

STATE OF KANSAS  
KANSAS PHARMACY BOARD

**ECONOMIC IMPACT STATEMENT**

Pursuant to K.S.A. 77-420(b), the Kansas Pharmacy Board submits the following description of the economic impact of K.A.R. 68-23-1, 68-23-2, 68-23-3, 68-23-4, 68-23-5, and 68-23-6.

1. These regulations are created pursuant to the direction of K.S.A 65-16,102. These regulations establish a statewide electronic logging system for the sale of methamphetamine precursors.
2. The proposed regulation is not mandated by federal laws.
3. No new costs will be borne by pharmacists, pharmacy technicians, or others.
4. The Board is not aware of any less costly or less intrusive methods to achieve the stated purpose and thus none were considered.
5. This is not a proposed environmental regulation.

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**NOTICE OF PUBLIC HEARING ON PROPOSED ARTICLE**

A public hearing will be conducted at 8:30 a.m. on Tuesday, August 24, 2010. The meeting will be conducted at the Board of Pharmacy Office, 800 SW Jackson, Ste. 1414, Topeka, Kansas to consider the adoption of 68-10-4 through 68-10-6 of the Kansas Pharmacy Board.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed 68-23-1; 68-23-2; 68-23-3; 68-23-4; 68-23-5; and 68-23-6. All parties may submit written comments prior to the hearing to the Executive Secretary of the Kansas Pharmacy Board, Debra Billingsley, [pharmacy@pharmacy.ks.gov](mailto:pharmacy@pharmacy.ks.gov) or Landon State Office Building, 900 SW Jackson, Room 560, Topeka, Kansas 66612-1231. All interested parties will be given a reasonable opportunity to present their views orally on the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the regulation and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting the Kansas Pharmacy Board, Landon State Office Building, 900 SW Jackson, Room 560, Topeka, Kansas 66612-1231, (785) 296-4056. Handicapped parking is located in the parking lot south of the building, off of East Circle Drive S.

A summary of the amended and regulation is as follows: Article 23: Statewide Electronic Logging System for the Sale of Methamphetamine Precursors.

**68-23-1. Definitions.**

**68-23-2. Electronic Reporting.** Details electronic reporting obligations of pharmacy owners and dispensers upon the purchase or attempted purchase of a methamphetamine precursor

**68-23-3. Extension for electronic reporting.** Details the process to obtain an extension to comply with reporting obligations under K.A.R. 68-23-2(a) by a pharmacy owner.

**68-23-4. Exemption from electronic reporting.** Details the process for obtaining an exemption from electronic reporting obligations under K.A.R. 68-23-2(a).

**68-23-5. Denial of sale and overrides.** Describes what the KEMPL system shall do if an individual attempts to purchase a methamphetamine precursor in violation of Kansas law.

**68-23-6. Compliance date.** Sets the date by which a pharmacy must comply with the electronic reporting requirements of K.S.A. 68-23-2(a).

The above regulations will have minimal economic impact.

Copies of the regulation and the economic impact statement may be obtained from the Kansas Pharmacy Board, Landon State Office Building, 900 SW Jackson, Room 560, Topeka, Kansas 66612-1231, (785) 296-4056, or by accessing the Board's website at <http://www.accesskansas.org/pharmacy/leg.html>.

Debra Billingsley  
Executive Secretary

**Article 23. STATEWIDE ELECTRONIC LOGGING SYSTEM FOR  
THE SALE OF METHAMPHETAMINE PRECURSORS.**

**68-23-1. Definitions.** As used in this article, the following terms shall have the meanings specified:

(a) "Attempted purchase" means that the sale of a methamphetamine precursor is not completed after the Kansas electronic methamphetamine precursor logging (KEMPL) system recommends that the transaction be denied.

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

(c) "Dispenser" means a pharmacist, pharmacy intern, pharmacy student, pharmacy technician, or clerk who lawfully dispenses or is requested to dispense a nonprescription compound, mixture, or preparation containing a detectable quantity of a methamphetamine precursor.

(d) "KEMPL" means Kansas electronic methamphetamine precursor logging.

(e) "KEMPL system" means the electronic recordkeeping mechanism contracted for by the board to monitor the sale of methamphetamine precursors.

(f) "Methamphetamine precursor" has the meaning specified in K.S.A. 65-16,101, and amendments thereto.

(g) "Pharmacy" has the meaning specified in K.S.A. 65-16,101, and amendments thereto.

(h) "Pharmacy owner" means the person or entity that owns the controlling interest in a pharmacy or one or more persons authorized to act on behalf of that person or entity for purposes of complying with the requirements of this article.

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(i) "Product identification number" means either the product's national drug code or its universal product code.

(j) "Purchaser" means an individual who purchases or attempts to purchase a methamphetamine precursor.

