

Approved \_\_\_\_\_ Date 3-4-91  
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MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Carol H. Sader at \_\_\_\_\_  
Chairperson

1:30 AM/p.m. on February 26, 1991 in room 423-S of the Capitol.

All members were present except:

Committee staff present:

Emalene Correll, Research  
Bill Wolff, Research  
Norman Furse, Revisor  
Sue Hill, Committee Secretary

Conferees appearing before the committee:

Tom Hitchcock, Executive Secretary of State Board of Pharmacy  
Bob Williams, Executive Director of Kansas Pharmacists Association  
Mack Smith, Executive Secretary of State Board of Mortuary Arts

Chair called meeting to order indicating one set of minutes ready for corrections or approval.

Rep. Praeger moved the minutes of February 20, 1991 be approved as presented, seconded by Rep. Carmody, motion carried.

Chair drew attention to agenda this date. Hearings scheduled on:  
HB 2073, HB 2075, HB 2083.

Chair requested staff briefing on HB 2073. Mr. Wolff gave a detailed explanation of HB 2073, drawing attention to numerous proposed changes in the Kansas Pharmacy Act.

Tom Hitchcock, Executive Secretary of State Board of Pharmacy offered a hand-out (Attachment No. 1). He gave a comprehensive explanation of requested changes in statutes regarding the Pharmacy Act, i.e., violations of rules and regs of federal and state food, drug and cosmetic act, and controlled substances act of Kansas are punishable the same as under the act; authority to discipline a licensee when disciplinary action on a dual license was taken in another state; authority to discipline an impaired licensee when necessary; authorize the Board to deny a reciprocity request upon finding a violation; striking verbage on Page 5, line 32; and page 5, lines 33 and 34; add language in lines 23 through 25. He detailed rationale for these proposed changes. Mr. Hitchcock answered numerous questions.

Bob Williams, Executive Director of Ks. Pharmacists Association, offered hand-out (Attachment No. 2). He stated support for changes proposed. The Kansas Board of Pharmacy has licensure reciprocity with 48 different states, therefore needs appropriate authority to deny, revoke, or suspend licensure of an applicant who has been censured or denied licensure, or has had disciplinary action taken against him/her in other states. He noted the importance of protecting the public. He answered numerous questions, i.e., they have no problem with giving the Board the authority to assign penalty fees.

HEARINGS CLOSED ON HB 2073.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,  
room 423-S, Statehouse, at 1:30 ~~xx~~ p.m. on February 26, 1991.

Bill Wolff gave briefing on HB 2075, noting proposed changes. Discussion and questions ensued, i.e., expiration date for all prescriptions; PRN was explained; currently prescriptions are assigned for one year maximum.

HEARINGS BEGAN ON HB 2075:

Tom Hitchcock, Executive Secretary, Board of Pharmacy, offered hand-out (Attachment No. 3). He gave a detailed explanation of requested changes. On page 2 of HB 2075, subsection (c) strike some verbage and add language in lines 9 through 11. He explained that the requested change would remove the ambiguity and doubt created by current language. He explained concerns in regard to the fact that prescriptions can now be being written that can be refilled, cannot be refilled, or no designation given at all. Clarity is vital because the physician has the authority to make this decision, not the pharmacist. He urged support for HB 2075. He answered questions.

Bob Williams, Executive Director of Kansas Pharmacists Association, gave hand-out to members (Attachment No. 4). He stated support for HB 2075 noting it would clarify the Kansas Pharmacy Practice Act in regard to refilling prescription medication. He answered questions.

HEARINGS CLOSED ON HB 2075.

Mr. Wolff gave briefing on HB 2083, detailing bill section by section. He noted there are 8 changes proposed.

HEARINGS BEGAN ON HB 2083.

Mr. Mack Smith, Executive Secretary to Ks. State Board of Mortuary Arts offered hand-out (Attachment No. 5). He detailed changes requested.

K.S.A. 65-1701a, Update educational requirements to require an AA degree in Mortuary Science.

K.S.A. 65-1702 define relicensure process for embalmer licenses that have been lapsed for over six months.

K.S.A. 65-11703 Adding "apprentice embalmers" to list of those individuals able to embalm.

K.S.A. 65-1714 Would require funeral director apprenticeship be served in a full-time capacity.

K.S.A. 1716 Defines relicensure process for funeral director licenses that have lapsed for over six months.

K.S.A. 65-1727 Increases maximum fee limitations that can be charged by the Board. (Fees are currently at the maximum amount.)

K.S.A. 65-1719 Clarifies and further defines reasons necessary for applying for a new funeral establishment or branch establishment license and places a 30 day prior notice requirement in statute.

K.S.A. 74 1703 Require Board of Mortuary Arts to hold at least 4 meetings per year.

Mr. Smith answered questions.

HEARINGS CLOSED ON HB 2083.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,  
room 423-S, Statehouse, at 1:30 ~~am~~/p.m. on February 26, \_\_\_\_\_, 1991.

