

**HOUSE BILL No. 2389**

By Committee on Federal and State Affairs

3-6

1 AN ACT concerning controlled substances; relating to prescriptions  
2 therefor; requiring electronic prescriptions for certain controlled  
3 substances.

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

6 Section 1. (a) No prescriber shall prescribe any controlled substance  
7 in this state unless such prescription is by electronic prescription. This  
8 section shall not apply to any prescription that meets one of the following  
9 conditions, provided the prescriber documents such condition on the face  
10 of the prescription:

11 (1) The prescription cannot be electronically transmitted due to a  
12 technological, electrical or other infrastructure failure as described in rules  
13 and regulations adopted by the board;

14 (2) the prescription includes elements that are not supported by the  
15 standards for electronic prescriptions adopted by the board;

16 (3) the United States food and drug administration requires the  
17 prescription to contain certain elements that are not able to be  
18 accomplished with an electronic prescription; or

19 (4) the prescription is prescribed under a research protocol.

20 (b) (1) A prescriber may request a waiver from the provisions of  
21 subsection (a) for a period not to exceed six months if such prescriber  
22 cannot comply with subsection (a) due to economic hardship,  
23 technological limitations that reasonably are not within the prescriber's  
24 control or other circumstance demonstrated by the prescriber. If a waiver is  
25 granted by the board, the prescriber may request that such waiver be  
26 renewed for a period not to exceed six months. Requests for a waiver or  
27 renewal shall be submitted to the board in such form and manner as  
28 prescribed by the board and shall include the reason for the request and  
29 any other information required by the board.

30 (2) If a prescriber prescribes a controlled substance by non-electronic  
31 prescription, such prescriber shall indicate the prescription is made  
32 pursuant to a waiver granted pursuant to this section. A pharmacist shall  
33 not be required to verify the validity of any waiver, either with the  
34 prescriber or the board, but may do so in accordance with K.S.A. 65-1637,  
35 and amendments thereto.

36 (c) As used in this section, the term "controlled substance" means any

1 drug, substance or immediate precursor included in the schedule  
2 designated in K.S.A. 65-4107, and amendments thereto, and any other  
3 narcotic drug.

4 (d) The provisions of this section shall be a part of and supplemental  
5 to the pharmacy act of the state of Kansas.

6 Sec. 2. This act shall take effect and be in force from and after  
7 January 1, 2020, and its publication in the statute book.