

As Amended by House Committee

Session of 2011

HOUSE BILL No. 2182

By Committee on Aging and Long Term Care

2-7

1 AN ACT concerning the unused medication act; relating to mail service
2 pharmacies; amending K.S.A. 2010 Supp. 65-1669 and **65-1671** and
3 repealing the existing ~~section~~ **sections**.

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

6 Section 1. K.S.A. 2010 Supp. 65-1669 is hereby amended to read
7 as follows: 65-1669. As used in the utilization of unused medications
8 act:

9 (a) "Adult care home" has the same meaning as such term is
10 defined in K.S.A. 39-923, and amendments thereto.

11 (b) "Community mental health center" has the same meaning as
12 such term is defined in K.S.A. 75-3307c, and amendments thereto.

13 (c) "Donating entities" means adult care homes, mail service
14 pharmacies and medical care facilities who elect to participate in the
15 program.

16 (d) "Drug" has the same meaning as such term is defined in K.S.A.
17 65-1626, and amendments thereto.

18 (e) "Federally qualified health center" means a center which meets
19 the requirements for federal funding under 42 U.S.C. ~~§section~~ 1396d(1)
20 of the public health service act, *and amendments thereto*, and which has
21 been designated as a "federally qualified health center" by the federal
22 government.

23 (f) "Indigent health care clinic" has the same meaning as such term
24 is defined in K.S.A. 75-6102, and amendments thereto.

25 (g) "Mail service pharmacy" means a licensed Kansas pharmacy
26 ~~located within the state~~ that ships, mails or delivers by any lawful
27 means a lawfully dispensed medication in tamper-resistant packaging
28 to residents of this state or another state.

29 (h) "Medical care facility" has the same meaning as such term is
30 defined in K.S.A. 65-425, and amendments thereto.

31 (i) "Medically indigent" has the same meaning as such term is
32 defined in K.S.A. 75-6102, and amendments thereto.

33 (j) "Medication" means a prescription drug or drug as defined by

1 this section.

2 (k) "Mid-level practitioner" has the same meaning as such term is
3 defined in K.S.A. 65-1626, and amendments thereto.

4 (l) "Practitioner" has the same meaning as such term is defined in
5 K.S.A. 65-1626, and amendments thereto.

6 (m) "Prescription drug" means a drug which may be dispensed
7 only upon prescription of a practitioner or mid-level practitioner
8 authorized by law and which is approved for safety and effectiveness as
9 a prescription drug under section 505 or 507 of the federal food, drug
10 and cosmetic act (52 Stat. 1040 (1938), 21 U.S.C.A., ~~section~~§ 301),
11 *and amendments thereto.*

12 (n) "Qualifying center or clinic" means an indigent health care
13 clinic, federally qualified health center or community mental health
14 center.

15 **Sec. 2. K.S.A. 2010 Supp. 65-1671 is hereby amended to read**
16 **as follows: 65-1671. The following criteria shall be used in**
17 **accepting unused medications for use under the utilization of**
18 **unused medications act:**

19 (a) **The medications shall have come from a controlled storage**
20 **unit of a donating entity;**

21 (b) **only medications in their original or pharmacist sealed unit**
22 **dose packaging or hermetically sealed by the pharmacy in tamper**
23 **evident packaging, unit of use or sealed, unused injectables shall be**
24 **accepted and dispensed pursuant to the utilization of unused**
25 **medications act;**

26 (c) **expired medications shall not be accepted;**

27 (d) **a medication shall not be accepted or dispensed if the**
28 **person accepting or dispensing the medication has reason to believe**
29 **that the medication is adulterated;**

30 (e) **no controlled substances shall be accepted; and**

31 (f) **subject to the limitation specified in this section, unused**
32 **medications dispensed for purposes of a medical assistance**
33 **program or drug product donation program may be accepted and**
34 **dispensed under the utilization of unused medications act.**

35 ~~Sec. 2.~~ **3. K.S.A. 2010 Supp. 65-1669 and 65-1671 are** is hereby
36 **repealed.**

37 ~~Sec. 3.~~ **4. This act shall take effect and be in force from and after**
38 **its publication in the statute book.**

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