicant for registration
37 ~~to distribute at as a wholesale drug distributor~~ under K.S.A. 65-1643,
38 and amendments thereto, or an applicant for renewal of such a registration,
39 to provide the following information:

40 (1) The name, full business address and telephone number of the
41 applicant;

42 (2) all trade or business names used by the applicant;

43 (3) addresses, telephone numbers, and the names of contact persons

1 for all facilities used by the applicant for the storage, handling and
2 distribution of prescription drugs;

3 (4) the type of ownership or operation of the applicant;

4 (5) the name of the owner or operator, or both, of the applicant,
5 including:

6 (A) If a person, the name of the person;

7 (B) if a partnership, the name of each partner, and the name of the
8 partnership;

9 (C) if a corporation, the name and title of each corporate officer and
10 director, the corporate names and the name of the state of incorporation;

11 (D) if a sole proprietorship, the full name of the sole proprietor and
12 the name of the business entity; and

13 (6) such other information as the board deems appropriate. Changes
14 in any information in this subsection (a) shall be submitted to the board as
15 required by such board.

16 (b) In reviewing the qualifications for applicants for initial
17 registration or renewal of registration ~~to distribute at as a wholesale~~
18 ~~any~~ *drugs distributor*, the board shall consider the following factors:

19 (1) Any convictions of the applicant under any federal, state or local
20 laws relating to drug samples, wholesale or retail drug distribution or
21 distribution of controlled substances;

22 (2) any felony convictions of the applicant under federal or state
23 laws;

24 (3) the applicant's past experience in the manufacture or distribution
25 of prescription drugs, including controlled substances;

26 (4) the furnishing by the applicant of false or fraudulent material in
27 any application made in connection with drug manufacturing or
28 distribution;

29 (5) suspension or revocation by federal, state or local government of
30 any license or registration currently or previously held by the applicant for
31 the manufacture or distribution of any drugs, including controlled
32 substances;

33 (6) compliance with registration requirements under previously
34 granted registrations, if any;

35 (7) compliance with requirements to maintain or make available to
36 the board or to federal state or local law enforcement officials those
37 records required by federal food, drug and cosmetic act, and rules and
38 regulations adopted pursuant thereto; and

39 (8) any other factors or qualifications the board considers relevant to
40 and consistent with the public health and safety.

41 (c) After consideration of the qualifications for applicants for
42 registration ~~to distribute at as a wholesale~~
43 ~~any~~ *drugs distributor*, the board may deny an initial application for registration or application for renewal

1 of a registration if the board determines that the granting of such
2 registration would not be in the public interest. The authority of the board
3 under this subsection to deny a registration ~~to distribute at as a wholesale~~
4 ~~any drugs distributor~~ shall be in addition to the authority of the board
5 under ~~subsection (e) of K.S.A. 65-1627(e), and amendments thereto, or~~
6 ~~subsection (e) of K.S.A. 65-1645(e), and amendments thereto.~~

7 (d) The board by rules and regulations shall require that personnel
8 employed by persons registered ~~to distribute at as a wholesale any drugs~~
9 ~~distributor~~ have appropriate education or experience, or both, to assume
10 responsibility for positions related to compliance with state registration
11 requirements.

12 (e) The board by rules and regulations may implement this section to
13 conform to any requirements of the federal ~~prescription drug marketing act~~
14 ~~of 1987 drug supply chain security act~~, (21 U.S.C. § ~~321~~ 351 et seq.), in
15 effect on the effective date of this act.

16 (f) Each facility that engages in wholesale distribution must undergo
17 an inspection by the board or a third party recognized by the board to
18 inspect ~~and accredit~~ wholesale distributors for the purpose of inspecting
19 the wholesale distribution operations prior to initial registration and
20 periodically thereafter in accordance with a schedule to be determined by
21 the board but not less than once every three years. ~~The board shall have the~~
22 ~~authority to waive registration requirements for wholesale distributors that~~
23 ~~are accredited by an accrediting agency approved by the board.~~ The board
24 shall adopt rules and regulations to establish standards and requirements
25 for the issuance and maintenance of a wholesale distributor registration,
26 including inspections of wholesale distributor facilities domiciled in the
27 state.

28 (1) Individual or third party inspectors must demonstrate to the board
29 that they have received training or demonstrate familiarity with the
30 inspection standards. Evidence such as a letter of certification from a
31 training program, notice from the inspector's employing third party
32 organization or other means recognized by the board shall be accepted as
33 meeting the requirement.

34 (2) The board may register a wholesale distributor that is licensed or
35 registered under the laws of another state if:

36 (A) The requirements of that state are deemed by the board to be
37 substantially equivalent; or

38 (B) the applicant is inspected ~~and accredited~~ by a third party
39 recognized and approved by the board.

40 (g) A person licensed or approved by the ~~federal food and drug~~
41 ~~administration FDA~~ to engage in ~~the manufacture of drugs or devices~~
42 ~~engaged in~~ wholesale distribution need only satisfy the minimum federal
43 requirements for licensure provided in ~~federal food and drug~~

1 ~~administration~~ *FDA* regulations 21 C.F.R. Part 205 to provide wholesale
2 distribution services.

3 (h) The board by rule and regulation shall establish standards and
4 requirements for the issuance and maintenance of a wholesale distributor
5 registration, including, but not limited to, requirements regarding the
6 following:

- 7 (1) An application and renewal fee;
- 8 (2) a surety bond;
- 9 (3) registration and periodic inspections;
- 10 (4) certification of a designated representative;
- 11 (5) designation of a registered agent;
- 12 (6) storage of drugs and devices;
- 13 (7) handling, transportation and shipment of drugs and devices;
- 14 (8) security;
- 15 (9) examination of drugs and devices and treatment of those found to
16 be unacceptable as defined by the board;

17 (10) due diligence regarding other ~~wholesale distributors~~ *trading*
18 *partners*;

19 (11) creation and maintenance of records, including transaction
20 records; ~~and~~

21 (12) procedures for operation; *and*

22 (13) *follow FDA procedures for compliance with the requirements of*
23 *the federal drug supply chain security act, 21 U.S.C. § 351 et seq.*

24 (i) This section shall be part of and supplemental to the pharmacy act
25 of the state of Kansas.