Chair drew attention to SB 1.

DISCUSSION BEGAN ON SB 1.

Rep. Amos offered an amendment to SB 1 (Attachment No. 6). He moved to amend SB 1 on page 1, line 27, preceeding the semicolon by inserting "the Johnson County Sheriff's Department Laboratory and the Wichita Police Department Laboratory". Motion seconded by Rep. Bishop.

Discussion held on proposed amendment, i.e., it was assumed by some members, the criminal labs under discussion are certified since they do criminal investigations; would pre-natal testing apply, it is doubtful this particular type of testing would be done in this type of a lab; the intent of the amendment is an exemption similar to the exemption the KBI laboratory currently has.

Voice vote taken, Chair in doubt. Show of hands indicated 9 in favor, 9 against, Chair voted to pass the amendment on SB 1. Motion carried.

On SB 1, as a whole, Rep. Cribbs moved to pass SB 1 favorably as amended, seconded by Rep. Wiard, motion carried.

Rep. Love reported as a "NO" vote.

Rep. Amos will carry SB 1 on the floor of the House.

Chair drew attention to HB 2018, noting there were a number of amendments being considered and still some confusion on the bill. She appointed a sub-committee with Rep. Carmody as Chair, and Rep. Love and Rep. White. The subcommittee was asked to meet with staff to get a clear understanding of suggested amendments and report back to this committee on Thursday, February 28th.

Chair adjourned meeting at 3:02 p.m.



# Kansas State Board of Pharmacy

LONDON STATE OFFICE BUILDING  
900 JACKSON AVENUE, ROOM 513  
TOPEKA, KANSAS 66612-1220  
PHONE (913) 296-4056

STATE OF KANSAS



~~MIKE XXXXXX~~  
GOVERNOR

JOAN FINNEY

## HOUSE BILL 2073 HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE

### MEMBERS

DANA L. CREITZ, JR., PARSONS  
LAURENCE L. HENDRICKS,  
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HOYT A. KERR, TOPEKA  
KARLA K. KNEEBONE, NEODESHA  
KATHLEEN M. MAHANNA, HOXIE  
BARBARA A. RENICK, GARDEN CITY  
EXECUTIVE SECRETARY  
TOM C. HITCHCOCK  
BOARD ATTORNEY  
DANA W. KILLINGER

MADAM CHAIRMAN, MEMBERS OF THE COMMITTEE, MY NAME IS TOM HITCHCOCK AND I SERVE AS EXECUTIVE SECRETARY OF THE BOARD OF PHARMACY. I APPEAR BEFORE YOU TODAY ON BEHALF OF THE BOARD IN SUPPORT OF HB 2073. THIS BILL ENCOMPASSES FOUR DIFFERENT STATUTES IN THE PHARMACY ACT WITH THE FOLLOWING PROPOSED AMENDMENTS.

THE FIRST THREE CHANGES ARE IN SECTION ONE OF THE BILL AND DEAL WITH SPECIFICS THAT ARE NEEDED FOR COMPLIANCE ENFORCEMENT ACTIVITIES WITH LICENSEES. ON PAGE 1, LINES 28 AND 29 INCLUDE THE FACT THAT VIOLATIONS OF RULES AND REGULATIONS OF FEDERAL AND STATE FOOD, DRUG AND COSMETIC ACT AND THE CONTROLLED SUBSTANCES ACT OF KANSAS ARE PUNISHABLE THE SAME AS UNDER THE ACT. THE NEXT TWO CHANGES ARE ON PAGE 2, LINES 5 THROUGH 10 AND 11 THROUGH 12. UNDER SUBSECTION (a)(12) COMMENCING ON LINE 5, THE BOARD COULD DISCIPLINE A LICENSEE IN LIKE MANNER WHEN THEIR DUAL LICENSE WAS DISCIPLINED IN ANOTHER STATE. THEN IN SUBSECTION (a)(13), THE BOARD COULD DISCIPLINE AN IMPAIRED LICENSEE WHEN NECESSARY.

IN SECTION TWO OF THE BILL, A CHANGE FOUND ON PAGE 4, LINE 16 THROUGH 18 WOULD ALLOW THE BOARD TO DENY A RECIPROCITY REQUEST OF A LICENSEE FROM ANOTHER STATE UPON FINDING THAT THEY HAD VIOLATED ANY OF

*PH&W*  
*2-26-91*  
*Attn #1*

THE SUBSECTIONS (a)(1) THROUGH (a)(13) FOUND IN SECTION ONE OF THIS BILL ON PAGES ONE AND TWO.

