

**House Substitute for SENATE BILL No. 52**

By Committee on Health and Human Services

3-22

1 AN ACT concerning pharmacists; filling and refilling prescriptions;  
2 amending K.S.A. 65-1635 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. 65-1635 is hereby amended to read as follows: 65-  
6 1635. (a) Nothing contained in the pharmacy act of the state of Kansas  
7 shall prohibit any duly licensed practitioner from purchasing and keeping  
8 drugs, from compounding prescriptions or from administering, supplying  
9 or dispensing to such practitioner's patients such drugs as may be fit,  
10 proper and necessary. Except as provided in subsection (b) or (c), such  
11 drugs shall be dispensed by such practitioner and shall comply with the  
12 Kansas food, drug and cosmetic act and be subject to inspection as  
13 provided by law.

14 (b) Nothing contained in the pharmacy act of the state of Kansas shall  
15 be construed to prohibit any nurse or other person, acting under the  
16 direction of a duly licensed practitioner, from administering drugs to a  
17 patient.

18 (c) Nothing contained in the pharmacy act of the state of Kansas shall  
19 be construed to prohibit any registered nurse, acting under the supervision  
20 of a person who is licensed to practice medicine and surgery as of July 1,  
21 1982, from dispensing drugs to patients of such person so long as the  
22 principal office of such person is, and as of July 1, 1982, was, located in a  
23 city not having a registered pharmacy within its boundaries. For the  
24 purposes of this subsection (c), "supervision" means guidance and  
25 direction of the dispensing of drugs by the person licensed to practice  
26 medicine and surgery who shall be physically present in the general  
27 location at which the drugs are being dispensed.

28 (d) Nothing contained in the pharmacy act of the state of Kansas shall  
29 be construed to prohibit a duly registered wholesaler from distributing a  
30 prescription-only drug pursuant to a veterinarian practitioner's written  
31 prescription or order, where a valid veterinarian-client-patient relationship,  
32 VCP, as defined in K.S.A. 47-816, and amendments thereto, exists, to  
33 the layman responsible for the control of the animal.

34 (e) *Nothing contained in the pharmacy act of the state of Kansas*  
35 *shall require an in-person examination or encounter between a person*  
36 *licensed to practice medicine and surgery and the patient prior to a*

1 *pharmacist filling or refilling any prescription.*

2       Sec. 2.   K.S.A. 65-1635 is hereby repealed.

3       Sec. 3.   This act shall take effect and be in force from and after its

4 publication in the Kansas register.