26 New Sec. 13. (a) The board shall require an applicant for registration
27 to operate as a third-party logistics provider under K.S.A. 65-1643, and
28 amendments thereto, or an applicant for renewal of such a registration, to
29 provide the following information:

30 (1) The name, full business address and telephone number of the
31 applicant;

32 (2) all trade or business names used by the applicant;

33 (3) addresses, telephone numbers, and the names of contact persons
34 for all facilities used by the applicant for the storage, handling and
35 distribution of prescription drugs;

36 (4) the type of ownership or operation of the applicant;

37 (5) the name of the owner or operator, or both, of the applicant,
38 including:

39 (A) If a person, the name of the person;

40 (B) if a partnership, the name of each partner, and the name of the
41 partnership;

42 (C) if a corporation, the name and title of each corporate officer and
43 director, the corporate names and the name of the state of incorporation;

1 (D) if a sole proprietorship, the full name of the sole proprietor and
2 the name of the business entity; and

3 (6) such other information as the board deems appropriate. Changes
4 in any information in this subsection (a) shall be submitted to the board as
5 required by such board.

6 (b) In reviewing the qualifications for applicants for initial
7 registration or renewal of registration to operate as a third-party logistics
8 provider, the board shall consider the following factors:

9 (1) Any convictions of the applicant under any federal, state or local
10 laws relating to drug samples, wholesale or retail drug distribution or
11 distribution of controlled substances;

12 (2) any felony convictions of the applicant under federal or state
13 laws;

14 (3) the applicant's past experience in the manufacture or distribution
15 of prescription drugs, including controlled substances;

16 (4) the furnishing by the applicant of false or fraudulent material in
17 any application made in connection with drug manufacturing or
18 distribution;

19 (5) suspension or revocation by any federal, state or local government
20 of any license or registration currently or previously held by the applicant
21 for the manufacture or distribution of any drugs, including controlled
22 substances;

23 (6) compliance with registration requirements under previously
24 granted registrations, if any;

25 (7) compliance with requirements to maintain or make available to
26 the board or to federal state or local law enforcement officials those
27 records required by the federal food, drug and cosmetic act, and rules and
28 regulations adopted pursuant thereto; and

29 (8) any other factors or qualifications the board considers relevant to
30 and consistent with the public health and safety.

31 (c) After consideration of the qualifications for applicants for
32 registration to operate as a third-party logistics provider, the board may
33 deny an initial application for registration or application for renewal of a
34 registration if the board determines that the granting of such registration
35 would not be in the public interest. The authority of the board under this
36 subsection to deny a registration to operate a third-party logistics provider
37 shall be in addition to the authority of the board under K.S.A. 65-1627(e)
38 or 65-1645(e), and amendments thereto.

39 (d) The board by rules and regulations shall require that personnel
40 employed by persons registered to operate as a third-party logistics
41 provider have appropriate education or experience, or both, to assume
42 responsibility for positions related to compliance with state registration
43 requirements.

1 (e) The board by rules and regulations may implement this section to
2 conform to any requirements of the federal drug supply chain security act,
3 21 U.S.C. § 351 et seq., in effect on the effective date of this act.

4 (f) Each facility that operates as a third-party logistics provider must
5 undergo an inspection by the board or a third party recognized by the
6 board to inspect third-party logistics provider operations prior to initial
7 registration and periodically thereafter in accordance with a schedule to be
8 determined by the board, but not less than once every three years. The
9 board shall adopt rules and regulations to establish standards and
10 requirements for the issuance and maintenance of a third-party logistics
11 provider registration, including inspections of third-party logistics provider
12 facilities domiciled in the state.

13 (1) Individual or third-party inspectors must demonstrate to the board
14 that they have received training or demonstrate familiarity with the
15 inspection standards. Evidence, such as a letter of certification from a
16 training program, notice from the inspector's employing third-party
17 organization or other means recognized by the board shall be accepted as
18 meeting the requirement.

19 (2) The board may register a third-party logistics provider that is
20 licensed or registered under the laws of another state if:

21 (A) The requirements of that state are deemed by the board to be
22 substantially equivalent; or

23 (B) the applicant is inspected by a third party recognized and
24 approved by the board.

25 (g) A person licensed or approved by the FDA to engage in third-
26 party logistics need only satisfy the minimum federal requirements for
27 licensure provided in FDA regulations 21 C.F.R. part 205 to provide third-
28 party logistics services.

29 (h) The board by rules and regulations shall establish standards and
30 requirements for the issuance and maintenance of a third-party logistics
31 provider registration, including, but not limited to, requirements regarding
32 the following:

- 33 (1) An application and renewal fee;
- 34 (2) a surety bond;
- 35 (3) registration and periodic inspections;
- 36 (4) certification of a designated representative;
- 37 (5) designation of a registered agent;
- 38 (6) storage of drugs and devices;
- 39 (7) handling, transportation and shipment of drugs and devices;
- 40 (8) security;
- 41 (9) examination of drugs and devices and treatment of those found to
42 be unacceptable as defined by the board;
- 43 (10) due diligence regarding other trading partners;

1 (11) creation and maintenance of records, including transaction
2 records;

3 (12) procedures for operation; and

4 (13) procedures for compliance with the requirements of the federal
5 drug supply chain security act, 21 U.S.C. § 351 et seq.

6 (i) This section shall be part of and supplemental to the pharmacy act
7 of the state of Kansas.

8 New Sec. 14. (a) The board shall require an applicant for registration
9 as an outsourcing facility under K.S.A. 65-1643, and amendments thereto,
10 or an applicant for renewal of such a registration, to provide the following
11 information:

12 (1) The name, full business address and telephone number of the
13 applicant;

14 (2) all trade or business names used by the applicant;

15 (3) the type of ownership or operation of the applicant;

16 (4) the name of the owner or operator, or both, of the applicant,
17 including:

18 (A) If a person, the name of the person;

19 (B) if a partnership, the name of each partner, and the name of the
20 partnership;

21 (C) if a corporation, the name and title of each corporate officer and
22 director, the corporate names and the name of the state of incorporation;

23 (D) if a sole proprietorship, the full name of the sole proprietor and
24 the name of the business entity;

25 (5) a copy of the valid FDA registration as an outsourcing facility as
26 required by 21 U.S.C. § 353b;

27 (6) the name and license number of the pharmacist who is designated
28 as the pharmacist-in-charge of the outsourcing facility;

29 (7) a copy of a current inspection report resulting from an FDA
30 inspection that indicates compliance with the requirements of the federal
31 food, drug and cosmetic act, including guidance documents and current
32 good manufacturing practices established by the FDA, or if no FDA
33 inspection has been conducted within the prior two-year period, the
34 outsourcing facility must undergo an inspection pursuant to subsection (e);
35 and

36 (8) such other information as the board deems appropriate.

