

## HOUSE BILL No. 2337

By Committee on Health and Human Services

2-7

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9 AN ACT relating to crimes and punishments; creating the crime of illegal  
10 importation of prescription drugs; providing for penalties, exceptions  
11 and definitions.

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

14 Section 1. (a) Illegal importation of prescription drugs is any of the  
15 following:

16 (1) Solicitation of consumers who are residents of this state to pur-  
17 chase a prescription drug from any foreign entity that is not a pharmacy  
18 licensed in the United States in efforts to dispense such drugs to such  
19 consumers or to a health care professional acting within the scope of such  
20 professional's license in this state. Solicitation includes the person, agent,  
21 affiliate or contractor of the foreign entity placing or accepting an adver-  
22 tisement for sale of prescription drugs or when the person, agent, affiliate  
23 or contractor of the foreign entity dispenses or aids and abets in the  
24 delivery of prescription drugs to a resident of this state;

25 (2) dispensing, as defined in K.S.A. 65-1626, and amendments  
26 thereto, a drug to a resident of this state by a foreign entity that is not a  
27 licensed pharmacy in the United States for use by the consumer;

28 (3) prescribing a drug for a Kansas resident by a foreign entity that  
29 is not a licensed pharmacy or licensed health care provider in the United  
30 States;

31 (4) selling, delivering or arranging for or assisting in the delivery to a  
32 consumer or to a health care professional, health care facility or health  
33 care supplier licensed in this state, prescription drugs that are unappro-  
34 ved, mislabeled or misbranded, illegally imported prescription drugs from  
35 other countries, or drugs otherwise not approved for use under the laws  
36 of the United States.

37 (b) The provisions of this section shall not apply to:

38 (1) Any licensed pharmacist, pharmacy or pharmacist technician li-  
39 censed in the United States; and

40 (2) any licensed physician, podiatrist, osteopath, dentist, veterinarian  
41 or other licensed health care professional with prescriptive authority, who  
42 prescribes drugs to a Kansas resident while acting within the course and  
43 scope of such person's license and having a legitimate patient-prescriber

1 relationship including physical examination adequate to establish a diag-  
2 nosis and identify underlying conditions and possible drug  
3 contraindications.

4 (c) For the purpose of this section “prescription drug” means a drug  
5 that is otherwise lawfully available for sale within the United States for  
6 the use of an individual consumer when prescribed by a licensed physi-  
7 cian, podiatrist, osteopath, dentist, veterinarian or other licensed health  
8 care professional with prescriptive authority acting within the scope of  
9 such professional’s license.

10 (d) Whoever commits the crime of illegal importation of prescription  
11 drugs shall be guilty of a class E felony or fined not more than \$2,000, or  
12 both.

13 (e) This section shall be part of and supplemental to the Kansas crim-  
14 inal code.

15 Sec. 2. This act shall take effect and be in force from and after its  
16 publication in the statute book.