

State of Kansas
Board of Pharmacy

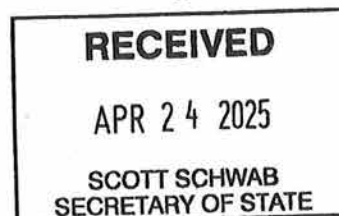
**Notice of Public Hearing on Proposed Administrative
Regulations**

A public hearing will be conducted on Thursday, July 10, 2025, at 8:30 a.m. at the Board of Healing Arts Conference Room on the Lower Level of 800 SW Jackson, Topeka, Kansas, to review and consider the adoption of the proposed permanent regulations of the Kansas State Board of Pharmacy.

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 regulations. All interested parties may submit written comments prior to the public hearing by mail to Alexandra Blasi, Executive Secretary, 800 SW Jackson, Suite 1414, Topeka, Kansas 66612-1244, or by e-mail to pharmacy@ks.gov. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the public hearing should be made at least 10 business days in advance of the hearing by contacting Alexandra Blasi, Executive Secretary, 800 SW Jackson, Suite 1414, Topeka, Kansas 66612-1244 or by phone at (785) 296-4056. Handicapped parking is located at the north entrance to the building. Curbs at the north entrance are accessible to individuals with disabilities.

Summaries of the proposed regulations and their economic impacts follow. Copies of the



regulations and economic impact statements may be viewed at:

www.pharmacy.ks.gov/legal/proposed-state-reg-changes.

K.A.R. 68-7-10. Emergency medication kits in long-term care facilities. The proposed amendments split 68-7-10 into two separate regulations to provide clarity and brevity to what 68-7-10 governs: e-kits in long-term care facilities. The Board is also amending 68-7-10 to reflect best pharmacy practices, provide additional clarification that e-kits are only to contain drugs necessary for emergencies, and align with federal law.

The Board anticipates that the amendments will have no identifiable economic impact, and any costs associated with compliance with the regulation should be absorbed within the normal course of business for pharmacies and long-term care facilities.

K.A.R. 68-7-10a. Pharmacy based drug dispensing systems in a facility. The proposed new regulation was previously nested within 68-7-10. Upon reviewing 68-7-10, the Board determined that 68-7-10 actually governed two distinctly different areas of pharmacy practice and that by combining the two, the Board had caused needless confusion. The Board has since split the requirements for “pharmacy based drug dispensing systems in facilities” into the proposed new regulation, 68-7-10a. The Board also took this opportunity to update the language to reflect best pharmacy practices. Finally, the Board removed requirements from the regulation that were needlessly burdensome.

The Board anticipates that the proposed regulation will have no identifiable economic impact, and any costs associated with complying with the regulation should be absorbed within the normal course of business for pharmacies and facilities.

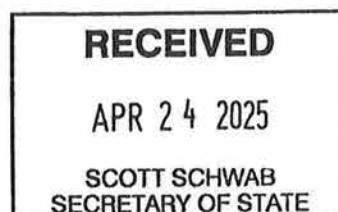
K.A.R. 68-20-32. Revoked. The proposed revocation is due to the regulation’s force and effect having expired; the revocation is merely a formality.

The Board anticipates that the revocation will have no identifiable economic impact.

K.A.R. 68-20-33. Revoked. The proposed revocation is due to the regulation’s force and effect having expired; the revocation is merely a formality.

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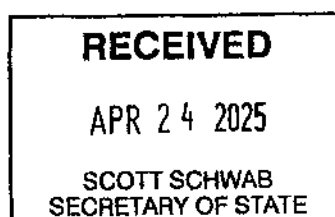
K.A.R. 68-21-2. Electronic reports. The proposed amendments allow dispensers that dispense 24-hour supplies to inmates at a correctional institution to request an exemption from subsections (a) and (b) (reporting requirements). K-TRACS does not believe that the aforementioned dispensers need to report, as the risk of diversion, drug abuse, or doctor shopping is nearly non-existent in correctional facilities. This should reduce the burden on those pharmacies.



The Board anticipates that the amendments will have no identifiable economic impact, and any costs associated with complying with the regulation should be absorbed within the normal course of business for pharmacies and correctional institutions.