THE NEXT CHANGES ARE FOUND IN SECTION THREE BY FIRST STRIKING VERBAGE ON PAGE 5, LINE 32. THE SAME SECTION ON LINE 19 STATES THAT THE LICENSE OF A PHARMACIST SHALL EXPIRE ON JUNE 30 OF EACH YEAR AND FURTHER STATES ON PAGE 6, LINE 31 IF NOT RENEWED BY AUGUST 1 THE LICENSE IS VOIDED. THEREFORE, THE VERBAGE ON PAGE 5, LINE 32 "BETWEEN JULY 1 AND AUGUST 1" IS UNNECESSARY AND CONFUSING. ALSO IN SECTION THREE IN SUBSECTION (e) ON PAGE 5, LINES 33 AND 34 AND AGAIN LINES 37 AND 38, IT IS REQUESTED TO STRIKE VERBAGE THAT SPECIFICALLY DENOTES THE PENALTY FOR LATE RENEWAL OF THE PHARMACIST'S LICENSE SHALL BE EQUAL TO THE RENEWAL FEE. IT IS DESIRED BY THE BOARD TO HAVE THE FLEXIBILITY TO CHANGE THIS PENALTY BY RULES AND REGULATIONS, AS IS REQUIRED BY FAILURE OF LICENSEES TO RENEW.

THE FINAL TWO CHANGES ARE FOUND IN SECTION FOUR OF THE BILL ON PAGE 7, LINES 23 THROUGH 25 AND LINE 31. FIRST THE ADDITION OF VERBAGE IN LINES 23 THROUGH 25 WILL BRING SUCH REGISTRATION INTO CONFORMITY WITH THE REGISTRATION OF MANUFACTURERS AND WHOLESALERS UNDER OTHER REQUIREMENTS WITH THE BOARD.

THE LAST CHANGE FOUND IN LINE 31 WOULD INCREASE THE MAXIMUM, NOT THE SPECIFIC FEE, WHICH COULD BE SET BY REGULATION TO CHARGE AN APPLICANT TO TAKE THE LICENSURE EXAM. THIS IS REQUESTED BECAUSE THE BOARD WISHES TO REINSTATE A PORTION OF SUCH EXAM WHICH WAS ELIMINATED TWO YEARS AGO. THIS REINSTATEMENT WOULD PROBABLY INCREASE THE COST OF THE ADMINISTRATION OF THE EXAM FROM \$15 TO \$25 FOR EACH APPLICANT.

THE BOARD OF PHARMACY RESPECTFULLY REQUESTS THE FAVORABLE PASSAGE OUT OF COMMITTEE OF HOUSE BILL 2073.

THANK YOU.

*PHW*  
*2-26-91*  
*Attn #1-2*



THE KANSAS PHARMACISTS ASSOCIATION

1308 WEST 10TH

PHONE (913) 232-0439

TOPEKA, KANSAS 66604

ROBERT R. (BOB) WILLIAMS, M.S., C.A.E.  
EXECUTIVE DIRECTOR

## TESTIMONY

House Public Health and Welfare Committee  
HB2073

February 26, 1991

My name is Bob Williams, Executive Director of the Kansas Pharmacists Association. Thank you for this opportunity to address the committee regarding HB2073.

The Kansas Pharmacists Association supports the changes in existing law as proposed in HB2073. The Kansas Board of Pharmacy has licensure reciprocity with 48 different states. The Board therefore needs the appropriate authority to deny, revoke or suspend licensure to an applicant if the applicant has been censured, denied licensure, or had other disciplinary action taken in another state. We believe the protection of the public merits these revisions.

We urge the committee to support HB2073.

Thank you.

*PH & W*  
*2-26-81*  
*Attn # 2*

# Kansas State Board of Pharmacy

LONDON STATE OFFICE BUILDING  
900 JACKSON AVENUE, ROOM 513  
TOPEKA, KANSAS 66612-1220  
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STATE OF KANSAS



MIKE HAYDEN  
GOVERNOR

HOUSE BILL 2075  
HOUSE PUBLIC HEALTH  
AND WELFARE COMMITTEE

MEMBERS

DANA L. CREITZ, JR., PARSONS  
LAURENCE L. HENDRICKS,  
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HOYT A. KERR, TOPEKA  
KARLA K. KNEEBONE, NEODESHA  
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BARBARA A. RENICK, GARDEN CITY  
EXECUTIVE SECRETARY  
TOM C. HITCHCOCK  
BOARD ATTORNEY  
DANA W. KILLINGER

MADAM CHAIRMAN, MEMBERS OF THE COMMITTEE, MY NAME IS TOM HITCHCOCK AND I SERVE AS THE EXECUTIVE SECRETARY OF THE BOARD OF PHARMACY. I APPEAR BEFORE YOU TODAY ON BEHALF OF THE BOARD IN SUPPORT OF HB 2075.

