

As Amended by House Committee

Session of 2021

HOUSE BILL No. 2280

By Committee on Health and Human Services

2-9

1 AN ACT concerning the state board of pharmacy; relating to powers,
2 duties and functions thereof; pertaining to confidentiality of
3 investigations, inspections and audits; licensing; registration and
4 permitting requirements; exhibition of titles; fees; prescription orders;
5 defining telepharmacy and requiring rules and regulations be adopted
6 for oversight and administration thereof; amending K.S.A. 65-636, 65-
7 1627, 65-1631, 65-1637, 65-1643, 65-1645, 65-1656, 65-1657, 65-
8 1658, 65-1663 and 65-1676 and K.S.A. 2020 Supp. 65-1626 and
9 repealing the existing sections.

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

12 New Section 1. (a) Any complaint, investigation, report, record or
13 other information relating to a complaint or investigation that is received,
14 obtained or maintained by the board shall be confidential and shall not be
15 disclosed by the board or its employees in a manner that identifies or
16 enables identification of the person who is the subject or source of the
17 information, except the information may be disclosed:

18 (1) In any proceeding conducted by the board under the law or in an
19 appeal of an order of the board entered in a proceeding, or to any party to a
20 proceeding or appeal or the party's attorney;

21 (2) to the person who is the subject of the information or to any
22 person or entity when requested by the person who is the subject of the
23 information, but the board may require disclosure in such a manner that
24 will prevent identification of any other person who is the subject or source
25 of the information; or

26 (3) to a state or federal licensing, regulatory or enforcement agency
27 with jurisdiction over the subject of the information or to an agency with
28 jurisdiction over acts or conduct similar to acts or conduct that would
29 constitute grounds for action under this act. Any confidential complaint or
30 report, record or other information disclosed by the board as authorized by
31 this section shall not be disclosed by the receiving agency except as
32 otherwise authorized by law.

33 (b) Except as provided in subsection (a), no applicant, registrant or
34 individual shall have access to any complaint, investigation, report, record
35 or information concerning a complaint or investigation in progress until
36 the investigation and any enforcement action is completed. This section

1 shall not be construed to authorize the release of records, reports or other
 2 information that are subject to other specific state or federal laws
 3 concerning their disclosure.

4 (c) This section shall be a part of and supplemental to the pharmacy
 5 act of the state of Kansas.

6 New Sec. 2. (a) (1) As a condition of probation or other disciplinary
 7 action under K.S.A. 65-1627 or 65-1657, and amendments thereto, the
 8 board may require that a licensee or registrant be subject to additional
 9 compliance inspections or audits and pay the actual costs of such
 10 inspections and audits.

11 (2) If a licensee or registrant fails to comply with a board order
 12 regarding the costs of additional inspections and audits, the board may
 13 impose additional disciplinary action against the licensee or registrant for
 14 failure to comply with a lawful order of the board under K.S.A. 65-1627,
 15 and amendments thereto.

16 ~~(b) Upon the request of a facility that is registered or applying for~~
 17 ~~registration or renewal with the board, the board may conduct an~~
 18 ~~inspection of the place of business where any such operation is conducted,~~
 19 ~~regardless of whether the facility is located in Kansas. The costs of such~~
 20 ~~inspection shall be paid by the registrant or applicant. The registrant or~~
 21 ~~applicant shall deposit a reasonable sum, as determined by the board,~~
 22 ~~necessary to cover the board's estimated cost of performing the inspection~~
 23 ~~prior to scheduling the inspection. If the actual cost of the inspection~~
 24 ~~exceeds the amount deposited, the board shall provide to the registrant or~~
 25 ~~applicant a written invoice for the remaining amount. If the amount~~
 26 ~~deposited exceeds the actual costs incurred, the board shall remit the~~
 27 ~~difference to the registrant or applicant.~~

strikethrough in lines 16-27
 and renumbering
 subsections accordingly

28 (e) Actual costs under this section include, but are not limited to:

- 29 (1) Salaries and wages;
- 30 (2) travel, mileage and lodging;
- 31 (3) subsistence allowances;
- 32 (4) document storage, shipping and handling; or
- 33 (5) other expenses deemed reasonable and necessary by the board.

34 (d) All moneys assessed and collected under this section shall be
 35 remitted to the state treasurer in accordance with the provisions of K.S.A.
 36 75-4215, and amendments thereto, and deposited in the state treasury to
 37 the credit of the state board of pharmacy fee fund.

38 (e) This section shall be a part of and supplemental to the pharmacy
 39 act of the state of Kansas.

40 New Sec. 3. (a) As used in this section:

41 (1) "Telepharmacy" means the practice of pharmacy by a pharmacist
 42 located in Kansas using telecommunications or other automations and
 43 technologies to deliver personalized, electronically documented, real-time

1 requirements for ensuring that drugs and drug products are consistently
 2 manufactured, repackaged, produced, stored and dispensed in accordance
 3 with 21 C.F.R. §§ 207, 210 and 211.

4 (m) "DEA" means the ~~U.S.~~ United States department of justice, drug
 5 enforcement administration.

6 ~~(m)~~(n) "Deliver" or "delivery" means the actual, constructive or
 7 attempted transfer from one person to another of any drug whether or not
 8 an agency relationship exists.

9 (o) "Device" means an instrument, apparatus, implement, machine,
 10 contrivance, implant, in vitro reagent or other similar or related article,
 11 including a component part or accessory that:

12 (1) (A) Is recognized in the official national formulary, or the United
 13 States pharmacopoeia, or any supplement thereof;

14 (B) is intended for use in the diagnosis of disease or other conditions;

15 (C) is used for the cure, mitigation, treatment or prevention of
 16 disease in human or other animals; or

17 (D) is intended to affect the structure or any function of the body of
 18 human or other animals; and

19 (2) (A) does not achieve its primary intended purposes through
 20 chemical action within or on the body of human or other animals; and

21 (B) is not dependent upon being metabolized for the achievement of
 22 any of its primary intended purposes.