37 Changes in any information in this subsection (a) shall be submitted to
38 the board as required by such board.

39 (b) In reviewing the qualifications for applicants for initial
40 registration or renewal of registration as an outsourcing facility, the board
41 shall consider the following factors:

42 (1) Any convictions of the applicant under any federal, state or local
43 laws relating to drug samples, wholesale or retail drug distribution or

1 distribution of controlled substances;

2 (2) any felony convictions of the applicant under federal or state
3 laws;

4 (3) the applicant's past experience in the manufacture or distribution
5 of prescription drugs, including controlled substances;

6 (4) the furnishing by the applicant of false or fraudulent material in
7 any application made in connection with drug manufacturing or
8 distribution;

9 (5) suspension or revocation by any federal, state or local government
10 of any license or registration currently or previously held by the applicant
11 for the manufacture or distribution of any drugs, including controlled
12 substances;

13 (6) compliance with registration requirements under previously
14 granted registrations, if any;

15 (7) compliance with requirements to maintain or make available to
16 the board or to federal state or local law enforcement officials those
17 records required by the federal food, drug and cosmetic act, and rules and
18 regulations adopted pursuant thereto; and

19 (8) any other factors or qualifications the board considers relevant to
20 and consistent with the public health and safety.

21 (c) After consideration of the qualifications for applicants for
22 registration as an outsourcing facility, the board may deny an initial
23 application for registration or application for renewal of a registration if
24 the board determines that the granting of such registration would not be in
25 the public interest. The authority of the board under this subsection to deny
26 a registration to operate as an outsourcing facility shall be in addition to
27 the authority of the board under K.S.A. 65-1627(e) or 65-1645(e), and
28 amendments thereto.

29 (d) The board by rules and regulations shall require that personnel
30 employed by persons registered as an outsourcing facility have appropriate
31 education or experience, or both, to assume responsibility for positions
32 related to compliance with state registration requirements.

33 (e) Each outsourcing facility must undergo an inspection by the board
34 or a third party recognized by the board for the purpose of inspecting
35 operations prior to initial registration and periodically thereafter in
36 accordance with a schedule to be determined by the board, but not less
37 than once every three years. The board shall adopt rules and regulations to
38 establish standards and requirements for the issuance and maintenance of
39 an outsourcing facility registration, including inspections of facilities
40 domiciled in the state.

41 (f) The board by rules and regulations shall establish standards and
42 requirements for the issuance and maintenance of an outsourcing facility
43 registration, including, but not limited to, requirements regarding the

1 following:

- 2 (1) An application and renewal fee;
 - 3 (2) a surety bond;
 - 4 (3) registration and periodic inspections;
 - 5 (4) certification of a designated representative;
 - 6 (5) designation of a registered agent;
 - 7 (6) storage of drugs and devices;
 - 8 (7) handling, transportation and shipment of drugs and devices;
 - 9 (8) security;
 - 10 (9) examination of drugs and devices and treatment of those found to
 - 11 be unacceptable as defined by the board;
 - 12 (10) due diligence regarding other trading partners;
 - 13 (11) creation and maintenance of records, including transaction
 - 14 records; and
 - 15 (12) procedures for operation.
- 16 (g) Notwithstanding any other provision, no outsourcing facility may
- 17 distribute or dispense any drug to any person pursuant to a prescription
- 18 unless it is also registered as a pharmacy in this state and meets all other
- 19 applicable requirements of federal and state law.
- 20 (h) This section shall be part of and supplemental to the pharmacy act
- 21 of the state of Kansas.

22 Sec. 15. K.S.A. 2016 Supp. 65-1663 is hereby amended to read as

23 follows: 65-1663. (a) It shall be unlawful for any person to function as a

24 pharmacy technician in this state unless such person is registered with the

25 board as a pharmacy technician. *Every person registered as a pharmacy*

26 *technician shall have graduated from an accredited high school or its*

27 *equivalent, obtained a graduate equivalent diploma (GED), or be enrolled*

28 *and in good standing in a high school education program.* Every person

29 registered as a pharmacy technician shall pass one or more examinations

30 identified and approved by the board within the period or periods of time

31 specified by the board after becoming registered. The board shall adopt

32 rules and regulations identifying the required examinations, when they

33 must be passed and establishing the criteria for the required examinations

34 and passing scores. The board may include as a required examination any

35 national pharmacy technician certification examination. *The board shall*

36 *adopt rules and regulations restricting the tasks a pharmacy technician*

37 *may perform prior to passing any required examinations.*

38 (b) All applications for registration shall be made on a form to be

39 prescribed and furnished by the board. Each application for registration

40 shall be accompanied by a registration fee fixed by the board by rule and

41 regulation not to exceed \$50.

42 (c) The board shall take into consideration any felony conviction of

43 an applicant, but such conviction shall not automatically operate as a bar to

1 registration.

2 (d) Except as otherwise provided in this subsection, each pharmacy
3 technician registration issued by the board shall expire every two years.
4 The expiration date shall be established by rules and regulations adopted
5 by the board. To provide for a system of biennial renewal of pharmacy
6 technician registrations, the board may provide by rules and regulations
7 that registrations issued or renewed may expire less than two years from
8 the date of issuance or renewal. Each applicant for renewal of a pharmacy
9 technician registration shall be made on a form prescribed and furnished
10 by the board and shall be accompanied by a renewal fee fixed by the board
11 by rule and regulation not to exceed \$25. Pharmacy technician registration
12 renewal fees may be prorated for registration periods which are less than
13 biennial in accordance with rules and regulations of the board. Except as
14 otherwise provided in this subsection, the application for registration
15 renewal, when accompanied by the renewal fee and evidence satisfactory
16 to the board that the person has successfully complied with the rules and
17 regulations of the board establishing the requirements for a program of
18 continuing pharmacy technician education and received by the ~~executive~~
19 ~~secretary of the board~~ on or before the date of expiration of the
20 registration, shall have the effect of temporarily renewing the applicant's
21 registration until actual issuance or denial of the renewal registration. If at
22 the time of filing a proceeding is pending before the board which may
23 result in the suspension, probation, revocation or denial of the applicant's
24 registration, the board may by emergency order declare that the application
25 for renewal shall not have the effect of temporarily renewing such
26 applicant's registration. If the renewal fee is not paid prior to the expiration
27 date of the renewal year, the registration is void.