THIS BILL INCLUDES ONLY TWO CHANGES TO ONE STATUTE IN THE PHARMACY ACT AND ARE BOTH FOUND ON PAGE TWO OF THE BILL. IN SUBSECTION (c) ON LINES 8 AND 9, IT IS REQUESTED TO STRIKE SOME VERBAGE AND ADD THE VERBAGE IN LINES 9 THROUGH 11. THIS CHANGES THE AMBIGUITY OF THE SENTENCE AND MAKES IT VERY SPECIFIC WHAT THE PHARMACIST MAY OR MAY NOT PERFORM WITH RESPECT TO REFILLING A PRACTITIONER'S PRESCRIPTION ORDER. WITH THIS STATUTORY CHANGE, IT REMOVES ALL DOUBT WHETHER A PHARMACIST IS PROHIBITED TO REFILL A PRESCRIPTION.

THE SECOND CHANGE ON LINES 20 AND 21 AGAIN REMOVES THE AMBIGUITY AND DOUBT WHICH IS CREATED BY THE CURRENT SUBSECTION (e). THE PHARMACIST DOES NOT HAVE THE KNOWLEDGE NOR THE AUTHORITY TO BE THE DECISION MAKER RELATING TO HOW LONG A PATIENT SHOULD CONTINUE TO TAKE THE MEDICATION. BY CHECKING WITH A PRESCRIBING PRACTITIONER, BY PHONE, AT LEAST ONCE A YEAR, THE PHARMACIST IS ALLOWING THE PHYSICIAN TO PRACTICE THEIR PROFESSION AND BE THE DECISION MAKER TO THE CONTINUATION OF ANY MEDICATION REGIMEN. THE PHYSICIAN HAS THE PATIENT'S CHART AND CAN DETERMINE HOW LONG IT HAS BEEN SINCE THE PATIENT HAS BEEN CHECKED

*PHed  
2-26-91  
attn # 3*



HOUSE BILL 2075  
HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE  
PAGE 2

WHICH THE PHARMACIST HAS NO KNOWLEDGE AND THE PATIENT CANNOT REMEMBER.  
IT SHOULD GO WITHOUT SAYING THAT SUCH ACTIVITY PROMOTES IMPROVED PATIENT  
CARE AND HEALTH CARE.

THE BOARD OF PHARMACY RESPECTFULLY REQUESTS THE FAVORABLE PASSAGE  
OUT OF COMMITTEE OF HB 2075.

THANK YOU.

*PHW*  
*2-26-91*

*Attn# 3-2*



THE KANSAS PHARMACISTS ASSOCIATION

1308 WEST 10TH

PHONE (913) 232-0439

TOPEKA, KANSAS 66604

ROBERT R. (BOB) WILLIAMS, M.S., C.A.E.  
EXECUTIVE DIRECTOR

## TESTIMONY

House Public Health and Welfare Committee  
HB2075

February 26, 1991

My name is Bob Williams, I am the Executive Director of the Kansas Pharmacists Association. Thank you for this opportunity to address the committee regarding HB2075.

We support the changes in the existing law found in HB2075. The purpose of HB2075 is to clarify the Kansas Pharmacy Practice Act in regards to the refilling of prescription medication.

The Kansas Pharmacists Association encourages your support of HB2075.

Thank you.

*PH & W  
2-26-91  
Attn # 4*

EXPLANATION ( B. 2083 BY THE MORTUARY ARTS )  
MACK SMITH, EXECUTIVE SECRETARY

Madam Chairman and Members of the Committee:

My name is Mack Smith, and I am the Executive Secretary to the Kansas State Board of Mortuary Arts. H.B. 2083 was introduced by his committee at the request of the Mortuary Arts Board, and it effects the following eight (8) statutes:

K.S.A. 65-1701a: On page 1, lines 20-30, the educational requirements are being up-dated as was recommended by the National Conference of Funeral Service Examining Boards to require a minimum of an A.A. Degree in Mortuary Science in order to be eligible to take the embalmer examination. This eliminates the old option of sixty (60) semester college hours and graduation from a twelve-month mortuary science school. This is being done as all schools approved by the Board now offer the A.A. Degree program. On page 2, lines 1-3, the embalmer apprenticeship is defined as "full-time" (currently defined in K.A.R. 63-1-3 as full-time) and would allow the apprenticeship to be served under a licensee from another state--if approved by the Board. Current apprenticeships must be served under Kansas licensees only, penalizing apprentices living out-of-state on the Kansas border;

K.S.A. 65-1702: Lines 36-43 on page 2 define the relicensure process for embalmer licenses lapsed over six months in duration. Previously reinstating lapsed licenses of only six months or less was defined;

K.S.A. 65-1703: Adding "apprentice embalmers" to the list of individuals able to embalm is defined on page 3, section 3 beginning with line 32. In the past student embalmers were considered apprentices, but the wording has been changed. Apprentice embalmers have passed the written examination, while student embalmers only have registered to take the examination;

K.S.A. 65-1714: Page, 4, line 28 would require that the funeral director apprenticeship be served full-time (currently define in K.A.R. 63-2-12, f);

K.S.A. 65-1716: Page 5, lines 25-39, defines the relicensure process for funeral director licenses lapsed over six months in duration. Previously reinstating lapsed licenses of only six months or less was defined;