23 ~~(n)~~(p) "Direct supervision" means the process by which the
 24 responsible pharmacist shall observe and direct the activities of a
 25 ~~pharmacy student pharmacist intern or pharmacy technician to a sufficient~~
 26 ~~degree to assure that all such activities are performed accurately, safely~~
 27 ~~and without risk or harm to patients, be readily and immediately available~~
 28 ~~at all time activities are performed, provide personal assistance, direction~~
 29 ~~and approval throughout the time the activities are performed and~~
 30 ~~complete the final check before dispensing. Except as otherwise provided~~
 31 ~~by the pharmacy act of the state of Kansas or by rules and regulations of~~
 32 ~~the board, "direct supervision" shall be in person.~~

strikethrough in lines 30-32

33 ~~(o)~~(q) "Dispense" or "dispensing" means to deliver prescription
 34 medication to the ultimate user or research subject by or pursuant to the
 35 lawful order of a practitioner or pursuant to the prescription of a mid-level
 36 practitioner, **including, but not limited to, delivering prescription**
 37 **medication to a patient by mail, common carrier, personal delivery or**
 38 **third-party delivery to any location requested by the patient.**

39 ~~(p)~~(r) "Dispenser" means:

40 (1) A practitioner or pharmacist who dispenses prescription
 41 ~~medication, drugs or devices~~ or a physician assistant who has authority to
 42 dispense prescription-only drugs in accordance with K.S.A. 65-28a08(b),
 43 and amendments thereto; or

1 353(c)(4)(M);

2 (14) ~~the distribution of an intravenous drug that, by its formulation, is~~
 3 ~~intended for the replenishment of fluids and electrolytes, including~~
 4 ~~sodium, chloride and potassium, or calories, including dextrose and amino~~
 5 ~~acids;~~

6 (15) the distribution of an intravenous drug used to maintain the
 7 equilibrium of water and minerals in the body, such as dialysis solutions;
 8 *or*

9 (16) ~~the distribution of a drug that is intended for irrigation, or sterile~~
 10 ~~water, whether intended for such purposes or for injection;~~

11 (17) ~~the distribution of medical gas;~~

12 (18) ~~facilitating the distribution of a product by providing solely~~
 13 ~~administrative services, including processing of orders and payments;~~

14 (19) ~~the transfer of a product by a hospital or other health care entity,~~
 15 ~~or by a wholesale distributor or manufacturer operating under the direction~~
 16 ~~of a hospital or other health care entity, to a repackager described in~~
 17 ~~section 581(16)(B) and registered under section 510 of the food, drug and~~
 18 ~~cosmetic act for the purpose of repackaging the drug for use by that~~
 19 ~~hospital or other health care entity, or other health care entities under~~
 20 ~~common control, if ownership of the drug remains with the hospital or~~
 21 ~~other health care entity at all times; or~~

22 (20)(7) the sale or transfer from a retail pharmacy of expired,
 23 damaged, returned or recalled prescription drugs to the original
 24 manufacturer, originating wholesale distributor or to a ~~third party returns~~
 25 ~~processor reverse distributor registered~~ in accordance with the board's
 26 rules and regulations.

27 Sec. 7. K.S.A. 65-1627 is hereby amended to read as follows: 65-
 28 1627. (a) The board may *deny an application or renewal, limit, condition,*
 29 *revoke, suspend, place in a probationary status or* ~~deny an application or~~
 30 ~~renewal of any~~ *publicly or privately censure* the license of any pharmacist
 31 upon a finding that:

32 (1) The licensee has obtained, renewed or reinstated, or attempted to
 33 obtain, renew or reinstate, a license by false or fraudulent means, including
 34 misrepresentation of a material fact;

35 (2) the licensee has been convicted of a misdemeanor involving moral
 36 turpitude or gross immorality or any felony and the licensee fails to show
 37 that the licensee has been sufficiently rehabilitated to warrant the public
 38 trust;

39 (3) the licensee is found by the board to be guilty of unprofessional
 40 conduct or professional incompetency;

41 (4) the licensee is addicted to the liquor or drug habit to such a degree
 42 as to render the licensee unfit to practice the profession of pharmacy;

43 (5) the licensee has violated a provision of the federal or state food,

or

strikethrough in line 29, 30

1 action under subsection (a) against the licensee and that the licensee's
2 continuation in practice would constitute an imminent danger to the public
3 health and safety.

4 (d) The board may suspend, revoke, place in a probationary status or
5 deny ~~a~~ *an application or* renewal of any retail dealer's permit issued by the
6 board when information in possession of the board discloses that such
7 operations for which the permit was *or may be* issued are not being
8 conducted according to law or the rules and regulations of the board.
9 When the board determines that action under this subsection requires the
10 immediate protection of the public interest, the board shall conduct an
11 emergency proceeding in accordance with K.S.A. 77-536, and
12 amendments thereto, under the Kansas administrative procedure act.

13 (e) The board may ~~deny an application or renewal, limit, condition,~~
14 ~~revoke, suspend, place in a probationary status or deny a renewal of~~ or
15 ~~publicly or privately censure~~ the registration of ~~a~~ *any* pharmacy upon a
16 finding that:

17 (1) Such pharmacy has been operated in such manner that violations
18 of the provisions of the pharmacy act of the state of Kansas or of the rules
19 and regulations of the board have occurred in connection therewith;

20 (2) the owner, *pharmacy* or any pharmacist employed at such
21 pharmacy is convicted, subsequent to such owner's acquisition of or such
22 employee's employment at such pharmacy, of a violation of the pharmacy
23 ~~act or uniform controlled substances act~~ of the state of Kansas, *the federal*
24 *or state uniform controlled substances act* or the federal or state food, drug
25 and cosmetic act;

26 (3) the owner, *pharmacy* or any pharmacist employed by such
27 pharmacy has fraudulently claimed money for pharmaceutical services; ~~or~~

