

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on **Public Health and Welfare** recommends **HB 2280**, as amended by House Committee, be amended on page 1, following line 11, by inserting:

"New Section 1. (a) A patient desiring to be prescribed a federal food and drug agency approved drug for an off-label use of such prescription drug may sign, or have a legal representative sign, a liability waiver. The waiver shall relieve the physician from liability for any claims arising out of the act of prescribing such drugs for off-label use.

(b) As used in this section, "off-label use" means utilizing a prescription drug for treatment in a manner other than the manner approved by the federal food and drug administration stated on the labeling.

(c) The provisions of this section shall not apply to controlled substances, as defined in K.S.A. 65-5701, and amendments thereto.

(d) Nothing in this section shall relieve a physician of the duty to receive consent from a patient or the patient's legal representative before assisting in the care or treatment of such patient.";

On page 2, in line 16, by striking all after "(b)"; by striking all in lines 17 through 27; in line 28, by striking "(c)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 8, in line 30, by striking all after the period; by striking all in lines 31 and 32;

On page 12, in line 7, by striking "39-3002" and inserting "39-2002";

On page 19, in line 29, by striking the second comma and inserting "or"; also in line 29, by

striking "or"; in line 30, by striking "publicly or privately censure";

On page 22, in line 14, by striking the second comma and inserting "or"; also in line 14, by striking "or"; in line 15, by striking all before "the";

On page 23, in line 25, by striking the fifth comma and inserting "or"; in line 26, by striking ", publicly or privately censured";

On page 24, in line 34, by striking all after "(g)"; by striking all in lines in lines 35 through 43;

On page 25, by striking all in lines 1 through 8; in line 9, by striking "(h)"; in line 31, by striking all after the period; by striking all in lines 32 through 34;

On page 26, in line 9, by striking all after "examination"; by striking all in lines 10 through 12; in line 13, by striking all before "Such" and inserting "The board shall only accept a passing score on an examination required for licensure from an applicant's first five attempts taking such examination"; in line 28, by striking all before "any";

On page 35, by striking all in lines 5 through 43;

By striking all on page 36;

On page 37, by striking all in lines 1 through 27;

On page 41, in line 31 by striking the fourth comma and inserting "or"; in line 32 by striking "or publicly or private censure";

On page 43, by striking all in lines 7 through 43;

By striking all on pages 44 and 45;

On page 46, by striking all in lines 1 through 34; in line 35, by striking all after "65-1643,"; in line 36, by striking "1645,"; also in line 36, by striking the third comma and inserting "and"; also in line 36, by striking ", 65-1663 and 65-1676";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "prescribers and prescribing; relating to the physician-patient relationship; allowing patients to sign a liability waiver to be prescribed off-label use drugs; relating to"; in line 7, by striking "65-1645,"; also in line 7, by striking the seventh comma and inserting "and"; in line 8, by striking ", 65-1663 and 65-1676"; and the bill be passed as amended.

Chairperson