28 (e) *Continuing pharmacy technician education requirements shall be*
29 *fixed by the board at not more than 20 clock hours biennially of a program*
30 *of continuing education approved by the board. Continuing education*
31 *hours may be prorated for licensure periods which are less than biennial*
32 *in accordance with rules and regulations of the board.*

33 (f) (1) The board may limit, suspend or revoke a registration or deny
34 an application for issuance or renewal of any registration as a pharmacy
35 technician on any ground, which would authorize the board to take action
36 against the license of a pharmacist under K.S.A. 65-1627, and
37 amendments thereto.

38 (2) The board may require a physical or mental examination, or both,
39 of a person applying for or registered as a pharmacy technician.

40 (3) The board may temporarily suspend or temporarily limit the
41 registration of any pharmacy technician in accordance with the emergency
42 adjudicative proceedings under the Kansas administrative procedure act if
43 the board determines that there is cause to believe that grounds exist for

1 disciplinary action under this section against the registrant and that the
2 registrant's continuation of pharmacy technician functions would constitute
3 an imminent danger to the public health and safety.

4 (4) Proceedings under this section shall be subject to the Kansas
5 administrative procedure act.

6 ~~(f)~~ (g) Every registered pharmacy technician, within 30 days of
7 obtaining new employment *or ceasing employment as a pharmacy*
8 *technician*, shall ~~furnish~~ *notify* the ~~board's executive secretary~~ *notice* of the
9 name and address of the new employer *or cessation of employment*.

10 (h) *Every pharmacy technician who changes their residential*
11 *address, email address or legal name shall, within 30 days thereof, notify*
12 *the secretary of such change on a form prescribed and furnished by the*
13 *board.*

14 ~~(g)~~ (i) Each pharmacy shall at all times maintain a list of the names of
15 pharmacy technicians employed by the pharmacy. A pharmacy technician
16 shall work under the direct supervision and control of a pharmacist, *and*
17 *while on duty, shall wear a name badge or similar identification with the*
18 *pharmacy technician's name and designation as a pharmacy technician.* It
19 shall be the responsibility of the supervising pharmacist to determine that
20 the pharmacy technician is in compliance with the applicable rules and
21 regulations of the board, and the supervising pharmacist shall be
22 responsible for the acts and omissions of the pharmacy technician in the
23 performance of the pharmacy technician's duties. The ratio of pharmacy
24 technicians to pharmacists in the prescription area of a pharmacy shall be
25 prescribed by the board by rule and regulation. Any change in the ratio of
26 pharmacy technicians to pharmacists in the prescription area of the
27 pharmacy must be adopted by a vote of no less than six members of the
28 board.

29 ~~(h)~~ (j) ~~A person holding a~~ *Every registered* pharmacy technician
30 ~~registration~~ shall display ~~such~~ *the current* registration in that part of the
31 place of business in which such person is engaged in pharmacy technician
32 activities.

33 (k) *Every pharmacy technician registered after July 1, 2017, shall be*
34 *required to pass a certified pharmacy technician examination approved by*
35 *the board.*

36 ~~(i)~~ (l) The board shall adopt such rules and regulations as are
37 necessary to ensure that pharmacy technicians are adequately trained as to
38 the nature and scope of their lawful duties.

39 ~~(j)~~ (m) The board may adopt rules and regulations as may be
40 necessary to carry out the purposes and enforce the provisions of this act.

41 ~~(k)~~ (n) This section shall be part of and supplemental to the pharmacy
42 act of the state of Kansas.

43 Sec. 16. K.S.A. 2016 Supp. 65-1676 is hereby amended to read as

1 follows: 65-1676. (a) It shall be unlawful for any person to function as a
2 pharmacist intern in this state unless such person is registered with the
3 board as a pharmacist intern.

4 (b) All applications for registration shall be made on a form to be
5 prescribed and furnished by the board. Each application for registration
6 shall be accompanied by a registration fee fixed by the board by rule and
7 regulation not to exceed \$25.

8 (c) Each pharmacist intern registration issued by the board shall
9 expire six years from the date of issuance.

10 (d) (1) The board may limit, suspend or revoke a registration or deny
11 an application for issuance or renewal of any registration as a pharmacist
12 intern on any ground that would authorize the board to take action against
13 the license of a pharmacist under K.S.A. 65-1627, and amendments
14 thereto.

15 (2) The board may temporarily suspend or temporarily limit the
16 registration of any pharmacist intern in accordance with the emergency
17 adjudicative proceedings under the Kansas administrative procedure act, if
18 the board determines that there is cause to believe that grounds exist for
19 disciplinary action under this section against the registrant and that the
20 registrant's continuation of pharmacist intern functions would constitute an
21 imminent danger to the public health and safety.

22 (3) Proceedings under this section shall be subject to the Kansas
23 administrative procedure act.

24 (e) Every registered pharmacist intern, within 30 days of obtaining
25 new employment, shall furnish the ~~board's~~ executive secretary notice of
26 the name and address of the new employer.

27 (f) *Every pharmacist intern who changes their residential address,
28 email address or legal name shall, within 30 days thereof, notify the
29 secretary of such change on a form prescribed and furnished by the board.*

30 (g) Each pharmacy shall at all times maintain a list of the names of
31 pharmacist interns employed by the pharmacy. A pharmacist intern shall
32 work under the direct supervision and control of a pharmacist. It shall be
33 the responsibility of the supervising pharmacist to determine that the
34 pharmacist intern is in compliance with the applicable rules and
35 regulations of the board, and the supervising pharmacist shall be
36 responsible for the acts and omissions of the pharmacist intern in the
37 performance of the pharmacist intern's duties.

38 ~~(g)~~ (h) A person holding a pharmacist intern registration shall display
39 such registration in that part of the place of business in which such person
40 is engaged in pharmacist intern activities.

41 ~~(h)~~ (i) The board shall adopt such rules and regulations as are
42 necessary to ensure that pharmacist interns are adequately trained as to the
43 nature and scope of their lawful duties. The board may adopt rules and

1 regulations as may be necessary to carry out the purposes of and enforce
2 the provisions of this section.

3 ~~(i)~~ (j) This section shall be part of and supplemental to the pharmacy
4 act of the state of Kansas.

5 New Sec. 17. (a) The board shall adopt rules and regulations
6 governing proper compounding practices and distribution of compounded
7 drugs by pharmacists and pharmacies.

8 (b) This section shall be part of and supplemental to the pharmacy act
9 of the state of Kansas.