28 (4) the registrant has had a registration revoked, suspended or limited,
29 has been censured or has had other disciplinary action taken, or an
30 application for registration denied, by the proper registering authority of
31 another state, territory, District of Columbia or other country, a certified
32 copy of the record of the action of the other jurisdiction being conclusive
33 evidence thereof. When the board determines that action under this
34 subsection requires the immediate protection of the public interest, the
35 board shall conduct an emergency proceeding in accordance with K.S.A.
36 77-536, and amendments thereto, under the Kansas administrative
37 procedure act;

38 (5) *the registrant has obtained, renewed or attempted to obtain or*
39 *renew a registration by false or fraudulent means, including*
40 *misrepresentation of a material fact or falsification of any application;*

41 (6) *the registrant has refused to permit the board or its duly*
42 *authorized agents to inspect the registrant's establishment in accordance*
43 *with the provisions of the pharmacy act of the state of Kansas, federal or*

strikethrough in line 14, 15

1 *state uniform controlled substances act or the federal or state food, drug*
2 *and cosmetic act;*

3 (7) *the registrant has failed to keep, has failed to file with the board*
4 *or has falsified records required to be kept or filed by the provisions of the*
5 *pharmacy act of the state of Kansas, the federal or state uniform*
6 *controlled substances act or rules and regulations adopted by the board;*

7 (8) *such pharmacy has been operated in such manner that violations*
8 *of the provisions of the federal or state food, drug and cosmetic act, the*
9 *federal or state uniform controlled substances act, or any rule and*
10 *regulation adopted under any such act have occurred in connection*
11 *therewith;*

12 (9) *such pharmacy has been operated in such manner that the*
13 *violations of the provisions of the prescription monitoring program act of*
14 *the state of Kansas or any rule and regulation of the board have occurred*
15 *in connection therewith;*

16 (10) *the registrant has failed to furnish the board, its investigators or*
17 *its representatives any information legally requested by the board; or*

18 (11) *the registrant has violated or failed to comply with any lawful*
19 *order or directive of the board.*

20 (f) A registration to manufacture or repackage drugs or devices, to
21 operate as a wholesale distributor, ~~to sell durable medical equipment or to~~
22 ~~operate as a third-party logistics provider, outsourcing facility, institutional~~
23 ~~drug room or automated dispensing system, or to sell durable medical~~
24 ~~equipment, or a registration for the place of business where any such~~
25 ~~operation is conducted, may be limited, conditioned, suspended, revoked,~~
26 ~~placed in a probationary status, publicly or privately censured or the~~
27 ~~application for or renewal of such registration may be denied by the board~~
28 ~~upon a finding that the registrant or the registrant's agent:~~

29 (1) ~~Has materially falsified any application filed pursuant to or~~
30 ~~required by the pharmacy act of the state of Kansas obtained, renewed or~~
31 ~~attempted to obtain or renew a registration by false or fraudulent means,~~
32 ~~including misrepresentation of a material fact or falsification of any~~
33 ~~application;~~

34 (2) ~~has been convicted of a felony under any federal or state law~~
35 ~~relating to the manufacture, compounding, dispensing or distribution of~~
36 ~~drugs or devices;~~

37 (3) ~~has had any federal registration for the manufacture,~~
38 ~~compounding, dispensing or distribution of drugs or devices suspended,~~
39 ~~limited, denied, disciplined, censured or revoked;~~

40 (4) ~~has refused to permit the board or its duly authorized agents to~~
41 ~~inspect the registrant's establishment in accordance with the provisions of~~
42 ~~K.S.A. 65-1629, and amendments thereto the pharmacy act of the state of~~
43 ~~Kansas, the federal or state uniform controlled substances act or the~~

strikethrough in line 26

1 *federal or state food, drug and cosmetic act;*

2 (5) *has failed to keep, has failed to file with the board or has falsified*
3 *records required to be kept or filed by the provisions of the pharmacy act*
4 *of the state of Kansas* ~~*or by the board's rules and regulations; or, the*~~
5 *federal or state uniform controlled substances act or rules and regulations*
6 *adopted by the board;*

7 (6) *has violated the pharmacy act of the state of Kansas or rules and*
8 *regulations adopted by the state board of pharmacy under the pharmacy act*
9 *of the state of Kansas, has violated the uniform controlled substances act*
10 *or rules and regulations adopted by the state board of pharmacy under the*
11 *uniform controlled substances act, has violated the federal uniform*
12 *controlled substances act, has violated the federal or state food, drug and*
13 *cosmetic act or any rules and regulations adopted under any such act, or*
14 *has violated a provision of the federal drug supply chain security act or*
15 *any rule or regulation adopted under such act. When the board determines*
16 *that action under this subsection requires the immediate protection of the*
17 *public interest, the board shall conduct an emergency proceeding in*
18 *accordance with K.S.A. 77-536, and amendments thereto, under the*
19 *Kansas administrative procedure act;*

20 (7) *the registrant has had a registration revoked, suspended or*
21 *limited, has been censured or has had other disciplinary action taken, or*
22 *an application for registration denied, by the proper registering authority*
23 *of another state, territory, District of Columbia or other country, a*
24 *certified copy of the record of the action of the other jurisdiction being*
25 *conclusive evidence thereof. When the board determines that action under*
26 *this subsection requires the immediate protection of the public interest, the*
27 *board shall conduct an emergency proceeding in accordance with K.S.A.*
28 *77-536, and amendments thereto, under the Kansas administrative*
29 *procedure act;*

30 (8) *has failed to furnish the board, its investigators or its*
31 *representatives any information legally requested by the board; or*

32 (9) *the registrant has violated or failed to comply with any lawful*
33 *order or directive of the board.*