K.S.A. 65-1727: Page 6, lines 40-line 2 of page 7, increases the maximum fee limitations that can be charged by the Board. The actual fees are established via regulation (K.A.R. 63-4-1) using the public hearing process. The Board anticipates fee increases effective January 1, 1992 that would bring the embalmer, funeral director and assistant funeral director renewals towards the end of their limitations. The funeral and branch establishments fees are already at the maximum amount. A new section (c) has been added making fees paid to the board not refundable;

K.S.A. 65-1729: Page 7, lines 19-23, adding a new section (b) to further define reasons necessary for applying for a new funeral establishment or branch establishment license and putting a 30 day prior notice requirement in the statute. The Board has had a problem in this area that is directly addressed with this new section, and

K.S.A. 74-1703: Page 7, section 8, lines 36-37 requiring that the Board hold at least four meetings each year. This simply up-dates the statute to current Board standards as they have met on at least a quarterly basis for many years. Our budget included money for 10 days of meetings: four of the regular quarterly two day meetings and 2 additional days of meetings as needed. All 10 days have been necessary for the past several years. K.A.R. 63-1-2 specifies four meetings annually for the purpose of examinations and business.

*PNY W  
2-26-91  
attm #5-*

Page 2

Explanation of HB 2083

I want to thank this committee for introducing this bill and for allowing me to testify in its' favor today. I hope that the committee will be able to act favorably on HB 2083, and I would be glad to answer any questions that you might have. Thank you very much!

A handwritten signature in black ink, appearing to read "Mack Smith". The signature is written in a cursive, somewhat stylized font.

Mack Smith, Executive Secretary  
Kansas State Board of Mortuary Arts

MS:tab  
Enclosure

PNW  
2-26-91  
attm # 5-2

HOUSE BILL No. 2083

By Committee on Public Health and Welfare

1-30

PHW  
2-26-91 #5-3  
ALM

8 AN ACT concerning the state board of mortuary arts; relating to the  
9 licensure of funeral directors, embalmers and funeral establish-  
10 ments; amending K.S.A. 65-1702, 65-1703, 65-1716 and 74-1703  
11 and K.S.A. 1990 Supp. 65-1701a, 65-1714, 65-1727 and 65-1729  
12 and repealing the existing sections.  
13

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

15 Section 1. **K.S.A. 1990 Supp. 65-1701a** is hereby amended to  
16 read as follows: 65-1701a. (a) Except as otherwise provided by K.S.A.  
17 65-1701b and amendments thereto, each applicant for a license to  
18 practice embalming in this state, in order to be eligible for exam-  
19 ination, shall be required to show to the satisfaction of the state  
20 board of mortuary arts that: (1) The applicant has successfully  
21 completed courses in a community college, college or univer-  
22 sity accumulating at least 60 semester hours and attended a  
23 school of mortuary science, approved by the board which offers  
24 a twelve-month course in mortuary science and graduated  
25 therefrom accumulating during this training at least 30 semester  
26 hours in mortuary science; or (2) the applicant has graduated from  
27 a community college, college or university with *at least* an AA degree  
28 in mortuary science, which degree program is approved by the board,  
29 and has accumulated during this training at least 30 semester hours  
30 in mortuary science.

31 (b) Except as otherwise provided in K.S.A. 65-1701b and amend-  
32 ments thereto, each applicant for a license to practice embalming  
33 in this state, in order to be eligible for apprenticeship, shall be  
34 required to submit to an examination administered by the state board  
35 of mortuary arts. Each applicant shall be required to register with  
36 the secretary of the board in the manner and at the time required  
37 by the board before submitting to examination and shall receive a  
38 grade of at least 75% in each subject before successfully passing the  
39 examination. The examination fee and registration fee shall be in  
40 the amounts fixed by the board in accordance with K.S.A. 65-1727  
41 and amendments thereto.

42 (c) Except as otherwise provided by K.S.A. 65-1701b and amend-  
43 ments thereto, each applicant for a license to practice embalming

PHW  
2-26-91  
ALM #5

1 in this state, in order to be eligible for licensure, shall serve ~~an~~ a  
2 full-time apprenticeship of one year under the supervision of a Kansas  
3 licensed embalmer or an embalmer approved by the board.

4 (d) The board shall adopt rules and regulations establishing the  
5 criteria which a school of mortuary science or college or university  
6 offering at least an AA degree in mortuary science shall satisfy in  
7 order to obtain board approval under subsection (a). The board may  
8 send a questionnaire developed by the board to any school of mor-  
9 tuary science or college or university offering at least an AA degree  
10 in mortuary science for which the board does not have sufficient  
11 information to determine whether the school, college or university  
12 meets the criteria for approval established by rules and regulations  
13 adopted under this section. The questionnaire providing the nec-  
14 essary information shall be completed and returned to the board in  
15 order for the school, college or university to be considered for ap-  
16 proval. The board may contract with investigative agencies, com-  
17 missions or consultants to assist the board in obtaining information  
18 about such schools, colleges or universities. In entering such con-  
19 tracts the authority to approve schools, colleges or universities shall  
20 remain solely with the board.

