

Session of 2021

SENATE BILL No. 211

By Senators Steffen and Erickson

2-10

1 ~~AN ACT concerning health and healthcare; relating to the physician-client~~
2 ~~relationship; allowing patients to sign a liability waiver to be prescribed~~
3 ~~off-label use drugs.~~
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5 ~~*Be it enacted by the Legislature of the State of Kansas:*~~

6 Section 1. (a) A patient desiring to be prescribed a federal food and
7 drug agency approved drug for an off-label use of such prescription drug
8 may sign, or have a legal representative sign, a liability waiver. The waiver
9 shall relieve the physician from liability for any claims arising out of the
10 act of prescribing such drugs for off-label use.

11 (b) As used in this section, "off-label use" means utilizing a
12 prescription drug for treatment in a manner other than the manner
13 approved by the federal food and drug administration stated on the
14 labeling.

15 (c) Nothing in this section shall relieve a physician of the duty to
16 receive consent from a patient or the patient's legal representative before
17 assisting in the care or treatment of such patient.

18 ~~Sec. 2. This act shall take effect and be in force from and after its~~
19 ~~publication in the Kansas register.~~

The provisions of this section shall not apply to "controlled substances" as defined in K.S.A. 65-5701, and amendments thereto.

(d)