34 (g) ~~*Any licensee, permit holder or registrant who is disciplined under*~~
35 ~~*this section, K.S.A. 65-1657, 65-1663 or 65-1676, and amendments*~~
36 ~~*thereto, for a minor violation may request in writing that the board*~~
37 ~~*expunge the minor violation from the licensee's, permit holder's or*~~
38 ~~*registrant's permanent record. The board shall adopt rules and regulations*~~
39 ~~*to establish violations that are minor violations under this section. A*~~
40 ~~*violation shall be deemed a minor violation if it does not demonstrate a*~~
41 ~~*serious inability to practice the profession; assist in the practice of*~~
42 ~~*pharmacy; provide home medical equipment and services; adversely affect*~~
43 ~~*the public health, safety or welfare; result in economic or physical harm to*~~

Strikethrough in lines 34-43

1 ~~an individual; or create a significant threat of such harm.~~

2 ~~(1) The request for expungement may be filed no sooner than five~~
3 ~~years after the date on which the licensee, permit holder or registrant has~~
4 ~~completed disciplinary sanctions imposed and if the licensee, permit~~
5 ~~holder or registrant has not been disciplined for any subsequent violation~~
6 ~~within this period of time.~~

strikethrough in lines 1-8

7 ~~(2) No individual may have such individual's record expunged under~~
8 ~~this section more than once.~~

9 (h) Orders under this section, and proceedings thereon, shall be
10 subject to the provisions of the Kansas administrative procedure act.

11 Sec. 8. K.S.A. 65-1631 is hereby amended to read as follows: 65-
12 1631. (a) It shall be unlawful for any ~~person~~ individual to practice as a
13 pharmacist in this state unless such ~~person~~ individual is licensed by the
14 board as a pharmacist. Except as otherwise provided in subsection (d),
15 every applicant for licensure as a pharmacist shall be at least 18 years of
16 age, shall be a graduate of a school or college of pharmacy or department
17 of a university recognized and approved by the board, shall file proof
18 satisfactory to the board, substantiated by proper affidavits, of a minimum
19 of one year of pharmaceutical experience, acceptable to the board, under
20 the supervision of a preceptor and shall pass an examination approved by
21 the board. Pharmaceutical experience as required in this section shall be
22 under the supervision of a preceptor and shall be predominantly related to
23 the dispensing of prescription medication, compounding prescriptions,
24 preparing pharmaceutical preparations and keeping records and making
25 reports required under state and federal statutes. A school or college of
26 pharmacy or department of a university recognized and approved by the
27 board under this subsection ~~(a)~~ shall have a standard of education not
28 below that of the university of Kansas school of pharmacy. The board shall
29 adopt rules and regulations establishing the criteria ~~which~~ that a school or
30 college of pharmacy or department of a university shall satisfy in meeting
31 the standard of education established under this subsection ~~(a)~~. ~~The board~~
32 ~~is authorized to adopt rules and regulations necessary to establish the~~
33 ~~criteria for a pharmacist to be designated by the board and act as a~~
34 ~~preceptor.~~

strikethrough in lines 31-34

35 (b) All applications for licensure by examination shall be made on a
36 form to be prescribed and furnished by the board. Each application for a
37 new license by examination shall be accompanied by a license fee fixed by
38 the board as provided in K.S.A. 65-1645, and amendments thereto.

39 (c) The board is authorized to adopt rules and regulations relating to
40 the ~~grades which~~ score that an applicant must receive in order to pass the
41 ~~examination~~ examinations required for licensure ~~and the maximum~~
42 ~~number of times an applicant may take each examination.~~ **The board shall**
43 **only accept a passing score on an examination required for licensure**

1 **from an applicant's first five attempts taking such examination.**

2 (d) Notwithstanding the preceding provisions of this section, the
 3 board may in its discretion license as a pharmacist, without examination,
 4 any ~~person~~ *individual* who is duly registered or licensed by examination in
 5 some other state, except that the board may require that such ~~person~~
 6 ~~individual~~ take the ~~law examination~~ *multi-state jurisprudence examination*
 7 approved by the board. *The board is authorized to adopt rules and*
 8 *regulations relating to the score that such individual shall be required to*
 9 *receive in order to pass the multi-state jurisprudence examination and the*
 10 ~~*maximum number of times such individual may take the examination as*~~
 11 ~~*well as the maximum number of times that such individual may have*~~
 12 ~~*attempted the North American pharmacist licensure examination,*~~
 13 ~~*regardless of the score achieved.*~~ Such ~~person~~ *individual* shall file proof
 14 satisfactory to the board of having the education and training required of
 15 applicants for licensure under the provisions of the pharmacy act of this
 16 state. ~~Persons~~ *Individuals* who are registered or licensed as pharmacists by
 17 examination in other states shall be required to satisfy only the
 18 requirements ~~which~~ *that* existed in this state at the time they become
 19 registered or licensed in such other states. The provisions of this
 20 subsection shall apply only if the state in which the ~~person~~ *individual* is
 21 registered or licensed grants, under like conditions, reciprocal registrations
 22 or licenses as pharmacists, without examination, to pharmacists duly
 23 licensed by examination in this state. Reciprocal licensure shall not be
 24 denied to any applicant otherwise qualified for reciprocal licensure under
 25 this section who has met the internship requirements of the state from
 26 which the applicant is reciprocating or who has at least one year of
 27 practice as a licensed pharmacist. A reciprocal licensure may be denied for
 28 ~~*failure to satisfy the rules and regulations adopted by the board or for*~~
 29 ~~*any of the reasons set forth in subsections (a)(1) through (a)(13) of K.S.A. 65-*~~
 30 ~~*1627(a)(1) through (a)(13), and amendments thereto.*~~

31 (e) In the event that an applicant for reciprocal licensure has not been
 32 subject to laws requiring continuing education as a condition for renewal
 33 of a registration or license, such applicant shall be required to satisfy the
 34 board through a competency examination that the applicant has the
 35 knowledge and ability to meet Kansas standards for licensure as a
 36 pharmacist.