21 Sec. 2. K.S.A. 65-1702 is hereby amended to read as follows:  
22 65-1702. (a) Every licensed embalmer who desires to continue the  
23 practice of embalming shall pay to the secretary of the state board  
24 of mortuary arts a renewal fee in the amount fixed by the board in  
25 accordance with the provisions of K.S.A. 65-1727 and amendments  
26 thereto. The secretary shall mail a notice of the due date for payment  
27 of the renewal fee at least 30 days prior to such date to the last  
28 known address of each licensee.

29 (b) If such licensee shall fail to pay the renewal fee prior to the  
30 expiration date, the licensee shall be automatically suspended and  
31 denied the right to practice embalming in this state during such  
32 suspension. The board may reinstate such lapsed licenses upon pay-  
33 ment of the fee in arrears and a reinstatement fee in the amount  
34 equal to the renewal fee, except such lapse shall not be over six  
35 months in duration.

36 (c) Any person who fails to reinstate a lapsed license within six  
37 months after the lapse of such license may apply for relicensure by  
38 making application on a form provided by the board. Relicensure  
39 shall be granted upon receipt of proof that the applicant is competent  
40 to act as a licensed embalmer, meets current qualifications to act as  
41 a licensed embalmer, has satisfied all of the requirements for renewal  
42 established by law and has paid the board all back renewal fees as  
43 established by the board by rules and regulations.

Handwritten notes: "Drew", "6-22-00", "6-22-00"

1 Funeral establishment license fee, not more than..... 300 500  
2 Branch establishment license fee, not more than ..... 300 500

3 At least 30 days prior to the expiration date of any license issued  
4 by the board, the board shall notify the licensee of the applicable  
5 renewal fee therefor.

6 (b) The fees established by the board under this section im-  
7 mediately prior to the effective date of this act shall continue in  
8 effect until such fees are fixed by the board by rules and regulations  
9 as provided in this section.

10 (c) Fees paid to the board are not refundable.

11 Sec. 7. K.S.A. 1990 Supp. 65-1729 is hereby amended to read  
12 as follows: 65-1729. (a) Every funeral establishment, as defined by  
13 K.S.A. 65-1713a and amendments thereto, including any branch es-  
14 tablishment, located or doing business within the state shall apply  
15 for and obtain a funeral establishment license or branch establishment  
16 license, as appropriate, from the state board of mortuary arts for  
17 each location within the state of such funeral establishment or branch  
18 establishment.

19 (b) An application for a new license is required if the funeral  
20 establishment or branch establishment changes ownership, name or  
21 location. Such application shall be made to the state board of mor-  
22 tuary arts at least 30 days prior to such change of ownership, name  
23 or location.

24 (c) The funeral establishment license fee or branch establishment  
25 license fee shall be fixed by the state board of mortuary arts under  
26 K.S.A. 65-1727 and amendments thereto and shall be due and paid  
27 to the state board of mortuary arts on or before the expiration date  
28 of such license. The disposition of all funds collected under the  
29 provisions of this act shall be in accordance with the provisions of  
30 K.S.A. 65-1718 and amendments thereto.

31 (b) (d) Each funeral establishment license or branch establish-  
32 ment license shall expire every two years on a date established by  
33 the state board of mortuary arts by duly adopted rules and  
34 regulations.

35 Sec. 8. K.S.A. 74-1703 is hereby amended to read as follows:  
36 74-1703. The board shall hold at least one meeting four meetings  
37 each year. All meetings shall be held at a time and place to be  
38 designated by the board. Three members shall constitute a quorum.

39 Sec. 9. K.S.A. 65-1702, 65-1703, 65-1716 and 74-1703 and  
40 K.S.A. 1990 Supp. 65-1701a, 65-1714, 65-1727 and 65-1729 are  
41 hereby repealed.

42 Sec. 10. This act shall take effect and be in force from and after  
43 its publication in the statute book.

Handwritten scribble

1 tered student embalmer under the provisions of this act and the  
2 rules and regulations of this board shall hereafter be permitted to  
3 do any of the actual embalming of a dead human body, and no duly  
4 licensed embalmer shall permit anyone who is not a Kansas licensed  
5 embalmer, *an apprentice embalmer* or ~~who is not registered as a~~  
6 ~~Kansas a registered~~ student embalmer assigned to ~~him as such such~~  
7 *embalmer*, to perform in ~~his such embalmer's~~ place of business, or  
8 elsewhere, or under ~~his such embalmer's~~ supervision, any of the  
9 actual embalming of a dead human body, or perform any act nec-  
10 essary to embalm and preserve a dead human body.

11 The term "actual embalming" as ~~herein~~ used *in this section* shall  
12 not be construed to include dressing the hair, bathing, moving or  
13 dressing the body, or cosmetic work.

