

SENATE BILL No. 322

By Joint Committee on Administrative Rules and Regulations

1-14

1 AN ACT concerning administrative rules and regulations; relating to the
2 prescription monitoring program act; removing the authority of the
3 state board of pharmacy to authorize individuals to access the program
4 database as delegates by rules and regulations; amending K.S.A. 2025
5 Supp. 65-1682 and repealing the existing section.
6

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

8 Section 1. K.S.A. 2025 Supp. 65-1682 is hereby amended to read as
9 follows: 65-1682. As used in this act, unless the context otherwise
10 requires:

11 (a) "Audit trail information" means information produced regarding
12 requests for prescription monitoring program data that the board and
13 advisory committee use to monitor compliance with this act.

14 (b) "Board" means the state board of pharmacy.

15 (c) "Delegate" means:

16 (1) A registered nurse, licensed practical nurse, respiratory therapist,
17 emergency medical responder, paramedic, dental hygienist, pharmacy
18 technician or pharmacy intern who has registered for access to the program
19 database as an agent of a practitioner or pharmacist to request program
20 data on behalf of the practitioner or pharmacist; *or*

21 (2) a death investigator who has registered for limited access to the
22 program database as an agent of a medical examiner, coroner or another
23 person authorized under law to investigate or determine causes of death; *or*

24 (3) ~~an individual authorized to access the program database by the
25 board in rules and regulations.~~

26 (d) "Dispenser" means a practitioner, pharmacy or pharmacist who
27 delivers a scheduled substance or drug of concern to an ultimate user, but
28 does not include:

29 (1) A licensed hospital pharmacy that distributes such substances for
30 the purpose of inpatient hospital care;

31 (2) a medical care facility as defined in K.S.A. 65-425, and
32 amendments thereto, practitioner or other authorized person who
33 administers such a substance;

34 (3) a registered wholesale distributor of such substances;

35 (4) a veterinarian licensed by the Kansas board of veterinary
36 examiners who dispenses or prescribes a scheduled substance or drug of

1 concern; or

2 (5) a practitioner who has been exempted from the reporting
3 requirements of this act in rules and regulations promulgated by the board.

4 (e) "Drug of concern" means any drug that demonstrates a potential
5 for abuse and is designated as a drug of concern in rules and regulations
6 promulgated by the board.

7 (f) "Patient" means the individual who is the ultimate user of a drug
8 for whom a prescription is issued or for whom a drug is dispensed.

9 (g) "Pharmacist" means an individual currently licensed by the board
10 to practice the profession of pharmacy in this state.

11 (h) "Pharmacy" means a premises, laboratory, area or other place
12 currently registered with the board where scheduled substances or drugs of
13 concern are offered for sale or dispensed in this state.

14 (i) "Practitioner" means an individual licensed to practice medicine
15 and surgery, dentist, podiatrist, optometrist or other individual authorized
16 by law to prescribe or dispense scheduled substances and drugs of
17 concern.

18 (j) "Program" means the prescription monitoring program.

19 (k) "Scheduled substance" means controlled substances included in
20 schedules II, III or IV of the schedules designated in K.S.A. 65-4107, 65-
21 4109 and 65-4111, and amendments thereto, respectively, or the federal
22 controlled substances act, 21 U.S.C. § 812.

23 Sec. 2. K.S.A. 2025 Supp. 65-1682 is hereby repealed.

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