37 (f) ~~No applicant who has taken the examination for licensure~~
 38 ~~approved by the board and has failed to complete it successfully shall be~~
 39 ~~considered for licensure by reciprocity within one year from the date such~~
 40 ~~applicant sat for the examination.~~

41 (g) All applicants for reciprocal licensure shall file their applications
 42 on a form to be prescribed and furnished by the board and such application
 43 shall be accompanied by a reciprocal licensure fee fixed by the board as

The board shall only accept a passing score on an examination required for licensure from an applicant's first five attempts taking such examination.

strikethrough in line 28

1 this state without having first obtained a registration from the board.

2 *(p) For any person to distribute drugs or devices into Kansas as an*
 3 *out-of-state manufacturer of such drugs or devices without first obtaining*
 4 *a registration as a manufacturer from the board.*

5 ~~Sec. 11. K.S.A. 65-1645 is hereby amended to read as follows: 65-~~
 6 ~~1645. (a) Application for registrations or permits under K.S.A. 65-1643,~~
 7 ~~and amendments thereto, shall be made on a form prescribed and furnished~~
 8 ~~by the board. Applications for registration shall contain such information~~
 9 ~~as may be required by the board in accordance with the provisions of~~
 10 ~~K.S.A. 65-1655, and amendments thereto, and K.S.A. 65-1655a and 65-~~
 11 ~~1655b, and amendments thereto. The application shall be accompanied by~~
 12 ~~the fee prescribed by the board under the provisions of this section. When~~
 13 ~~such application and fees are received by the secretary on or before the due~~
 14 ~~date, such application shall have the effect of temporarily renewing the~~
 15 ~~applicant's registration or permit until actual issuance or denial of the~~
 16 ~~renewal. However, if at the time of filing a proceeding is pending before~~
 17 ~~the board that may result in the suspension, probation, revocation or denial~~
 18 ~~of the applicant's registration or permit, the board may declare, by~~
 19 ~~emergency order, that such application for renewal shall not have the effect~~
 20 ~~of temporarily renewing such applicant's registration or permit. Separate~~
 21 ~~applications shall be made and separate registrations or permits issued for~~
 22 ~~each separate place at which is carried on any of the operations for which a~~
 23 ~~registration or permit is required by K.S.A. 65-1643, and amendments~~
 24 ~~thereto.~~

25 ~~(b) An application for a registration or permit under K.S.A. 65-~~
 26 ~~1643, and amendments thereto, submitted for a facility physically located~~
 27 ~~outside of the state of Kansas shall be accompanied by an additional~~
 28 ~~non-resident fee prescribed by the board by rules and regulations~~
 29 ~~pursuant to this section. Such fee shall not exceed \$350 for a new~~
 30 ~~registration and \$250 for a renewal.~~

31 ~~(c) The nonrefundable fees required for the issuing of the licenses,~~
 32 ~~registrations or permits under the pharmacy act of the state of Kansas shall~~
 33 ~~be fixed by the board as herein provided, subject to the following:~~

34 ~~(1) Pharmacy, new registration not more than \$150 \$250, renewal not~~
 35 ~~more than \$125 \$250;~~

36 ~~(2) pharmacist, new license by examination not more than \$350;~~

37 ~~(3) pharmacist, reinstatement application fee not more than \$250;~~

38 ~~(4) pharmacist, biennial renewal fee not more than \$200;~~

39 ~~(5) pharmacist, evaluation fee not more than \$250;~~

40 ~~(6) pharmacist, reciprocal licensure fee not more than \$250 \$350;~~

41 ~~(7) pharmacist, penalty fee, not more than \$500;~~

42 ~~(8) manufacturer or virtual manufacturer, new registration not more~~
 43 ~~than \$500, renewal not more than \$400 \$500;~~

striking all of Section 11

and renumbering sections
accordingly

1 ~~(9) wholesale distributor, new registration not more than \$500,~~
2 ~~renewal not more than \$400 \$500, except that a wholesale distributor~~
3 ~~dealing exclusively in nonprescription drugs, the manufacturing,~~
4 ~~distributing or dispensing of which does not require registration under the~~
5 ~~uniform controlled substances act, shall be assessed a fee for registration~~
6 ~~and re-registration renewal not to exceed \$50 \$100;~~

7 ~~(10) special auction not more than \$50;~~

8 ~~(11) samples distribution not more than \$50 \$100, renewal not more~~
9 ~~than \$50 \$100;~~

10 ~~(12) institutional drug room, new registration not more than \$40~~
11 ~~\$100, renewal not more than \$35 \$100;~~

12 ~~(13) retail dealer selling more than 12 different nonprescription drug~~
13 ~~products, new permit not more than \$12 \$50, renewal not more than \$12~~
14 ~~\$50;~~

15 ~~(14) certification of grades for each applicant for examination and~~
16 ~~registration not more than \$25;~~

17 ~~(15) veterinary medical teaching hospital pharmacy, new registration~~
18 ~~not more than \$40, renewal not more than \$35;~~

19 ~~(16) durable medical equipment registration fee, not more than \$300~~
20 ~~\$400, renewal not more than \$300 \$400;~~

21 ~~(17) third-party logistics provider, new registration not more than~~
22 ~~\$500, renewal not more than \$400 \$500, except that a third-party logistics~~
23 ~~provider exclusively providing nonprescription drugs, the manufacturing,~~
24 ~~distributing or dispensing of which does not require registration under the~~
25 ~~uniform controlled substances act, shall be assessed a fee for registration~~
26 ~~and re-registration renewal not to exceed \$50 \$100;~~

27 ~~(18) outsourcing facility, new registration not more than \$500,~~
28 ~~renewal not more than \$400 \$500;~~

29 ~~(19) repackager, new registration not more than \$500, renewal not~~
30 ~~more than \$400 \$500; or~~

31 ~~(20) automated dispensing system registration fee, not more than \$40,~~
32 ~~renewal not more than \$35.~~

