Session of 2025

HOUSE BILL No. 2244

By Committee on Insurance

Requested by Representative Sutton

2-4

AN ACT concerning the board of pharmacy; prohibiting the board of pharmacy from adopting rules and regulations that would limit or condition the use of telepharmacy; modifying the composition of board members of the board of pharmacy; amending K.S.A. 74-1603 and 74-1604 and K.S.A. 2024 Supp. 65-16,130 and repealing the existing sections.

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

Section 1. K.S.A. 2024 Supp. 65-16,130 is hereby amended to read as follows: 65-16,130. (a) As used in this section:

(1) "Telepharmacy" means the practice of pharmacy by a pharmacist located in Kansas using telecommunications or other automations and technologies to deliver personalized, electronically documented, real-time pharmaceutical care to patients or their agents, who are located at sites other than where the pharmacist is located, including prescription dispensing and counseling and to oversee and supervise telepharmacy outlet operations.

(2) "Telepharmacy outlet" means a pharmacy site located in Kansas that:

(A) Is registered as a pharmacy under the act;

(B) is owned by the managing pharmacy;

(C) is connected via computer link, video link and audio link or other functionally equivalent telecommunications equipment with a supervising pharmacy located in Kansas; and

(D) has a pharmacy technician on site who performs activities under the electronic supervision of a pharmacist located in Kansas.

(b) A pharmacist shall be in attendance at the telepharmacy outlet by connecting to the telepharmacy outlet via computer link, video link and audio link or other functionally equivalent telecommunications equipment and shall be available to consult with and assist the pharmacy technician in performing activities.

(c) ~~Not later than January 1, 2023,~~ The board shall adopt rules and regulations necessary to specify additional criteria for a managing pharmacy and telepharmacy outlet under this section~~, including, but not limited to~~ *addressing the following*:

(1) Application requirements;
(2) structural, security, technology and equipment requirements;
(3) staffing, training and electronic supervision requirements;
(4) inventory record keeping and storage requirements;
(5) labeling requirements;
(6) establishment of policies and procedures;
(7) the number of telepharmacy outlets that may be operated by a supervising pharmacy;
(8) use of automated dispensing machines; and
(9) criteria for requesting exemptions or waivers from the requirements set forth in rules and regulations adopted under this subsection.

(d) The board shall not limit or condition the use of telepharmacy based on population, distance from a physical pharmacy or network adequacy.

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

Sec. 2. K.S.A. 74-1603 is hereby amended to read as follows: 74-1603. (a) There is hereby created a state board of pharmacy which shall consist of seven members, six of whom shall be licensed pharmacists, and one of whom shall be a representative of the general public.

(b) (1) The terms of the board members appointed and serving on the state board of pharmacy on July 1, 2025, shall expire on December 31, 2025.

(2) A new state board of pharmacy shall be appointed to serve on and after January 1, 2026, and shall have the same powers, duties and functions as its predecessor. Such board shall consist of seven members, who shall be reflect the general types of pharmacies in Kansas, and be appointed as follows:

(A) Three pharmacist members appointed by the Kansas pharmacist's association;

(B) two pharmacist members employed by chain drug stores or retailers appointed by the commissioner of insurance;

(C) one pharmacist member employed by an insurer, specialty or mail order pharmacy serving on behalf of the state employee health plan appointed by the state employee health care commission; and

(D) one public non-pharmacist prescription drug purchaser member appointed by the speaker of the house of representatives and the president of the senate. The speaker of the house and the president of the senate shall alternate in appointing such board member.

(3) Not later than December 1, 2025, the executive director of the state board of pharmacy shall be notified of all newly appointed board members. Following such initial appointment of board members,

vacancies occurring on the board shall be filled pursuant to subsection (c).

~~(b)~~*(c)* Vacancies occurring on the board other than by expiration of term shall be filled for the unexpired term in the same manner as the original appointment was made. No person who has been appointed to and qualified for two terms as a member of the board of pharmacy shall be eligible to be appointed as a member of the board. ~~On July 1, 2009, the term of office of each existing board member shall be extended by one year.~~

(c) The office of the state board of pharmacy shall be located in the city of Topeka, Kansas.

Sec. 3. K.S.A. 74-1604 is hereby amended to read as follows: 74-1604. ~~The governor shall appoint the~~ *(a)* Members of the board *shall be appointed pursuant to K.S.A. 74-1603, and amendments thereto,* and such members appointed on and after ~~July 1, 2009~~ *January 1, 2026*, shall serve for terms of four years and until their successors are appointed and qualified.

(b) No pharmacist shall be eligible for appointment as a member of the board unless such pharmacist has been a resident of the state and actively employed in or engaged in the practice of pharmacy in Kansas for at least five years immediately preceding the date of appointment.

Sec. 4. K.S.A. 74-1603 and 74-1604 and K.S.A. 2024 Supp. 65-16,130 are hereby repealed.

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