

SESSION OF 2013

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2153

As Amended by Senate Committee on Public
Health and Welfare

Brief*

HB 2153 would amend the Utilization of Unused Medications Act (Act) to expand the definition of “donating entities” to include institutional drug rooms; add definitions for “institutional drug room” and “samples of medications or injectables”; and allow for the donation of samples of medications or injectables and only those controlled substances designated by the State Board of Pharmacy (Board) as accepted medications in the adoption of rules and regulations. The bill also would modify the role of the Board in establishing standards and procedures related to the Act. Further, the bill would delete language related to the cancer drug repository program.

The bill would define the following terms:

- “Samples of medications or injectables” means a unit of drug not intended to be sold and intended to promote the sale of the drug; and
- “Institutional drug room” as defined in KSA 65-1626(bb), which means any location where prescription-only drugs are stored and from which prescription-only drugs are administered or dispensed that is maintained or operated for the purpose of providing the drug needs of:
 - Inmates of a jail or correctional institution or facility;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Residents of a juvenile detention facility, as defined by the revised Kansas Code for Care of Children and the revised Juvenile Justice Code;
- Students of a public or private university or college, a community college or any other institution of higher learning which is located in Kansas;
- Employees of a business or other employer; or
- Persons receiving inpatient hospice services.

The term “institutional drug room” excludes any registered pharmacy, any office of a practitioner, or a location where no prescription-only drugs are dispensed and no prescription-only drugs other than individual prescriptions are stored or administered.

Further, the bill would require the Board to adopt rules and regulations to establish:

- Procedures for acceptance of unused medications from donating entities;
- Standards and procedures for designating certain controlled substances as accepted donated medications; and

Standards and procedures for a qualifying center or clinic to prepare any donated medications for dispensing or administering.

Background

The bill was introduced by the House Committee on Health and Human Services at the request of Representative Don Hill. A representative of the Kansas Association for the Medically Underserved (KAMU) testified in favor of the bill at

the House Health and Human Services Committee hearing. The KAMU representative indicated the bill will potentially assist in diverting additional unused medications for use by federally qualified health centers and indigent health care clinics in assisting medically indigent patients.

No opponents testified at the House Committee hearing. Neutral testimony was provided by a representative of the Kansas Pharmacists Association.

The House Committee on Health and Human Services amended the bill to remove the date for the Board to adopt rules and regulations to implement the Act, as the date has passed.

The House Committee of the Whole made a technical amendment to the bill to correct the omission of part of the definition of an “institutional drug room.”

The Senate Committee on Public Health and Welfare amendment is technical in nature. The amendment changes the name of a state agency to conform with enactment of ERO No. 41 in 2012.

The fiscal note prepared by the Division of the Budget on the original bill states the Board indicates passage of the bill would have no fiscal effect on state revenues or expenditures.