33 ~~(e)(d) For the purpose of fixing fees, the board may establish classes~~
34 ~~of retail dealers' permits for retail dealers selling more than 12 different~~
35 ~~nonprescription drug products, and the board may fix a different fee for~~
36 ~~each such class of permit.~~

37 ~~(d)(e) The board shall determine annually the amount necessary to~~
38 ~~carry out and enforce the provisions of this act for the next ensuing fiscal~~
39 ~~year and shall fix by rules and regulations the fees authorized for such year~~
40 ~~at the sum deemed necessary for such purposes. The fees fixed by the~~
41 ~~board under this section immediately prior to the effective date of this act~~
42 ~~shall continue in effect until different fees are fixed by the board by rules~~
43 ~~and regulations as provided under this section.~~

striking all of Section 11

and renumbering sections
accordingly

1 ~~(e)(f) The board may deny renewal of any registration or permit~~
 2 ~~required by K.S.A. 65-1643, and amendments thereto, on any ground that~~
 3 ~~would authorize the board to suspend, revoke or place on probation a~~
 4 ~~registration or permit previously granted pursuant to the provisions of~~
 5 ~~K.S.A. 65-1643, and amendments thereto. Registrations and permits issued~~
 6 ~~under the provisions of K.S.A. 65-1643 and 65-1644, and amendments~~
 7 ~~thereto, shall be conspicuously displayed in the place for which the~~
 8 ~~registration or permit was granted. Such registrations or permits shall not~~
 9 ~~be transferable. All such registrations and permits shall expire every year.~~
 10 ~~The expiration date shall be established by rules and regulations adopted~~
 11 ~~by the board. All registrations and permits shall be renewed annually.~~
 12 ~~Notice of renewal of registrations and permits shall be sent by the board to~~
 13 ~~each registrant or permittee at least 30 days prior to expiration of the~~
 14 ~~registration or permit. If application for renewal is not made prior to~~
 15 ~~expiration, the existing registration or permit shall lapse and become null~~
 16 ~~and void on the date of its expiration, and no new registration or permit~~
 17 ~~shall be granted except upon payment of the required renewal fee plus a~~
 18 ~~penalty equal to the renewal fee. Failure of any registrant or permittee to~~
 19 ~~receive such notice of renewal shall not relieve the registrant or permittee~~
 20 ~~from the penalty hereby imposed if the renewal is not made as prescribed.~~

21 ~~(f)(g) In each case in which a license of a pharmacist is issued or~~
 22 ~~renewed for a period of time less than two years, the board shall prorate to~~
 23 ~~the nearest whole month the license or renewal fee established pursuant to~~
 24 ~~this section.~~

25 ~~(g)(h) The board may require that fees paid for any examination~~
 26 ~~under the pharmacy act of the state of Kansas be paid directly to the~~
 27 ~~examination service by the person *individual* taking the examination.~~

28 Sec. 12. K.S.A. 65-1656 is hereby amended to read as follows: 65-
 29 1656. (a) Nothing contained in the pharmacy act of the state of Kansas
 30 shall prohibit a pharmacist licensed in this state from filling or refilling a
 31 valid prescription for prescription drugs not listed in schedule II of the
 32 uniform controlled substances act, ~~which~~ *that* is on file in a pharmacy
 33 licensed *or registered* in any state and has been transferred from one
 34 pharmacy to another ~~by any means, including by way of electronic data~~
 35 ~~processing equipment~~, upon the following conditions and exceptions:

36 (1) Prior to dispensing pursuant to any such prescription, the
 37 dispensing pharmacist shall:

38 (A) ~~Advise the patient that the prescription file at such other~~
 39 ~~pharmacy must be canceled before the dispensing pharmacist will be able~~
 40 ~~to fill the prescription;~~

41 ~~(B) determine that the prescription is valid and on file at such other~~
 42 ~~pharmacy and that such prescription may be filled or refilled, as requested,~~
 43 ~~in accordance with the prescriber's intent expressed on such prescription;~~

striking all of Section 11
 and renumbering sections
 accordingly

1 that compliance ~~which~~ *that* constitutes only a minor conflict with specific
2 laws or rules and regulations of the state in which the pharmacy is located
3 would not be required under this subsection.

4 ~~(f)~~(e) Each nonresident pharmacy shall develop and provide the board
5 with a policy and procedure manual that sets forth:

6 (1) Normal delivery protocols and times;

7 (2) the procedure to be followed if the patient's medication is not
8 available at the nonresident pharmacy, or if delivery will be delayed
9 beyond the normal delivery time;

10 (3) the procedure to be followed upon receipt of a prescription for an
11 acute illness, ~~which policy~~ *that* shall include a procedure for delivery of
12 the medication to the patient from the nonresident pharmacy at the earliest
13 possible time, or an alternative that assures the patient the opportunity to
14 obtain the medication at the earliest possible time; and

15 (4) the procedure to be followed when the nonresident pharmacy is
16 advised that the patient's medication has not been received within the
17 normal delivery time and that the patient is out of medication and requires
18 interim dosage until mailed prescription drugs become available.

19 ~~(g) Except in emergencies that constitute an immediate threat to the
20 public health and require prompt action by the board, the board may file a
21 complaint against any nonresident pharmacy that violates any provision of
22 this section. This complaint shall be filed with the regulatory or licensing
23 agency of the state in which the nonresident pharmacy is located. If the
24 regulatory or licensing agency of the state in which the nonresident
25 pharmacy is located fails to resolve the violation complained of within a
26 reasonable time, not less than 180 days from the date that the complaint is
27 filed, disciplinary proceedings may be initiated by the board. The board
28 also may initiate disciplinary actions against a nonresident pharmacy if the
29 regulatory or licensing agency of the state in which the nonresident
30 pharmacy is located lacks or fails to exercise jurisdiction.~~

31 ~~(f) The board may limit, condition, revoke, suspend, place in a
32 probationary status or publicly or privately censure a registration or deny
33 an application for issuance or renewal of any registration on any ground
34 that would authorize the board to take action against the registration of a
35 pharmacy under K.S.A. 65-1627, and amendments thereto.~~

