

March 5, 2026

The Honorable Will Carpenter, Chairperson
House Committee on Health and Human Services
300 SW 10th Avenue, Room 112-N
Topeka, Kansas 66612

Dear Representative Carpenter:

SUBJECT: Fiscal Note for HB 2785 by House Committee on Appropriations

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2785 is respectfully submitted to your committee.

HB 2785 would specify a donating organization may donate a drug or device to a qualifying center if the drug or device meets the eligibility requirements established by KSA 65-1671. Any person or governmental organization may facilitate the donation of drugs to the Medication Donation Program. A drug or device could only be donated at a qualifying center. The following individuals may make the decision to donate a drug or device on behalf of a patient: a person designated by durable power of attorney or a guardian or other individual responsible for the care and well-being of a patient; or an executor, administrator, or trustee of the estate of a deceased patient. The bill would rename the "Utilization of Unused Medications Act" the "Medication Donation Program."

HB 2785 would specify that it would be unlawful for any person to operate a qualifying center within Kansas without first having obtained registration from the Board of Pharmacy. Each application for registration would be made on a form furnished by the Board and each registration issued by the Board would expire every year on June 30. The Board would be prohibited from imposing any fee for the application or registration. Registrations would not be transferable. The Board could limit, condition, revoke, suspend, or place in a probationary status a registration or deny an application for issuance of any registration on any ground that would authorize the Board to take action against the registration of a pharmacy under KSA 65-1627.

By July 15, 2027, and each subsequent year, a qualifying center would be required to provide a report to the Board with specific information that would be outlined in the bill. The report would include information from July 1 to June 30. The qualifying center would be required to make all records generated or required as part of a medication donation program available to the Board for five years. When a qualifying center permanently discontinues operating a medication donation program, the qualifying center, within 30 days of discontinuation of the medication donation program, would be required to notify the Board of the discontinuation of the medication donation program and provide the location, contact information, and manner of disposition of all records required to be maintained pursuant to the Pharmacy Act of the State of Kansas. The center would conduct an inventory and

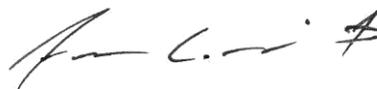
provide the Board with the location, contact information, and manner of disposition of any remaining stock of drugs and devices and submit to the Board the report required by the bill.

Each qualifying center that is a pharmacy would be required to comply with all requirements for a pharmacy under the Pharmacy Act of the State of Kansas and rules and regulations adopted by the Board. Each qualifying center that is not a pharmacy would be required to comply with all requirements for a health department under the Pharmacy Act of the State of Kansas and rules and regulations adopted by the Board. The bill would specify criteria that would be used by a qualifying center in accepting, administering, supplying or dispensing a drug or device for use under the Medication Donation Program as outlined in the bill. A qualifying center could administer or supply a drug or device to a qualifying patient at the qualifying center. If the qualifying center is a pharmacy, the center may also dispense a drug or device to a qualifying patient at the center and charge a qualifying patient a handling fee that could not exceed \$20 per prescription to cover restocking, administration, or dispensing costs. A qualifying center could not charge a handling fee for samples of drugs. If a qualifying center chooses to charge a handling fee, the fees collected in any registration year could not exceed the program's total restocking, dispensing, and administration costs for that registration year. The bill would outline additional provisions concerning drugs and devices and qualifying patients that qualifying centers would be required to follow.

The Board of Pharmacy would be required to develop a form that a qualifying patient would have to sign prior to administration, supplying, or dispensing of a drug or device under the Medication Donation Program to confirm that the qualifying patient understands the immunity provisions and the Medication Donation Program. The Board would also be required to develop a form that a donating entity would be required to sign prior to donating stating that the person is the owner of the drug or device and intends to voluntarily donate under the Medication Donation Program. The bill would outline the information to be included in the form. The Board may inspect the drugs or devices accepted and any records maintained under the Medication Donation Program and for this purpose would have the right to enter and inspect any qualifying center during business hours to ensure compliance with the Medication Donation Program and to ensure that, in the professional judgment of a pharmacist, each drug or device meets all federal and state standards and is unadulterated, safe, and suitable for administration, supply, or dispensing.

The Board of Pharmacy indicates any fiscal effect resulting from the enactment of the bill would be absorbed within existing resources. The Office of Judicial Administration states the bill would not have a fiscal effect if enacted.

Sincerely,



Adam C. Proffitt
Director of the Budget

cc: Trisha Morrow, Judiciary
Alexandra Blasi, Board of Pharmacy