

HOUSE BILL No. 2614

By Committee on Health and Human Services

2-4

Technical Amendment
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Assistant Revisor
February 12, 2016

1 AN ACT concerning the state board of pharmacy; powers, duties and
2 functions thereof; amending K.S.A. 65-669, 65-1633, 65-1635, 65-
3 1648, 65-1660 and 65-7007 and K.S.A. 2015 Supp. 65-1626, 65-1627,
4 65-1636, 65-1637, 65-1642, 65-1643, 65-1645, 65-1655, 65-1663, 65-
5 1669, 65-1676, 65-2837a and 65-4202 and repealing the existing
6 sections; also repealing K.S.A. 2015 Supp. 65-1637b and 65-1651a.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 2015 Supp. 65-1626 is hereby amended to read as
10 follows: 65-1626. For the purposes of this act:

11 (a) "Administer" means the direct application of a drug, whether by
12 injection, inhalation, ingestion or any other means, to the body of a patient
13 or research subject by:

14 (1) A practitioner or pursuant to the lawful direction of a practitioner;

15 (2) the patient or research subject at the direction and in the presence
16 of the practitioner; or

17 (3) a pharmacist as authorized in K.S.A. 65-1635a, and amendments
18 thereto.

19 (b) "Agent" means an authorized person who acts on behalf of or at
20 the direction of a manufacturer, *repackager*, *wholesale distributor*, *third-*
21 *party logistics provider* or dispenser but shall not include a common
22 carrier, public warehouseman or employee of the carrier or warehouseman
23 when acting in the usual and lawful course of the carrier's or
24 warehouseman's business.

25 (c) "Application service provider" means an entity that sells
26 electronic prescription or pharmacy prescription applications as a hosted
27 service where the entity controls access to the application and maintains
28 the software and records on its server.

29 (d) ~~"Authorized distributor of record" means a wholesale distributor~~
30 ~~with whom a manufacturer has established an ongoing relationship to~~
31 ~~distribute the manufacturer's prescription drugs. An ongoing relationship is~~
32 ~~deemed to exist between such wholesale distributor and a manufacturer~~
33 ~~when the wholesale distributor, including any affiliated group of the~~
34 ~~wholesale distributor, as defined in section 1504 of the internal revenue~~
35 ~~code, complies with any one of the following: (1) The wholesale~~
36 ~~distributor has a written agreement currently in effect with the~~

1 every prescription order filed at the pharmacy and a medication profile
2 record system as provided under subsection (d). The book or file of
3 prescription orders shall be kept for a period of not less than five years.
4 The book or file of prescription orders shall at all times be open to
5 inspection by members of the board, the secretary of health and
6 environment, the duly authorized agents or employees of such board or
7 secretary and other proper authorities.

8 (c) (1) A medication profile record system shall be maintained in all
9 pharmacies for persons for whom prescriptions are dispensed. The
10 following information shall be recorded: (A) The name and address of the
11 patient for whom the medication is intended; (B) the prescriber's name, the
12 original date the prescription is dispensed and the number or designation
13 identifying the prescription; (C) the name, strength and quantity of the
14 drug dispensed and the name of the dispensing pharmacist; and (D) drug
15 allergies and sensitivities.

16 (2) Upon receipt of a prescription order, the pharmacist shall examine
17 the patient's medication profile record before dispensing the medication to
18 determine the possibility of a harmful drug interaction or reaction to
19 medication. Upon recognizing a potential harmful drug interaction or
20 reaction to the medication, the pharmacist shall take appropriate action to
21 avoid or minimize the problem which shall, if necessary, include
22 consultation with the prescriber with documentation of actions taken on
23 the prescription record.

24 (3) A medication profile record shall be maintained for a period of not
25 less than five years from the date of the last entry in the record.

26 (4) All prescription drug orders communicated by way of electronic
27 transmission shall conform to federal and state laws and the provisions of
28 the board's rules and regulations.

29 (d) No registration shall be issued or continued for the conduct of a
30 pharmacy unit or unless the provisions of this section have been complied
31 with.

32 (e) ~~Each pharmacy shall~~ comply with the requirements of the federal
33 drug supply chain security act, 21 U.S.C. § 351 et seq.

34 Sec. 9, K.S.A. 2015 Supp. 65-1643 is hereby amended to read as
35 follows: 65-1643. It shall be unlawful:

36 (a) For any person to operate, maintain, open or establish any
37 pharmacy within this state without first having obtained a registration from
38 the board. Each application for registration of a pharmacy shall indicate
39 the person or persons desiring the registration, including the pharmacist in
40 charge, as well as the location, including the street name and number, and
41 such other information as may be required by the board to establish the
42 identity and exact location of the pharmacy. The issuance of a registration
43 for any pharmacy shall also have the effect of permitting such pharmacy to

shall

