

HOUSE BILL No. 2455

By Committee on Health and Human Services

1-13

1 AN ACT concerning certain controlled substances; amending K.S.A. 2015
2 Supp. 65-2837a and repealing the existing section.

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

5 Section 1. K.S.A. 2015 Supp. 65-2837a is hereby amended to read as
6 follows: 65-2837a. (a) It shall be unlawful for any person licensed to
7 practice medicine and surgery to prescribe, order, dispense, administer,
8 sell, supply or give or for a mid-level practitioner as defined in ~~subsection~~
9 ~~(ii)~~ of K.S.A. 65-1626(ii), and amendments thereto, to prescribe,
10 administer, supply or give any amphetamine or sympathomimetic amine
11 designated in schedule II, III or IV under the uniform controlled
12 substances act, except as provided in this section. Failure to comply with
13 this section by a licensee shall constitute unprofessional conduct under
14 K.S.A. 65-2837, and amendments thereto.

15 (b) When any licensee prescribes, orders, dispenses, administers,
16 sells, supplies or gives or when any mid-level practitioner as defined in
17 ~~subsection (ii)~~ of K.S.A. 65-1626(ii), and amendments thereto, prescribes,
18 administers, sells, supplies or gives any amphetamine or sympathomimetic
19 amine designated in schedule II, III or IV under the uniform controlled
20 substances act, the patient's medical record shall adequately document the
21 purpose for which the drug is being given. Such purpose shall be restricted
22 to one or more of the following:

- 23 (1) The treatment of narcolepsy.
- 24 (2) The treatment of drug-induced brain dysfunction.
- 25 (3) The treatment of ~~hyperkinesis~~ *attention-deficit/hyperactivity*
26 *disorder*.
- 27 (4) The differential diagnostic psychiatric evaluation of depression.
- 28 (5) The treatment of depression shown by adequate medical records
29 and documentation to be unresponsive to other forms of treatment.
- 30 (6) The clinical investigation of the effects of such drugs or
31 compounds, in which case, before the investigation is begun, the licensee
32 shall, in addition to other requirements of applicable laws, apply for and
33 obtain approval of the investigation from the board of healing arts.
- 34 (7) The treatment of obesity with controlled substances, as may be
35 defined by rules and regulations adopted by the board of healing arts.
- 36 (8) *The treatment of binge eating disorder.*

1 (9) The treatment of any other disorder or disease for which such
2 drugs or compounds have been found to be safe and effective by
3 competent scientific research which findings have been generally accepted
4 by the scientific community, in which case, the licensee before prescribing,
5 ordering, dispensing, administering, selling, supplying or giving the drug
6 or compound for a particular condition, or the licensee before authorizing
7 a mid-level practitioner to prescribe the drug or compound for a particular
8 condition, shall obtain a determination from the board of healing arts that
9 the drug or compound can be used for that particular condition.

10 Sec. 2. K.S.A. 2015 Supp. 65-2837a 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.