

SESSION OF 2009

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 249**

As Amended by Senate Committee of the Whole

**Brief\***

SB 249 would amend current law by providing an additional exception to the requirement that pharmacists shall fill all prescriptions in strict conformity to the directions of the prescriber. Pharmacists may dispense a dosage form of an orally administered drug different from that prescribed if the following conditions are met:

- The patient consents to the dosage form substitution;
- The substitution does not increase the cost to the patient;
- The substituted dosage form that is dispensed contains the identical amount of active ingredients as the dosage prescribed for the patient;
- The substituted dosage form is not an enteric-coated or time-release product;
- The substituted dosage form is not a combination medication product containing two or more active ingredients;
- The substituted dosage form is not intended to be split; and
- The substituted dosage form is consistent with the desired clinical outcomes.

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\*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>

The pharmacist is prohibited from dispensing a dosage form of an orally administered drug different from that prescribed if:

- The prescriber has expressly indicated that the prescription is to be dispensed as communicated; or
- The substituted dosage form includes a product compounded by the pharmacist. In the case of a substituted dosage that is compounded, the pharmacist must contact the prescriber and obtain permission to dispense the compounded product as a substitute.

The bill also would prohibit a pharmacist who dispenses a different form of a drug product from charging the purchaser more than the regular and customary retail price for the dispensed drug.

## **Background**

The bill was introduced by the Senate Ways and Means Committee. Proponents of the bill included a member of the Kansas Board of Pharmacy, the Director of Government Affairs of the Kansas Medical Society, and the Executive Director of the Kansas Pharmacists Association. Proponents stated that the intent of the bill is to improve patient care by removing a barrier to patients receiving medication in a timely manner.

There were no opponents to the bill.

The Senate Committee of the Whole further amended the bill by inserting additional prohibitions to the use of a substituted dosage form and by clarifying a provision of the bill.

The fiscal note prepared by the Division of the Budget states that the Board of Pharmacy indicated there would be no fiscal effect on its revenues or expenditures.