(k) "Real time," when used regarding the transmission of data, means that the transmission is sufficiently rapid that the data is available simultaneously to a pharmacy and the KEMPL system computer. (Authorized by K.S.A. 2009 Supp. 65-16,102 and K.S.A. 2009 Supp. 65-16,106; implementing K.S.A. 2009 Supp. 65-16,102; effective P-  
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68-23-2. **Electronic reporting.** (a) Unless granted an exemption pursuant to K.A.R. 68-23-4, each pharmacy owner shall require that, upon the purchase or attempted purchase of a methamphetamine precursor, the dispenser electronically transmit the following information, in addition to the information required by K.S.A. 65-16,102 and amendments thereto, to the KEMPL system in real time:

(1) The product information number; and

(2) the name or initials of the person who dispensed or refused to dispense the product.

(b) If information is electronically entered into the KEMPL system, the dispenser shall not be required to enter the information into a manual log.

(c) Each dispenser that is not able to secure an electronic signature shall maintain a hard copy of a signature logbook consisting of each purchaser's signature and the transaction number. (Authorized by K.S.A. 2009 Supp. 65-16,102 and K.S.A. 2009 Supp. 65-16,106; implementing K.S.A. 2009 Supp. 65-16,102; effective P-

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**68-23-3. Extension for electronic reporting.** (a) If a pharmacy owner is required by K.A.R. 68-23-2(a) to require a dispenser to electronically transmit information to the KEMPL system and the information cannot be transmitted due to mechanical or electronic failure, the pharmacy owner shall request an extension from the board.

(b) Each request for extension shall be submitted to the board on a form provided by the board and shall include the following information:

- (1) The reason for the request; and
- (2) the period of time for which the extension is necessary.

(c) To obtain an extension, the request shall be submitted to the board not later than the next business day following discovery of the circumstances resulting in the need for an extension request.

(d) If a transaction regarding the purchase or attempted purchase of a methamphetamine precursor occurs during the period in which a request for extension is pending or during the period of an extension, the pharmacy owner shall require that the dispenser perform the following:

- (1) Maintain a written log of the information required by K.A.R. 68-23-2(a); and
- (2) electronically transmit the required information to the KEMPL system within 72 hours after the system becomes operational. (Authorized by K.S.A. 2009 Supp. 65-16,102 and K.S.A. 2009 Supp. 65-16,106; implementing K.S.A. 2009 Supp. 65-16,102; effective P- \_\_\_\_\_.)

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**68-23-4. Exemption from electronic reporting.** (a) To seek an exemption from K.A.R. 68-23-2 (a), a representative of the pharmacy shall submit to the board an application on a form provided by the board, which shall include the following information:

- (1) The reason for the request;
- (2) the anticipated period of the exemption; and
- (3) if the exemption is granted, the means by which the pharmacy's personnel will transmit to the board or its designee the information that would otherwise be electronically transmitted pursuant to K.A.R. 68-23-2(a).

(b) Each application for an exemption from electronic reporting shall be submitted to the board at least 30 days before the pharmacy owner would be required to comply with K.A.R. 68-23-2(a).

(c) If the board grants an exemption from electronic reporting for a limited period of time and the pharmacy owner desires to extend the period of exemption, the pharmacy owner shall submit an application containing the same information required by subsection (a) at least 30 days before the exemption expires.

(d) If a transaction involving the purchase or attempted purchase of a methamphetamine precursor occurs during the period of an exemption, the pharmacy owner shall require that the dispenser, at the time of the purchase or attempted purchase, enter the information required by K.A.R. 68-23-2(a) into a written log.

(e) For all transactions involving the purchase or attempted purchase of a methamphetamine precursor occurring during the period of an exemption, the pharmacy owner shall require the following:

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(1) Maintenance of a written log of the information required by K.A.R. 68-23-2(a); and

(2) transmission monthly to the board or its designee of all new information entered in the written log. (Authorized by K.S.A. 2009 Supp. 65-16,102 and K.S.A. 2009 Supp. 65-16,106; implementing K.S.A. 2009 Supp. 65-16,102; effective P-  
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**68-23-5. Denial of sale; overrides.** (a) If an individual attempts to purchase a methamphetamine precursor in violation of Kansas law, the KEMPL system shall perform the following:

(1) Notify the dispenser that the purchase by the individual would result in a violation of Kansas law; and

(2) recommend that the dispenser deny the sale.

(b) The KEMPL system shall provide an override feature for use by any dispenser to allow completion of the sale of a methamphetamine precursor if the dispenser thinks that denying the sale would create a threat to the dispenser's safety. (Authorized by K.S.A. 2009 Supp. 65-16,102 and K.S.A. 2009 Supp. 65-16,106; implementing K.S.A. 2009 Supp. 65-16,102; effective P- \_\_\_\_\_.)

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**68-23-6. Compliance date.** Unless granted an exemption pursuant to K.A.R. 68-23-4, the pharmacy owner of each pharmacy that dispenses methamphetamine precursors shall ensure both of the following:

(a) Compliance with the electronic reporting requirements of K.A.R. 68-23-2(a) within 120 days of the date that the KEMPL system is available to the pharmacy; and

(b) submission of an application to the board for an extension if dispensers at that pharmacy are not able to comply with the electronic reporting requirements. (Authorized by K.S.A. 2009 Supp. 65-16,102 and K.S.A. 2009 Supp. 65-16,106; implementing K.S.A. 2009 Supp. 65-16,102; effective P- \_\_\_\_\_.)

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