10 Sec. 18. K.S.A. 65-669 is hereby amended to read as follows: 65-669.
11 A drug or device shall be deemed to be misbranded:

12 (a) If its labeling is false or misleading in any particular.

13 (b) If in package form unless it bears a label containing: (1) The name
14 and place of business of the manufacturer, the packer or the distributor,
15 except that in the case of a prescription drug it shall bear the name and
16 place of business of the person responsible for the production of the
17 finished dosage form of the drug, the packer and the distributor; except
18 that nothing in ~~clause paragraph~~ (1) of this ~~paragraph subsection~~ shall be
19 construed to apply to wholesalers and the requirement of ~~clause paragraph~~
20 (1) shall be satisfied by stating such information on the label of the drug
21 and filing a statement with such information with the secretary which shall
22 be made available by the secretary on request to local, public and private
23 health agencies, poison control centers, licentiates of the healing arts, the
24 state board of pharmacy, consumers and others to promote the purposes of
25 this act; in no event, however, shall the label contain less information than
26 required under federal law; and (2) an accurate statement of the quantity of
27 the contents in terms of weight, measure, or numerical count, except that
28 under ~~clause paragraph~~ (2) of this ~~paragraph subsection~~ reasonable
29 variations shall be permitted and exemptions as to small packages shall be
30 allowed, in accordance with regulations prescribed by the secretary, or
31 issued under the federal act.

32 (c) If any word, statement, or other information required by or under
33 authority of this act to appear on the label or labeling is not prominently
34 placed thereon with such conspicuousness ~~(~~ as compared with other
35 words, statements, designs or devices, in the labeling), and in such terms
36 as to render it likely to be read and understood by the ordinary individual
37 under customary conditions of purchase and use.

38 (d) If it is for use by man and contains any quantity of narcotic or
39 hypnotic substance alpha-eucaine, barbituric acid, beta-eucaine, bromal,
40 cannabis, carbromal, chloral, coca, cocaine, codeine, heroin, marijuana,
41 morphine, opium, paraldehyde, peyote, or sulphonmethane, or any
42 chemical derivative of such substance, which derivative has been by the
43 secretary after investigation, found to be, and by regulations under this act,

1 or by regulations issued pursuant to 21 U.S.C. § 352 (d), designated as,
 2 habit forming, unless its label bears the name and quantity or proportion of
 3 such substance or derivative and in juxtaposition therewith the statement
 4 "warning-may be habit forming."

5 (e) (1) If it is a drug, unless its label bears, to the exclusion of any
 6 other nonproprietary name—(, except the applicable systematic chemical
 7 name or the chemical formula); (i)(A) The established name—(, as defined
 8 in ~~subparagraph~~ *paragraph* (2)), of the drug, if such there be; and (ii)(B) in
 9 case it is fabricated from two or more ingredients, the established name of
 10 each active ingredient, including the kind and quantity of proportion of
 11 any alcohol, and also including, whether active or not, the established
 12 name and quantity or proportion of any bromides, ether, chloroform,
 13 acetanilid, acetphenetidin, amidopyrine, antipyrine, atropine, hyoscine,
 14 hyoscyamine, arsenic, digitalis, digitalis glucosides, mercury, ouabain,
 15 strophanthin, strychnine, thyroid, or any derivative or preparation of any
 16 such substances, contained therein. The requirements for stating the
 17 quantity of the active ingredients, other than the quantity of those
 18 specifically named in this paragraph, shall apply only to prescription
 19 drugs. To the extent that compliance with the requirements of ~~clause (ii)~~
 20 *subparagraph (B)* of this ~~subparagraph~~ *paragraph* is impracticable,
 21 exemptions shall be allowed under regulations promulgated by the
 22 secretary, or under the federal act.

23 (2) As used in this ~~paragraph~~ *subsection* (e), the term "established
 24 name," with respect to a drug or ingredient thereof, means: (A) The
 25 applicable official name designated pursuant to 21 U.S.C. § 358, ~~or~~; (B) if
 26 there is no such name and such drug, or such ingredient, is an article
 27 recognized in an official compendium, then the official title thereof in such
 28 compendium; or (C) if neither ~~clause subparagraph (A)~~ nor ~~clause~~
 29 *subparagraph (B)* of this ~~subparagraph~~ *paragraph* applies, then the
 30 common or usual name, if any, of such drug or of such ingredient. Where
 31 ~~clause subparagraph (B)~~ of this ~~subparagraph~~ *paragraph* applies to an
 32 article recognized in the United States ~~pharmacopoeia~~ *pharmacopeia* and
 33 in the homeopathic ~~pharmacopoeia~~ *pharmacopeia* under different official
 34 titles, the official title used in the United States ~~pharmacopoeia~~
 35 *pharmacopeia* shall apply unless it is labeled and offered for sale as a
 36 homeopathic drug, in which case the official title used in the homeopathic
 37 ~~pharmacopoeia~~ *pharmacopeia* shall apply.

38 (f) Unless its labeling bears: (1) Adequate directions for use; and (2)
 39 such adequate warning against use in those pathological conditions or by
 40 children where its use may be dangerous to health, or against unsafe
 41 dosage or methods or duration of administration or application, in such
 42 manner and form, as are necessary for the protection of users. Where any
 43 requirement of ~~clause paragraph (1)~~ of this ~~paragraph~~ *subsection*, as

1 applied to any drug or device, is not necessary for the protection of the
2 public health, the secretary shall promulgate regulations exempting such
3 drug or device from such requirements. Articles exempted under
4 regulations issued under 21 U.S.C. § 352 (f) may also be exempt.

5 (g) If it purports to be a drug the name of which is recognized in an
6 official compendium, unless it is packaged and labeled as prescribed
7 therein. The method of packing may be modified with the consent of the
8 secretary, or if consent is obtained under the federal act. Whenever a drug
9 is recognized in both the United States ~~pharmacopoeia~~ *pharmacopoeia* and
10 the homeopathic ~~pharmacopoeia~~ *pharmacopoeia* of the United States, it
11 shall be subject to the requirements of the United States ~~pharmacopoeia~~
12 *pharmacopoeia* with respect to the packaging and labeling unless it is
13 labeled and offered for sale as a homeopathic drug, in which case it shall
14 be subject to the provisions of the homeopathic ~~pharmacopoeia~~
15 *pharmacopoeia* of the United States, and not to those of the United States
16 ~~pharmacopoeia~~ *pharmacopoeia*. In the event of inconsistency between the
17 requirements of this ~~paragraph~~ *subsection* and those of ~~paragraph~~
18 *subsection* (e) as to the name by which the drug or its ingredients shall be
19 designated, the requirements of ~~paragraph~~ *subsection* (e) shall prevail.

