

HOUSE BILL No. 2358

By Committee on Health and Human Services

2-15

1 AN ACT concerning health and healthcare; relating to prescription drugs;
2 opioids and other controlled substances; requirements to prescribe.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) As used in this section:

6 (1) "Patient" means:

7 (A) A person being treated by a prescriber, if such person is aged 18
8 years or older or is a minor granted the rights of majority under K.S.A. 38-
9 108 or 38-109, and amendments thereto;

10 (B) the parent or guardian of a person being treated by a prescriber, if
11 such person is aged 17 years or younger and is not a minor granted the
12 rights of majority under K.S.A. 38-108 or 38-109, and amendments
13 thereto; or

14 (C) the owner or caregiver of an animal, as defined in K.S.A. 47-816,
15 and amendments thereto, being treated by a veterinarian.

16 (2) "Prescriber" means the same as defined in K.S.A. 65-1626, and
17 amendments thereto.

18 (b) Prior to issuing any prescription for any schedule II controlled
19 substance or any opiate or narcotic drug listed in the uniform controlled
20 substances act, or any analog thereof, for a course of treatment for acute or
21 chronic pain, a prescriber, or a person lawfully delegated such task by the
22 prescriber, shall discuss with the patient any relevant risks and
23 recommendations related to such drug, according to currently
24 recommended practice guidelines.

25 (c) A prescriber shall not issue a prescription for an opiate or narcotic
26 drug, or analog thereof, for quantities or for periods of time greater than
27 guidelines established by rules and regulations of the state board of
28 pharmacy, based on national prescribing guidelines. If, in the professional
29 judgment of the prescriber, greater than such quantity or period of time is
30 necessary to treat the patient's medical condition or is necessary to treat the
31 patient's pain associated with a cancer diagnosis or for palliative care, the
32 prescriber may issue a prescription for the quantity and period of time
33 needed to treat the patient's medical condition or pain and shall document
34 the medical condition requiring the prescription and that a non-opiate
35 alternative was not appropriate to treat the medical condition or pain.

36 (d) Beginning with the first license renewal period that begins on or

1 after July 1, 2019, each prescriber who may lawfully prescribe schedule II
2 controlled substances or opiate or narcotic drugs, or analogs thereof, and
3 who is subject to continuing education requirements, as a condition of
4 licensure, shall complete as part of such requirements: Three hours of
5 continuing education, biennially, regarding prescribing and administering
6 opiates, risks and indicators of opiate addiction and emergency opiate
7 situations; and one hour of continuing education, biennially, regarding the
8 prescription drug monitoring program.

9 (e) The following state agencies shall adopt rules and regulations as
10 necessary to implement and administer this section: The state board of
11 pharmacy; the state board of healing arts; the board of nursing; and the
12 state board of veterinary examiners.

13 (f) This section shall be a part of and supplemental to the pharmacy
14 act of the state of Kansas.

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