14 Sec. 4. **K.S.A. 1990 Supp. 65-1714** is hereby amended to read  
15 as follows: 65-1714. (a) It shall be unlawful for any person to engage  
16 in, or attempt to engage in, the business of a funeral director,  
17 conduct a funeral, or make an interment in this state, except as  
18 provided in K.S.A. 65-1713b and amendments thereto, without a  
19 funeral director's license issued by the state board of mortuary arts.

20 (b) Every person desiring to enter the practice of funeral di-  
21 recting shall make written application therefor to the board on such  
22 forms and in such manner as shall be prescribed by the board. The  
23 application shall show that the applicant is of legal age, has suc-  
24 cessfully completed courses in an accredited academic community  
25 college or accredited academic college or university accumulating at  
26 least 60 semester hours with 20 semester hours earned in subjects  
27 designated by the state board of mortuary arts and has had practical  
28 experience in funeral directing **working full-time** for at least one year  
29 prior to the date of the application as a duly licensed Kansas assistant  
30 funeral director under a Kansas licensed funeral director. The ap-  
31 plication shall also show that the applicant has assisted in conducting  
32 at least 25 funeral services before applying for a funeral director's  
33 license, which showing shall be supported by a verified written  
34 statement giving the list of the cases with which the applicant as-  
35 sisted, the dates thereof and the places where the services were  
36 conducted. Funeral directors' licenses shall be issued to individuals  
37 only, and not to organizations, institutions, corporations or  
38 establishments.

39 (c) The applicant shall be present before the board for exami-  
40 nation at a time and place fixed by the board. The manner and form  
41 of the examination shall be determined by the board. It shall not  
42 be necessary for the applicant to be a licensed embalmer in order  
43 to obtain a funeral director's license under this act.

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1 (d) All licenses shall be signed by the president and secretary of  
2 the board and attested by its seal. Every funeral director shall at  
3 all times prominently display the funeral director's license in the  
4 funeral director's place of employment. In the event of the death  
5 of the holder of a funeral director's license, or in other special cases,  
6 the board, in its discretion and for good cause shown, may issue  
7 special permits to persons otherwise qualified, except for examina-  
8 tion, authorizing the temporary practice of funeral directing until  
9 the next examination by the board.

10 Sec. 5. **K.S.A. 65-1716** is hereby amended to read as follows:  
11 65-1716. (a) The renewal fee for a funeral director's license shall be  
12 in the amount fixed by the state board of mortuary arts in accordance  
13 with the provisions of K.S.A. 65-1727 and amendments thereto. The  
14 fee shall be due and payable to the secretary of the board prior to  
15 the expiration date of the license. The secretary of the board shall  
16 mail a notice of the expiration date of each license and of the renewal  
17 fee at least 30 days prior to the date of expiration to the last known  
18 address of each licensee. If the licensee fails to pay such renewal  
19 fee within the time specified, the licensee shall be automatically  
20 suspended and denied the right to practice funeral directing in this  
21 state during such suspension.

22 (b) The board may reinstate such lapsed license upon the pay-  
23 ment of the fee in arrears, plus the additional reinstatement fee in  
24 the amount equal to the renewal fee, if such lapse is not over six  
25 months in duration. ~~Should a licensee retire from the business~~  
26 ~~of funeral directing or become inactive in the business,~~ the  
27 ~~licensee shall be allowed six months from the date thereof, as~~  
28 ~~shown by the records of the board, in which to reenter business~~  
29 ~~and reinstate the license by paying a reinstatement fee of \$25~~  
30 ~~plus the renewal fee established in K.S.A. 65-1727 and amend-~~  
31 ~~ments thereto.~~

32 (c) *Any person who fails to reinstate a lapsed license within six*  
33 *months after the lapse of such license may apply for relicensure by*  
34 *making application on a form provided by the board. Relicensure*  
35 *shall be granted upon receipt of proof that the applicant is competent*  
36 *to act as a licensed funeral director, meets qualifications to act as*  
37 *a licensed funeral director, has satisfied all of the requirements for*  
38 *renewal established by law and has paid the board all back renewal*  
39 *fees as established by the board by rules and regulations.*

40 (e) (d) The expiration date of each license shall be established  
41 by rules and regulations of the board. Subject to the provisions of  
42 this subsection, each license shall be renewed on a biennial basis  
43 upon the filing of a renewal application prior to the expiration date

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1 of the license and upon payment of the renewal fee established  
2 pursuant to K.S.A. 65-1727 and amendments thereto. To provide  
3 for a system of biennial renewal of licenses, the board may provide  
4 by rules and regulations that licenses issued or renewed for the first  
5 time after the effective date of this act may expire less than two  
6 years from the date of issuance or renewal. In each case in which  
7 a license is issued or renewed for a period of time of less than two  
8 years, the board shall prorate to the nearest whole month the license  
9 or renewal fee established pursuant to K.S.A. 65-1727 and amend-  
10 ments thereto.