36 ~~(h)~~(g) The board shall adopt rules and regulations that make
37 exceptions to the requirement of registration by a nonresident pharmacy
38 when the out-of-state pharmacy supplies lawful refills to a patient from a
39 prescription that was originally filled and delivered to a patient within the
40 state in which the nonresident pharmacy is located, or when the
41 prescriptions being mailed into the state of Kansas by a nonresident
42 pharmacy occurs only in isolated transactions. In determining whether the
43 prescriptions being mailed into the state of Kansas by a nonresident

strikethrough in line 32

1 this section shall be remitted to the state treasurer in accordance with the
2 provisions of K.S.A. 75-4215, and amendments thereto. ~~Of the amount so~~
3 ~~remitted, an amount equal to the board's actual costs related to the case in~~
4 ~~which the fine was assessed, as certified by the president of the board to~~
5 ~~the state treasurer, shall be, credited to the state board of pharmacy fee~~
6 ~~fund, and the balance shall be credited to the state general fund.~~

7 ~~Sec. 15. K.S.A. 65-1663 is hereby amended to read as follows: 65-~~
8 ~~1663. (a) It shall be unlawful for any person *individual* to function as a~~
9 ~~pharmacy technician in this state unless such person *individual* is~~
10 ~~registered with the board as a pharmacy technician. Every person~~
11 ~~*individual* registered as a pharmacy technician shall have graduated from~~
12 ~~an accredited high school or its equivalent, obtained a graduate equivalent~~
13 ~~diploma (, GED), or be enrolled and in good standing in a high school~~
14 ~~education program. Every person *individual* registered as a pharmacy~~
15 ~~technician shall pass one or more examinations identified and approved by~~
16 ~~the board within the period or periods of time specified by the board after~~
17 ~~becoming registered. The board shall adopt rules and regulations~~
18 ~~identifying the required examinations, when they must be passed and~~
19 ~~establishing the criteria for the required examinations and passing scores.~~
20 ~~The board may include as a required examination any national pharmacy~~
21 ~~technician certification examination. The board shall adopt rules and~~
22 ~~regulations restricting the tasks a pharmacy technician may perform prior~~
23 ~~to passing any required examinations.~~

24 ~~(b) All applications for registration shall be made on a form to be~~
25 ~~prescribed and furnished by the board. Each application for registration~~
26 ~~shall be accompanied by a registration fee fixed by the board by rule and~~
27 ~~regulation not to exceed \$50.~~

28 ~~(c) The board shall take into consideration any felony conviction of~~
29 ~~an applicant, but such conviction shall not automatically operate as a bar to~~
30 ~~registration.~~

31 ~~(d) Except as otherwise provided in this subsection, each pharmacy~~
32 ~~technician registration issued by the board shall expire every two years.~~
33 ~~The expiration date shall be established by rules and regulations adopted~~
34 ~~by the board. To provide for a system of biennial renewal of pharmacy~~
35 ~~technician registrations, the board may provide by rules and regulations~~
36 ~~that registrations issued or renewed may expire less than two years from~~
37 ~~the date of issuance or renewal. Each applicant for renewal of a pharmacy~~
38 ~~technician registration shall be made on a form prescribed and furnished~~
39 ~~by the board and shall be accompanied by a renewal fee fixed by the board~~
40 ~~by rule and regulation *rules and regulations* not to exceed \$25 \$50.~~
41 ~~Pharmacy technician registration renewal fees may be prorated for~~
42 ~~registration periods which *that* are less than biennial in accordance with~~
43 ~~rules and regulations of the board. Except as otherwise provided in this~~

striking all of Section 15

and renumbering sections
accordingly

1 ~~subsection, the application for registration renewal, when accompanied by~~
2 ~~the renewal fee and evidence satisfactory to the board that the person~~
3 ~~individual has successfully complied with the rules and regulations of the~~
4 ~~board establishing the requirements for a program of continuing pharmacy~~
5 ~~technician education and received by the secretary on or before the date of~~
6 ~~expiration of the registration, shall have the effect of temporarily renewing~~
7 ~~the applicant's registration until actual issuance or denial of the renewal~~
8 ~~registration. If at the time of filing a proceeding is pending before the~~
9 ~~board which may result in the suspension, probation, revocation or denial~~
10 ~~of the applicant's registration, the board may by emergency order declare~~
11 ~~that the application for renewal shall not have the effect of temporarily~~
12 ~~renewing such applicant's registration. If the renewal fee is not paid prior~~
13 ~~to the expiration date of the renewal year, the registration is void.~~

14 ~~(e) Continuing pharmacy technician education requirements shall be~~
15 ~~fixed by the board at not more than 20 clock hours biennially of a program~~
16 ~~of continuing education approved by the board. Continuing education~~
17 ~~hours may be prorated for licensure periods that are less than biennial in~~
18 ~~accordance with rules and regulations of the board.~~

19 ~~(f) (1) The board may limit, condition, revoke, suspend or revoke,~~
20 ~~place in a probationary status or publicly or privately censure a~~
21 ~~registration or deny an application for issuance or renewal of any~~
22 ~~registration as a pharmacy technician on any ground, which would~~
23 ~~authorize the board to take action against the license of a pharmacist under~~
24 ~~K.S.A. 65-1627, and amendments thereto.~~

25 ~~(2) The board may require a physical or mental examination, or both,~~
26 ~~of a person an individual applying for or registered as a pharmacy~~
27 ~~technician.~~

28 ~~(3) The board may temporarily suspend or temporarily limit the~~
29 ~~registration of any pharmacy technician in accordance with the emergency~~
30 ~~adjudicative proceedings under the Kansas administrative procedure act if~~
31 ~~the board determines that there is cause to believe that grounds exist for~~
32 ~~disciplinary action under this section against the registrant and that the~~
33 ~~registrant's continuation of pharmacy technician functions would constitute~~
34 ~~an imminent danger to the public health and safety.~~

