

SESSION OF 2008

**SUPPLEMENTAL NOTE ON
SUBSTITUTE FOR HOUSE BILL NO. 2207**

As Amended by Senate Committee of the Whole

Brief*

Sub. for HB 2207, if enacted, would amend two statutes that are a part of the Pharmacy Act of the State of Kansas and one statute that is a part of an act under which out-of-state entities that dispense contact lenses to Kansans by mail are regulated by the Board of Healing Arts.

The first amendment would authorize the Board of Pharmacy to take an action pursuant to the emergency procedures provisions in the Kansas Administrative Procedure Act against the holder of a retail dealer's permit when the Board determines such action is necessary for the immediate protection of the public interest. The same statute is further amended to authorize the Board to utilize the emergency procedures of the Kansas Administrative Procedure Act when a pharmacy registration is at issue and immediate action is required to protect the public interest.

Another statute that concerns nonresident pharmacies would be amended to change the penalty for violation of the statute from a class C misdemeanor to a severity level 10, nonperson felony.

The amendment that concerns the sale of contact lenses would give the Board of Healing Arts the authority temporarily to suspend or limit the registration of an entity dispensing contact lenses to Kansans by mail in accordance with the emergency procedures under the Kansas Administrative

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Procedure Act if the continued dispensing of lenses by such entity would constitute an eminent danger to the public.

Sub. for HB 2207 would become effective on publication in the *Kansas Register*.

Background

The bill was introduced by the House Committee on Governmental Efficiency and Technology at the request of a representative of the Board of Pharmacy. Testimony presented to the House Committee indicated that until recently, the Board had not been placed in a situation in which a temporary action against the holder of a retail dealer's permit or a registered pharmacy utilizing the emergency provisions of the Kansas Administrative Procedure Act was necessary to protect the public. Experience with Red Mesa Pharmacy in Wichita was cited as the catalyst for seeking the authority to take emergency action.

The Senate Committee amendment relating to nonresident pharmacies was proposed by a member of the Committee.

The Senate Committee of the Whole added the amendment that concerns the dispensing of contact lenses by mail.

No fiscal note is available for the substitute bill.