20 (h) If it has been found by the secretary or under the federal act to be
21 a drug liable to deterioration, unless it is packed in such form and manner,
22 and its label bears a statement of such precautions, as the regulations
23 adopted by the secretary require as necessary for the protection of public
24 health. No such regulations shall be established for any drug recognized in
25 an official compendium until the secretary shall have informed the
26 appropriate body charged with the revision of such compendium of the
27 need for such packaging or labeling requirements and such body shall have
28 failed within a reasonable time to prescribe such requirements.

29 (i) (1) If it is a drug and its container is so made, formed, or filled as
30 to be misleading; ~~or~~ (2) if it is an imitation of another drug; or (3) if it is
31 offered for sale under the name of another drug.

32 (j) If it is dangerous to health when used in the dosage, or with the
33 frequency of duration prescribed, recommended, or suggested in the
34 labeling thereof.

35 (k) If it is, or purports to be, or is represented as a drug composed
36 wholly or partly of insulin, unless: (1) It is from a batch with respect to
37 which a certificate or release has been issued pursuant to 21 U.S.C. § 356;,
38 and (2) such certificate or release is in effect with respect to such drug.

39 (l) If it is, or purports to be, or is represented as a drug composed
40 wholly or partly of any kind of penicillin, streptomycin, chlortetracycline,
41 chloramphenicol, bacitracin, or any other antibiotic drug, or any derivative
42 thereof, unless: (1) It is from a batch with respect to which a certificate or
43 release has been issued pursuant to 21 U.S.C. § 357; and (2) such

1 certificate or release is in effect with respect to such drug. This paragraph
2 shall not apply to any drug or class of drugs exempted by regulations
3 promulgated under 21 U.S.C. § 357 (c) or (d). For the purpose of this
4 subsection the term "antibiotic drug" means any drug intended for use by
5 man containing any quantity of any chemical substance which is produced
6 by a microorganism and which has the capacity to inhibit or destroy
7 microorganisms in dilute solution, including the chemically synthesized
8 equivalent of any such substance).

9 (m) If it is a color additive, the intended use of which in or on drugs
10 is for the purpose of coloring only, unless its packaging and labeling are in
11 conformity with such packaging and labeling requirements applicable to
12 such color additive, prescribed under the provisions of K.S.A. 65-667, *and*
13 *amendments thereto*, or of the federal act.

14 (n) In the case of any prescription drug distributed or offered for sale
15 in this state, unless the manufacturer, packer, or distributor thereof
16 includes in all advertisements and other descriptive printed matter issued
17 or caused to be issued by the manufacturer, packer, or distributor with
18 respect to that drug a true statement of: (1) The established name, as
19 defined in subsection (e) (2) of this section;; (2) the formula showing
20 quantitatively each ingredient of such drug to the extent required for labels
21 under 21 U.S.C. § 352 (e);; and (3) such other information in brief
22 summary relating to side effects, contraindications, and effectiveness as
23 shall be required in regulations issued under the federal act.

24 (o) If a trademark, trade name or other identifying mark, imprint or
25 device of another or any likeness of the foregoing has been placed thereon
26 or upon its container with intent to defraud.

27 (p) Drugs and devices which are, in accordance with the practice of
28 the trade, to be processed, labeled or repacked in substantial quantities at
29 establishments other than those where originally processed or packed shall
30 be exempt from any labeling or packaging requirements of this act if such
31 drugs and devices are being delivered, manufactured, processed, labeled,
32 repacked or otherwise held in compliance with regulations issued by the
33 secretary or under the federal act.

34 (q) A drug intended for use by ~~man~~ humans which ~~(A)~~: (1) Is a habit-
35 forming drug to which K.S.A. 65-668, *and amendments thereto*, applies;
36 or ~~(B)~~ (2) because of its toxicity or other potentiality for harmful effect, or
37 the method of its use, or the collateral measures necessary to its use, is not
38 safe for use except under the supervision of a practitioner licensed by law
39 to administer such drug; or ~~(C)~~ (3) is limited by an approved application
40 under 21 U.S.C. § 355 or K.S.A. 65-669a, *and amendments thereto*, to use
41 under the professional supervision of a practitioner licensed by law to
42 administer such drug, shall be dispensed only ~~(i)~~: (A) Upon a written
43 prescription of a practitioner licensed by law to administer such drug or

1 upon the written prescription of a mid-level practitioner as defined in
2 ~~subsection (ii) of K.S.A. 65-1626, and amendments thereto, or (ii); (B)~~
3 upon an oral prescription of such practitioner or mid-level practitioner
4 which is reduced promptly to writing and filed by the pharmacist; or ~~(iii)~~
5 (C) by refilling, any such written or oral prescription if such refilling is
6 authorized by the prescriber either in the original prescription or by oral
7 order which is reduced promptly to writing and filed by the pharmacist.
8 The act of dispensing a drug contrary to the provisions of this paragraph
9 shall be deemed to be an act which results in a drug being misbranded
10 while held for sale.

11 (r) Any drug dispensed by filling or refilling a written or oral
12 prescription of a practitioner licensed by law to administer such drug or by
13 filling or refilling a written or oral prescription of a mid-level practitioner
14 as defined in ~~subsection (ii) of K.S.A. 65-1626, and amendments thereto,~~
15 shall be exempt from the requirements of this section, except subsections
16 (a), (i) (2) and (3), (k), and (l), and the packaging requirements of
17 subsections (g) and (h), if the drug bears a label containing the name and
18 address of the dispenser, the serial number and date of the prescription or
19 of its filling, the name of the prescriber and, if stated in the prescription,
20 the name of the patient, and the directions for use and cautionary
21 statements, if any, contained in such prescription. This exemption shall not
22 apply to any drug dispensed in the course of the conduct of a business of
23 dispensing drugs pursuant to diagnosis by mail, or to a drug dispensed in
24 violation of ~~paragraph subsection (q) of this section.~~

25 (s) The secretary may, by regulation, remove drugs subject to
26 subsection (d) of this section and K.S.A. 65-669a, *and amendments*
27 *thereto*, from the requirements of ~~paragraph subsection (q) of this section~~
28 when such requirements are not necessary for the protection of the public
29 health. Drugs removed from the prescription requirements of the federal
30 act by regulations issued thereunder may also, by regulations issued by the
31 secretary, be removed from the requirements of ~~paragraph subsection (q)~~
32 of this section.