11 (d) (e) Every licensed funeral director who desires to be actively  
12 engaged in the practice of funeral directing in Kansas shall submit  
13 with the renewal application and renewal fee evidence of satisfactory  
14 completion of a program of continuing education required by the  
15 board. The board by duly adopted rules and regulations shall es-  
16 tablish the requirements for such program of continuing education  
17 as soon as possible after the effective date of this act.

18 (e) (f) Every licensed funeral director who is not actively engaged  
19 in the practice of funeral directing in the state shall be exempt from  
20 the continuing education requirements set forth in this section. If  
21 the person becomes engaged in the active practice of funeral di-  
22 recting, such person shall within the first full year after becoming  
23 engaged in active practice meet the continuing education require-  
24 ments specified by the board.

25 Sec. 6. K.S.A. 1990 Supp. 65-1727 is hereby amended to read  
26 as follows: 65-1727. (a) On or before October 15 of each year, the  
27 state board of mortuary arts shall determine the amount of funds  
28 that will be required during the next ensuing two years to properly  
29 administer the laws which the board is directed to enforce and  
30 administer under the provisions of article 17 of chapter 65 of the  
31 Kansas Statutes Annotated, and acts amendatory of the provisions  
32 thereof and supplemental thereto, and by rule and regulation shall  
33 fix fees in such reasonable sums as may be necessary for such pur-  
34 poses within the following limitations:

35	Embalmers examination fee, not more than .....	\$200
36	Embalmers reciprocity application fee, not more than .....	300
37	Funeral directors examination fee, not more than .....	200
38	Funeral directors reciprocity application fee, not more than .....	300
39	Assistant funeral directors application fee, not more than .....	100
40	Embalmers license and renewal fee, not more than .....	<u>100-150</u>
41	Funeral directors license and renewal fee, not more than .....	<u>175 250</u>
42	Assistant funeral directors license and renewal fee, not more than .....	<u>150 200</u>
43	Apprentice embalmers registration fee, not more than .....	100

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1 (e) (d) The expiration date of each license issued or renewed  
2 shall be established by rules and regulations of the board. Subject  
3 to the provisions of this subsection, each license shall be renewable  
4 on a biennial basis upon the filing of a renewal application prior to  
5 the expiration date of the license and upon payment of the renewal  
6 fee established pursuant to K.S.A. 65-1727 and amendments thereto.  
7 To provide for a system of biennial renewal of licenses, the state  
8 board of mortuary arts may provide by rules and regulations that  
9 licenses issued or renewed for the first time after the effective date  
10 of this act may expire less than two years from the date of issuance  
11 or renewal. In each case in which a license is issued or renewed  
12 for a period of time less than two years, the board shall prorate to  
13 the nearest whole month the license or renewal fee established  
14 pursuant to K.S.A. 65-1727 and amendments thereto. The provisions  
15 of this subsection (e) (d) shall not apply to apprentice licenses or  
16 periods of apprenticeship under K.S.A. 65-1701a and amendments  
17 thereto.

18 (d) (e) Every licensed embalmer who desires to be actively en-  
19 gaged in the practice of embalming in Kansas shall submit with the  
20 renewal application evidence of satisfactory completion of a program  
21 of continuing education required by the board. The board by duly  
22 adopted rules and regulations shall establish the requirements for  
23 such program of continuing education as soon as possible after the  
24 effective date of this act.

25 (e) (f) Every licensed embalmer who is not actively engaged in  
26 the practice of embalming in the state shall be exempt from the  
27 continuing education requirements set forth in subsection (d) (e) of  
28 this section. If the person becomes engaged in the active practice  
29 of embalming, such person shall within the first full year after be-  
30 coming engaged in active practice meet the continuing education  
31 requirements specified by the board.

32 Sec. 3. K.S.A. 65-1703 is hereby amended to read as follows:  
33 65-1703. It shall hereafter be unlawful for any person who is  
34 not ~~duly licensed hereunder~~ as an embalmer to advertise, practice,  
35 offer to practice, or hold ~~himself~~ *oneself* out as practicing the science  
36 of embalming, either by arterial or cavity treatment, or otherwise,  
37 in this state, or to embalm any dead human body for shipment or  
38 transportation by common or private carrier. It shall hereafter be  
39 *is* unlawful for any common carrier to receive for transportation or  
40 to transport any dead human body unless ~~said the~~ *the* body has been  
41 prepared by a ~~duly~~ licensed embalmer, in accordance with this act  
42 and the rules and regulations of ~~said the~~ *the* board. No one except a  
43 ~~duly~~ licensed embalmer, *an apprentice embalmer* or a ~~duly~~ regis-

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PROPOSED AMENDMENT SENATE BILL NO. 1

Be amended:

On page 1, in line 27, preceding the semicolon by inserting the following: ", the Johnson county sheriff's department laboratory and the Wichita police department laboratory"

P. & W  
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attn # 6