

HOUSE BILL No. 2369

By Committee on Health and Human Services

Requested by Heather Sprague on behalf of the Kansas Association of Chain Drugstores

2-7

1 AN ACT concerning health and healthcare; amending the pharmacy act of
2 the state of Kansas; allowing pharmacists to administer vaccines
3 pursuant to a vaccination protocol; amending K.S.A. 2024 Supp. 65-
4 1626a and repealing the existing section.
5

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

7 Section 1. K.S.A. 2024 Supp. 65-1626a is hereby amended to read as
8 follows: 65-1626a. (a) For the purpose of the pharmacy act of the state of
9 Kansas, the following individuals shall be deemed to be engaged in the
10 practice of pharmacy:

11 (1) Individuals who publicly profess to be a pharmacist, or publicly
12 profess to assume the duties incident to being a pharmacist and their
13 knowledge of drugs or drug actions, or both; and

14 (2) individuals who attach to their name any words or abbreviation
15 indicating that they are a pharmacist licensed to practice pharmacy in
16 Kansas.

17 (b) As used in this section:

18 (1) "Practice of pharmacy" means:

19 (A) The interpretation and evaluation of prescription orders;

20 (B) the compounding, dispensing and labeling of drugs and devices
21 pursuant to prescription orders;

22 (C) *except as provided in subsection (d), the ordering and*
23 *administering of ~~vaccine pursuant to a vaccination protocol~~ vaccines*
24 *approved or authorized by the United States food and drug administration*
25 *to persons at least seven years of age or the age recommended by the*
26 *United States center for disease control and prevention, whichever is*
27 *older;*

28 (D) the participation in drug selection according to state law and
29 participation in drug utilization reviews;

30 (E) the proper and safe storage of prescription drugs and prescription
31 devices and the maintenance of proper records thereof in accordance with
32 law;

33 (F) consultation with patients and other ~~health care~~ *healthcare*
34 *practitioners* ~~about~~ *regarding* the safe and effective use of prescription

1 drugs and prescription devices;

2 (G) performance of collaborative drug therapy management pursuant
3 to a written collaborative practice agreement with one or more physicians
4 who have an established physician-patient relationship;

5 (H) participation in the offering or performing of those acts, services,
6 operations or transactions necessary in the conduct, operation,
7 management and control of a pharmacy; and

8 (I) initiation of therapy for the conditions specified in K.S.A. 2024
9 Supp. 65-16,131, and amendments thereto.

10 (2) "Collaborative drug therapy management" means a practice of
11 pharmacy ~~where in which~~ a pharmacist performs certain pharmaceutical-
12 related patient care functions for a specific patient ~~which have~~ *who has*
13 been delegated to the pharmacist by a physician through a collaborative
14 practice agreement. A physician who enters into a collaborative practice
15 agreement is responsible for the care of the patient following initial
16 diagnosis and assessment and for the direction and supervision of the
17 pharmacist throughout the collaborative drug therapy management
18 process. Nothing in this subsection shall be construed to permit a
19 pharmacist to alter a physician's orders or directions, diagnose or treat any
20 disease, independently prescribe drugs or independently practice medicine
21 and surgery.

22 (3) "Collaborative practice agreement" means a written agreement or
23 protocol between one or more pharmacists and one or more physicians ~~that~~
24 ~~provides~~ *who provide* for collaborative drug therapy management. Such
25 collaborative practice agreement shall contain certain specified conditions
26 or limitations pursuant to the collaborating physician's order, standing
27 order, delegation or protocol. A collaborative practice agreement shall be:
28 (A) Consistent with the normal and customary specialty, competence and
29 lawful practice of the physician; and (B) appropriate to the pharmacist's
30 training and experience.

31 (4) "Physician" means a person licensed to practice medicine and
32 surgery in this state.

33 (c) Nothing in this section shall be construed to:

34 (1) Add any additional requirements for registration or for a permit
35 under the pharmacy act of the state of Kansas or for approval under K.S.A.
36 65-1643(g), and amendments thereto;

37 (2) prevent persons other than pharmacists from engaging in drug
38 utilization review;

39 (3) require persons lawfully in possession of prescription drugs or
40 prescription devices to meet any storage or ~~record-keeping~~ *recordkeeping*
41 requirements, except such storage and record keeping requirements as may
42 be otherwise provided by law; or

43 (4) affect any person consulting with a healthcare practitioner ~~about~~

1 regarding the safe and effective use of prescription drugs or prescription
2 devices.

3 *(d) A pharmacist shall not administer vaccines if such vaccination*
4 *cannot be administered pursuant to a vaccination protocol. Such vaccines*
5 *shall include the following: cholera, monkeypox, Japanese encephalitis,*
6 *typhoid, rabies, yellow fever, tick-borne encephalitis, anthrax,*
7 *tuberculosis, dengue, Hib, polio, rotavirus, smallpox and any vaccine*
8 *approved after January 1, 2023, pursuant to rules and regulations adopted*
9 *by the board of pharmacy.*

10 Sec. 2. K.S.A. 2024 Supp. 65-1626a is hereby repealed.

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