33 (t) A drug which is subject to ~~paragraph subsection (q) of this section~~
34 shall be deemed to be misbranded if at any time prior to dispensing its
35 label fails to bear the statement "caution: federal law prohibits dispensing
36 without prescription," or "caution: state law prohibits dispensing without
37 prescription." A drug to which ~~paragraph subsection (q) of this section~~
38 does not apply shall be deemed to be misbranded if at any time prior to
39 dispensing its label bears the caution statement quoted in the preceding
40 sentence.

41 (u) Nothing in this section shall be construed to relieve any person
42 from any requirement prescribed by or under authority of law with respect
43 to drugs now included or which may hereafter be included within the

1 classifications of narcotic drugs or marijuana as defined in the applicable
2 federal and state laws relating to narcotic drugs and marijuana.

3 Sec. 19. K.S.A. 65-1660 is hereby amended to read as follows: 65-
4 1660. (a) Except as otherwise provided in this section, the provisions of
5 the pharmacy act of the state of Kansas shall not apply to dialysates,
6 devices or drugs which are designated by the board for the purposes of this
7 section relating to treatment of a person with chronic kidney failure
8 receiving dialysis and which are prescribed or ordered by a physician or a
9 mid-level practitioner for administration or delivery to a person with
10 chronic kidney failure if:

11 (1) The wholesale distributor is registered with the board and
12 lawfully holds the drug or device; and

13 (2) the wholesale distributor: (A) Delivers the drug or device to: (i) A
14 person with chronic kidney failure for self-administration at the person's
15 home or specified address; (ii) a physician for administration or delivery to
16 a person with chronic kidney failure; or (iii) a medicare approved renal
17 dialysis facility for administering or delivering to a person with chronic
18 kidney failure; and (B) has sufficient and qualified supervision to
19 adequately protect the public health.

20 (b) The wholesale distributor pursuant to subsection (a) shall be
21 supervised by a pharmacist consultant pursuant to rules and regulations
22 adopted by the board.

23 (c) The board shall adopt such rules or regulations as are necessary to
24 effectuate the provisions of this section.

25 (d) As used in this section, "physician" means a person licensed to
26 practice medicine and surgery; "mid-level practitioner" means mid-level
27 practitioner as such term is defined in ~~subsection (ii) of~~ K.S.A. 65-1626,
28 and amendments thereto.

29 (e) This section shall be part of and supplemental to the pharmacy act
30 of the state of Kansas.

31 Sec. 20. K.S.A. 2016 Supp. 65-1669 is hereby amended to read as
32 follows: 65-1669. As used in the utilization of unused medications act:

33 (a) "Adult care home" has the same meaning as such term is defined
34 in K.S.A. 39-923, and amendments thereto.

35 (b) "Community mental health center" has the same meaning as such
36 term is defined in K.S.A. 75-3307c, and amendments thereto.

37 (c) "Donating entities" means adult care homes, mail service
38 pharmacies, institutional drug rooms and medical care facilities who elect
39 to participate in the program.

40 (d) "Drug" has the same meaning as such term is defined in K.S.A.
41 65-1626, and amendments thereto.

42 (e) "Federally qualified health center" means a center which meets
43 the requirements for federal funding under 42 U.S.C. § 1396d(1) of the

1 public health service act, and amendments thereto, and which has been
2 designated as a "federally qualified health center" by the federal
3 government.

4 (f) "Indigent health care clinic" has the same meaning as such term is
5 defined in K.S.A. 75-6102, and amendments thereto.

6 (g) "Institutional drug room" has the meaning as such term is defined
7 in K.S.A. 65-1626~~(bb)~~, and amendments thereto.

8 (h) "Mail service pharmacy" means a licensed Kansas pharmacy that
9 ships, mails or delivers by any lawful means a lawfully dispensed
10 medication in tamper-resistant packaging to residents of this state or
11 another state.

12 (i) "Medical care facility" has the same meaning as such term is
13 defined in K.S.A. 65-425, and amendments thereto.

14 (j) "Medically indigent" has the same meaning as such term is
15 defined in K.S.A. 75-6102, and amendments thereto.

16 (k) "Medication" means a prescription drug or drug as defined by this
17 section.

18 (l) "Mid-level practitioner" has the same meaning as such term is
19 defined in K.S.A. 65-1626, and amendments thereto.

20 (m) "Practitioner" has the same meaning as such term is defined in
21 K.S.A. 65-1626, and amendments thereto.

22 (n) "Prescription drug" means a drug which may be dispensed only
23 upon prescription of a practitioner or mid-level practitioner authorized by
24 law and which is approved for safety and effectiveness as a prescription
25 drug under section 505 or 507 of the federal food, drug and cosmetic act,
26 52 Stat. 1040 (1938), 21 U.S.C.A. § 301.

27 (o) "Qualifying center or clinic" means an indigent health care clinic,
28 federally qualified health center or community mental health center.

29 (p) "Samples of medications or injectables" means a unit of drug that
30 is not intended to be sold and is intended to promote the sale of the drug.

31 Sec. 21. K.S.A. 2016 Supp. 65-2837a is hereby amended to read as
32 follows: 65-2837a. (a) It shall be unlawful for any person licensed to
33 practice medicine and surgery to prescribe, order, dispense, administer,
34 sell, supply or give or for a mid-level practitioner as defined in K.S.A. 65-
35 1626~~(ii)~~, and amendments thereto, to prescribe, administer, supply or give
36 any amphetamine or sympathomimetic amine designated in schedule II, III
37 or IV under the uniform controlled substances act, except as provided in
38 this section. Failure to comply with this section by a licensee shall
39 constitute unprofessional conduct under K.S.A. 65-2837, and amendments
40 thereto.

