

HOUSE BILL No. 2941

By Representative Swenson

2-14

9 AN ACT concerning prescription drugs, creating the prescription privacy
10 act.

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

13 Section 1. This act shall be known and may be cited as the prescrip-
14 tion privacy act.

15 Sec. 2. (a) Information that identifies a specific prescriber or patient
16 on a prescription shall not be transferred by any pharmacy, pharmacy
17 benefits manager, insurance provider, data transfer intermediary or their
18 agents.

19 (b) If no payment is received for the disclosure, information that
20 identifies a specific prescriber or patient on a prescription may be re-
21 leased to:

22 (1) The patient for whom the original prescription was issued;

23 (2) a licensed prescriber who issued the prescription or who treats
24 the patient;

25 (3) an officer, inspector or investigator for a government health, li-
26 censing or law enforcement agency;

27 (4) a person authorized by a court order to receive the information;

28 (5) a pharmacy or medical researcher who has written authorization
29 signed by the patient or the patient's legal guardian to receive such
30 information;

31 (6) another pharmacy, for the limited purpose of preventing individ-
32 uals from misusing or falsifying prescription forms to illegally obtain ex-
33 cessive or unauthorized drugs; and

34 (7) the patient's insurance provider or the provider's agent, for the
35 limited purpose of reimbursing the pharmacy.

36 (c) This section shall be enforced by the secretary of health and en-
37 vironment, who shall promulgate such rules and regulations as are nec-
38 essary to implement and administer compliance with this act.

39 If any person violates this section, the secretary of health and environ-
40 ment may bring an action in court for injunctive relief, costs, attorneys'
41 fees and a civil penalty of up to \$1,000 per violation. Each unlawful dis-
42 closure shall constitute a separate violation.

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1 Sec. 3. This act shall take effect and be in force from and after its
2 publication in the statute book.