

CHAPTER 177

HOUSE Substitute for SENATE BILL No. 51\*

AN ACT concerning drugs; creating the crime of trafficking in counterfeit drugs; providing penalties therefor; prescription drug pedigree study.

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

Section 1. (a) Trafficking in counterfeit drugs is intentionally manufacturing, distributing, dispensing, selling or delivering for consumption purposes, or holding or offering for sale, any counterfeit drug.

(b) Trafficking in counterfeit drugs which have a retail value of less than \$500 is a class A nonperson misdemeanor, trafficking in counterfeit drugs which have a retail value of at least \$500 but less than \$25,000 is a severity level 9, nonperson felony and trafficking in counterfeit drugs which have a retail value of \$25,000 or more is a severity level 7, nonperson felony.

(c) A pharmacy which is inadvertently in possession of counterfeit drugs may return those drugs to the supplier who provided the drugs to the pharmacy.

Sec. 2. The state board of pharmacy shall conduct a study on the issue of licensing wholesale prescription drug distributors and the use of pedigree for prescription drugs and the penalty aspects for violation of any pedigree requirements. The results of such study shall be completed and presented along with a licensing and pedigree plan and recommendations for licensing and pedigree legislation to the legislature no later than January 15, 2007.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 15, 2006.

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