41 (b) When any licensee prescribes, orders, dispenses, administers,
42 sells, supplies or gives or when any mid-level practitioner as defined in
43 K.S.A. 65-1626~~(ii)~~, and amendments thereto, prescribes, administers, sells,

1 supplies or gives any amphetamine or sympathomimetic amine designated
2 in schedule II, III or IV under the uniform controlled substances act, the
3 patient's medical record shall adequately document the purpose for which
4 the drug is being given. Such purpose shall be restricted to one or more of
5 the following:

- 6 (1) The treatment of narcolepsy.
- 7 (2) The treatment of drug-induced brain dysfunction.
- 8 (3) The treatment of attention-deficit/hyperactivity disorder.
- 9 (4) The differential diagnostic psychiatric evaluation of depression.
- 10 (5) The treatment of depression shown by adequate medical records
11 and documentation to be unresponsive to other forms of treatment.
- 12 (6) The clinical investigation of the effects of such drugs or
13 compounds, in which case, before the investigation is begun, the licensee
14 shall, in addition to other requirements of applicable laws, apply for and
15 obtain approval of the investigation from the board of healing arts.
- 16 (7) The treatment of obesity with controlled substances, as may be
17 defined by rules and regulations adopted by the board of healing arts.
- 18 (8) The treatment of binge eating disorder.
- 19 (9) The treatment of any other disorder or disease for which such
20 drugs or compounds have been found to be safe and effective by
21 competent scientific research which findings have been generally accepted
22 by the scientific community, in which case, the licensee before prescribing,
23 ordering, dispensing, administering, selling, supplying or giving the drug
24 or compound for a particular condition, or the licensee before authorizing
25 a mid-level practitioner to prescribe the drug or compound for a particular
26 condition, shall obtain a determination from the board of healing arts that
27 the drug or compound can be used for that particular condition.

28 Sec. 22. K.S.A. 2016 Supp. 65-4202 is hereby amended to read as
29 follows: 65-4202. As used in this act: (a) "Board" means the state board of
30 nursing.

31 (b) The "practice of mental health technology" means the
32 performance, under the direction of a physician licensed to practice
33 medicine and surgery or registered professional nurse, of services in caring
34 for and treatment of the mentally ill, emotionally disturbed, or people with
35 intellectual disability for compensation or personal profit, which services:

- 36 (1) Involve responsible nursing and therapeutic procedures for
37 patients with mental illness or intellectual disability requiring interpersonal
38 and technical skills in the observations and recognition of symptoms and
39 reactions of such patients, the accurate recording of such symptoms and
40 reactions and the carrying out of treatments and medications as prescribed
41 by a licensed physician or a mid-level practitioner as defined in ~~subsection~~
42 ~~(ii) of K.S.A. 65-1626, and amendments thereto; and~~

- 43 (2) require an application of techniques and procedures that involve

1 understanding of cause and effect and the safeguarding of life and health
2 of the patient and others; and

3 (3) require the performance of duties that are necessary to facilitate
4 rehabilitation of the patient or are necessary in the physical, therapeutic
5 and psychiatric care of the patient and require close work with persons
6 licensed to practice medicine and surgery, psychiatrists, psychologists,
7 rehabilitation therapists, social workers, registered nurses, and other
8 professional personnel.

9 (c) A "licensed mental health technician" means a person who
10 lawfully practices mental health technology as defined in this act.

11 (d) An "approved course in mental health technology" means a
12 program of training and study including a basic curriculum which shall be
13 prescribed and approved by the board in accordance with the standards
14 prescribed herein, the successful completion of which shall be required
15 before licensure as a mental health technician, except as hereinafter
16 provided.

17 Sec. 23. K.S.A. 65-7007 is hereby amended to read as follows: 65-
18 7007. (a) Each regulated chemical distributor and retailer shall submit to
19 the bureau:

20 (1) Any regulated transaction involving an extraordinary quantity of a
21 regulated chemical, an uncommon method of payment or delivery, or any
22 other circumstance that may indicate that the regulated chemical will be
23 used in violation of this act.

24 (2) Any proposed regulated transaction with a person whose
25 description or other identifying characteristic the bureau has previously
26 furnished to the regulated chemical distributor or retailer.

27 (3) Any unusual or excessive loss or disappearance of a regulated
28 chemical under the control of the regulated chemical distributor or retailer.
29 The regulated person responsible for reporting a loss in-transit is the
30 distributor.

31 (b) Each report submitted pursuant to subsection (a), whenever
32 possible shall be made orally to the bureau at the earliest practicable
33 opportunity after the regulated chemical distributor or retailer becomes
34 aware of the circumstances involved and as much in advance of the
35 conclusion of the transaction as possible. Written reports of these
36 transactions shall subsequently be filed within 15 days after the regulated
37 chemical distributor or retailer becomes aware of the circumstances of the
38 event. A transaction may not be completed with a person whose
39 description or identifying characteristics have previously been furnished to
40 the regulated distributor by the bureau unless the transaction is approved
41 by the bureau.

42 (c) This section shall not apply to any of the following:

43 (1) Any pharmacist, pharmacy or other authorized person who sells

1 or furnishes a substance listed in ~~subsection (1)~~ of K.S.A. 65-7003(1), and
 2 amendments thereto, upon the prescription or order of a practitioner as
 3 defined under ~~subsection (x)~~ of K.S.A. 65-1626, and amendments thereto;
 4 (2) any practitioner as defined under ~~subsection (x)~~ of K.S.A. 65-
 5 1626, and amendments thereto, who administers, dispenses or furnishes a
 6 substance listed in ~~subsection (1)~~ of K.S.A. 65-7003(1), and amendments
 7 thereto, to such patients within the scope of a practitioner's professional
 8 practice. Such administration or dispensing shall be in the patient record;
 9 (3) ~~any~~ sale, transfer, furnishing or receipt of any drug which
 10 contains any substance listed in ~~subsection (1)~~ of K.S.A. 65-7003(1), and
 11 amendments thereto, and which is lawfully sold, transferred or furnished
 12 over-the-counter without a prescription pursuant to the federal food, drug
 13 and cosmetic act or regulations adopted thereunder; and
 14 (4) a regulated chemical retailer who only sells or distributes
 15 regulated chemicals that are nonprescription, over-the-counter medicines
 16 with less than three grams of base ingredient in the package in the
 17 following manner:
 18 (A) Blister packs of not more than two dosage units per blister;
 19 (B) liquid cold or cough medicines;
 20 (C) liquid cold or cough gel capsules; and
 21 (D) nasal drops or sprays.
 22 Sec. 24. K.S.A. 65-669, 65-1633, 65-1635, 65-1648, 65-1660 and 65-
 23 7007 and K.S.A. 2016 Supp. 65-1626, 65-1627, 65-1636, 65-1637, 65-
 24 1637b, 65-1642, 65-1643, 65-1645, 65-1651a, 65-1655, 65-1663, 65-1669,
 25 65-1676, 65-2837a and 65-4202 are hereby repealed.
 26 Sec. 25. This act shall take effect and be in force from and after its
 27 publication in the statute book.