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MEMORANDUM

To: Chairman Sutton and the House Committee on Insurance

From: Office of Revisor of Statutes

Date: February 10, 2025

Subject: HB 2244 – Modifying the composition of the board of pharmacy and prohibiting the board of pharmacy from adopting rules and regulations that would limit or condition the use of telepharmacy.

HB 2244 makes three substantive changes relating to the board of pharmacy.

First, in section 1, the bill amends K.S.A. 65-16,130, relating to the board's duty to adopt rules and regulations necessary to specify additional criteria relating to pharmacy. The amendment would limit the board's ability to adopt rules and regulations to the items listed on page 2, in lines 1 through 12. Additionally, this section states that the board shall not limit or condition the use of telepharmacy based on population, distance from a physical pharmacy or network adequacy.

Section 2 makes amendments to K.S.A. 74-1603, relating to the board of pharmacy itself. The amendment would end the terms of the board members who are serving on the board as of July 1, 2025, on December 31, 2025. A new board would be appointed, to begin serving on January 1, 2026.

This section also establishes new requirements for board members, as well as the board's appointment process. The new requirements are as follows: (A) Three board members to be appointed by the Kansas pharmacist's association; (B) two board members who are pharmacists employed by chain drug stores or retailers to be appointed by the commissioner of insurance; (C) one board member who is a pharmacist and employed by an insurer, specialty or mail order pharmacy, serving on behalf of the state employee health plan and appointed by the state employee health care commission; and (D) one board member who is a public non-pharmacist prescription drug purchaser, appointed by the speaker of the house of representatives and the president of the senate, alternately.

Section 2 requires that the executive director of the state board of pharmacy be notified of the newly appointed board members, not later than December 1, 2025. Following the initial appointment of the board members, vacancies on the board shall be filled pursuant to subsection (c), which stipulates that board members be appointed in the same manner as the original appointment. Furthermore, no board member shall serve more than two terms.

Section 3 amends K.S.A. 74-1604, and states that members of the board be appointed pursuant to K.S.A. 74-1603 and shall serve terms of four years and until their successors are appointed and qualified.