

## HOUSE BILL No. 2759

By Committee on Appropriations

2-28

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1 AN ACT concerning the prescription monitoring program; relating to  
2 operation and maintenance thereof; requiring veterinarians to submit  
3 information thereto; providing for transfers of moneys from the state  
4 board of healing arts, the board of nursing, the Kansas dental board, the  
5 board of examiners in optometry and the state board of veterinary  
6 examiners to the state board of pharmacy; concerning appropriations  
7 for the fiscal year ending on June 30, 2019; amending K.S.A. 2017  
8 Supp. 65-1682 and repealing the existing section.  
9

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

11 New Section 1. (a) On July 1, October 1, January 1 and April 1 of  
12 each year, the executive secretary of the state board of pharmacy shall  
13 certify to the director of accounts and reports the estimated amount of  
14 moneys to be expended by the state board of pharmacy for operation and  
15 maintenance of the prescription monitoring program for the ensuing  
16 calendar quarter that is attributable to licensees of the state board of  
17 healing arts, the board of nursing, the Kansas dental board, the board of  
18 examiners in optometry and the state board of veterinary examiners. The  
19 executive secretary shall transmit a copy of each such certification to: The  
20 director of the budget; the director of legislative research; and the  
21 executive director of the state board of healing arts, the executive  
22 administrator of the board of nursing, the executive director of the Kansas  
23 dental board, the executive officer of the board of examiners in optometry  
24 or the executive director of the state board of veterinary examiners, as  
25 applicable. Upon receipt of each such certification, or as soon thereafter as  
26 moneys are available, the director of accounts and reports shall transfer the  
27 certified amount from the healing arts fee fund of the state board of  
28 healing arts, the board of nursing fee fund of the board of nursing, the  
29 dental board fee fund of the Kansas dental board, the optometry fee fund  
30 of the board of examiners in optometry and the veterinary examiners fee  
31 fund of the state board of veterinary examiners, as certified, to the state  
32 board of pharmacy fee fund of the state board of pharmacy. If the  
33 executive secretary of the state board of pharmacy underestimates or  
34 overestimates expenditures attributable to licensees of any such agency for  
35 any such certification, the executive secretary shall adjust the next ensuing  
36 certification accordingly.

1 (b) This section shall be part of and supplemental to the prescription  
2 monitoring program act.

3 New Sec. 2. On and after the effective date of this section, sections  
4 22(e), (g), (i) and (k) of chapter 104 of the 2017 Session Laws of Kansas  
5 shall be null and void and shall have no force and effect.

6 Sec. 3. K.S.A. 2017 Supp. 65-1682 is hereby amended to read as  
7 follows: 65-1682. As used in this act, unless the context otherwise  
8 requires:

9 (a) "Board" means the state board of pharmacy.

10 (b) "Dispenser" means a practitioner or pharmacist who delivers a  
11 scheduled substance or drug of concern to an ultimate user, but does not  
12 include:

13 (1) A licensed hospital pharmacy that distributes such substances for  
14 the purpose of inpatient hospital care;

15 (2) a medical care facility as defined in K.S.A. 65-425, and  
16 amendments thereto, practitioner or other authorized person who  
17 administers such a substance;

18 (3) a registered wholesale distributor of such substances; *or*

19 ~~(4) a veterinarian licensed by the Kansas board of veterinary  
20 examiners who dispenses or prescribes a scheduled substance or drug of  
21 concern; *or*~~

22 ~~(5) a practitioner who has been exempted from the reporting  
23 requirements of this act in rules and regulations promulgated by the board.~~

24 (c) "Drug of concern" means any drug that demonstrates a potential  
25 for abuse and is designated as a drug of concern in rules and regulations  
26 promulgated by the board.

27 (d) "Patient" means the person who is the ultimate user of a drug for  
28 whom a prescription is issued or for whom a drug is dispensed, or both.

29 (e) "Pharmacist" means an individual currently licensed by the board  
30 to practice the profession of pharmacy in this state.

31 (f) "Practitioner" means a person licensed to practice medicine and  
32 surgery, dentist, podiatrist, optometrist, *veterinarian* or other person  
33 authorized by law to prescribe or dispense scheduled substances and drugs  
34 of concern.

35 (g) "Scheduled substance" means controlled substances included in  
36 schedules II, III-~~IV~~ and IV of the schedules designated in K.S.A. 65-4107,  
37 65-4109 and 65-4111, and amendments thereto, respectively, or the federal  
38 controlled substances act-~~(, 21 U.S.C. § 812).~~

39 Sec. 4. K.S.A. 2017 Supp. 65-1682 is hereby repealed.

40 Sec. 5. This act shall take effect and be in force from and after its  
41 publication in the statute book.