35 ~~(4) Proceedings under this section shall be subject to the Kansas~~
36 ~~administrative procedure act.~~

37 ~~(g) Every registered pharmacy technician, within 30 days of obtaining~~
38 ~~new employment or ceasing employment as a pharmacy technician, shall~~
39 ~~notify the secretary of the name and address of the new employer or~~
40 ~~cessation of employment.~~

41 ~~(h) Every pharmacy technician who changes their residential address,~~
42 ~~email address or legal name shall, within 30 days thereof, notify the~~
43 ~~secretary of such change on a form prescribed and furnished by the board.~~

striking all of Section 15

and renumbering sections
accordingly

1 ~~(i) Each pharmacy shall at all times maintain a list of the names of~~
2 ~~pharmacy technicians employed by the pharmacy. A pharmacy technician~~
3 ~~shall work under the direct supervision and control of a pharmacist, and~~
4 ~~while on duty, shall wear a name badge or similar identification with the~~
5 ~~pharmacy technician's name and designation as a pharmacy technician. It~~
6 ~~shall be the responsibility of the supervising pharmacist to determine that~~
7 ~~the pharmacy technician is in compliance with the applicable rules and~~
8 ~~regulations of the board, and the supervising pharmacist shall be~~
9 ~~responsible for the acts and omissions of the pharmacy technician in the~~
10 ~~performance of the pharmacy technician's duties. The ratio of pharmacy~~
11 ~~technicians to pharmacists in the prescription area of a pharmacy shall be~~
12 ~~prescribed by the board by rule and regulation. Any change in the ratio of~~
13 ~~pharmacy technicians to pharmacists in the prescription area of the~~
14 ~~pharmacy must be adopted by a vote of no less than six members of the~~
15 ~~board.~~

16 ~~(j) Every registered pharmacy technician shall display the current~~
17 ~~registration in that part of the place of business in which such person~~
18 ~~individual is engaged in pharmacy technician activities.~~

19 ~~(k) Every pharmacy technician registered after July 1, 2017, shall be~~
20 ~~required to pass a certified pharmacy technician examination approved by~~
21 ~~the board.~~

22 ~~(l) The board shall adopt such rules and regulations as are necessary~~
23 ~~to ensure that pharmacy technicians are adequately trained as to the nature~~
24 ~~and scope of their lawful duties.~~

25 ~~(m) The board may adopt rules and regulations as may be necessary~~
26 ~~to carry out the purposes and enforce the provisions of this act.~~

27 ~~(n) This section shall be a part of and supplemental to the pharmacy~~
28 ~~act of the state of Kansas.~~

29 ~~Sec. 16. K.S.A. 65-1676 is hereby amended to read as follows: 65-~~
30 ~~1676. (a) It shall be unlawful for any person individual to function as a~~
31 ~~pharmacist intern in this state unless such person individual is registered~~
32 ~~with the board as a pharmacist intern.~~

33 ~~(b) All applications for registration shall be made on a form to be~~
34 ~~prescribed and furnished by the board. Each application for registration~~
35 ~~shall be accompanied by a registration fee fixed by the board by rule and~~
36 ~~regulation rules and regulations not to exceed \$25 \$50.~~

37 ~~(c) Each pharmacist intern registration issued by the board shall~~
38 ~~expire six years from the date of issuance.~~

39 ~~(d)(1) The board may limit, condition, revoke, suspend or revoke,~~
40 ~~place in a probationary status or publicly or privately censure a~~
41 ~~registration or deny an application for issuance or renewal of any~~
42 ~~registration as a pharmacist intern on any ground that would authorize the~~
43 ~~board to take action against the license of a pharmacist under K.S.A. 65-~~

striking all of Section 16

and renumbering sections
accordingly

~~1627, and amendments thereto.~~

~~(2) The board may temporarily suspend or temporarily limit the registration of any pharmacist intern in accordance with the emergency adjudicative proceedings under the Kansas administrative procedure act, if the board determines that there is cause to believe that grounds exist for disciplinary action under this section against the registrant and that the registrant's continuation of pharmacist intern functions would constitute an imminent danger to the public health and safety.~~

~~(3) Proceedings under this section shall be subject to the Kansas administrative procedure act.~~

~~(e) Every registered pharmacist intern, within 30 days of obtaining new employment, shall furnish the secretary notice of the name and address of the new employer.~~

~~(f) Every pharmacist intern who changes their residential address, email address or legal name shall, within 30 days thereof, notify the secretary of such change on a form prescribed and furnished by the board.~~

~~(g) Each pharmacy shall at all times maintain a list of the names of pharmacist interns employed by the pharmacy. A pharmacist intern shall work under the direct supervision and control of a pharmacist. It shall be the responsibility of the supervising pharmacist to determine that the pharmacist intern is in compliance with the applicable rules and regulations of the board, and the supervising pharmacist shall be responsible for the acts and omissions of the pharmacist intern in the performance of the pharmacist intern's duties.~~

~~(h) A person *An individual* holding a pharmacist intern registration shall display such registration in that part of the place of business in which such person *individual* is engaged in pharmacist intern activities.~~

~~(i) The board shall adopt such rules and regulations as are necessary to ensure that pharmacist interns are adequately trained as to the nature and scope of their lawful duties. The board may adopt rules and regulations as may be necessary to carry out the purposes of and enforce the provisions of this section.~~

~~(j) This section shall be a part of and supplemental to the pharmacy act of the state of Kansas.~~

Sec. 17. K.S.A. 65-636, 65-1627, 65-1631, 65-1637, 65-1643, 65-1645, 65-1656, 65-1657, 65-1658, 65-1663 and 65-1676 and K.S.A. 2020 Supp. 65-1626 are hereby repealed.

Sec. 18. This act shall take effect and be in force from and after its publication in the statute book.

striking all of Section 16
and renumbering sections
accordingly