K.A.R. 68-21-8. Delegates. The proposed regulation expands upon who may be eligible to serve as a delegate. K.S.A. 65-1682 specifies that the Board may authorize individuals to access the program database through rules and regulations. The Board has received requests to allow licensed addiction counselors, licensed clinical addiction counselors, and licensed master's addiction counselors to access the K-TRACS database. The Board is granting that request through the proposed regulation. The aforementioned individuals working under the authority and supervision of a physician or pharmacist may be granted access to the K-TRACS database as delegates.

The Board anticipates that the proposed new regulation will have no identifiable economic impact, and any costs associated with complying with the regulation should be absorbed within the normal course of business for facilities.



~~68-7-10. Pharmacy-based drug distribution systems~~ Emergency medication kits in

~~long-term care facilities; emergency medication kits.~~ (a) Each of the following terms, as used in this regulation, shall have the meaning specified in this subsection:

(1) "Automated drug delivery system" means an automated dispensing system, as defined by K.S.A. ~~2017~~ 2023 Supp. 65-1626, and amendments thereto, that is located in a long-term care facility, uses a robotic, mechanical, or computerized device to supply each drug to an individual licensed by the board of healing arts or the board of nursing, who shall administer the drug to a patient, and meets the requirements of K.A.R. 68-9-3.

(2) ~~"Formulary" means a prescription drug list approved by the pharmacy and therapeutics committee or an equivalent committee governing the security, control, and distribution of drugs within a long-term care facility.~~ "E-kit" means an emergency medication kit.

(3) ~~"Long-term care facility" means "nursing facility," as defined in K.S.A. 39-923 and amendments thereto.~~ "Recognized technician" means a pharmacy technician who has passed a certification examination approved by the board in accordance with K.A.R. 68-5-17.

(4) ~~"Traditional system" means a drug distribution system in which the pharmacist receives a prescription order for an individual patient and fills the prescription in any manner other than packaging individual doses in unit-dose containers.~~

(5) ~~"Unit-dose container" means a single-unit or multiple-unit container for articles intended for administration in single doses and directly from the container, by other than parenteral route.~~

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~~(A) "Multiple-unit container" means a container that permits the withdrawal of successive portions of the contents without changing the strength, quality, or purity of the remaining portion.~~

~~(B) "Single-unit container" means a container that is designed to hold a quantity of a drug intended for administration as a single dose promptly after the container is opened.~~

~~(C) "Unit of issue container" provides multiple units of the same or different pharmaceutical medication dosage forms to be administered at one administration time immediately after opening.~~

~~(6) "Unit dose system" means a drug distribution system that is pharmacy based and uses unit dose containers that enable distribution of packaged doses in a manner that preserves the identity of the drug until the time of administration.~~

~~(b) Each pharmacy based drug distribution system for a long term care facility shall meet the following requirements:~~

~~(1) Be consistent with the medication needs of each patient;~~

~~(2) conform to all federal and state laws and regulations pertaining to pharmacies; and~~

~~(3) meet the following additional requirements:~~

~~(A) Each prescription shall be dispensed from a pharmacy within a time period that reasonably meets the needs of the patient, considering the following factors:~~

~~(i) The need for the drug as an emergency;~~

~~(ii) the availability of the drug;~~

~~(iii) the pharmacy's hours of operation; and~~

~~(iv) the stability of the drug;~~

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~~(B) the supplying pharmacy shall be responsible for the safe delivery of drugs to a designated person or persons in the long-term care facility;~~

~~(C) the supplying pharmacy shall provide a method of identifying the date and quantity of medication dispensed;~~

~~(D) a patient medication profile record system shall be maintained for each long-term care facility patient serviced by the supplying pharmacy and shall contain the information necessary to allow the pharmacist to monitor each patient's drug therapy; and~~

~~(E) each medication distribution system container shall be labeled to permit the identification of the drug therapy.~~

~~(e) Each unit-dose system shall meet the following requirements, in addition to the requirements in subsection (b):~~

~~(1) All medication shall be packaged in unit-dose containers as far as practicable and the packaging shall meet the requirements of K.A.R. 68-7-15 and 68-7-16, unless the manufacturer specifies a different type of packaging to be used to prevent adulteration as defined by K.S.A. 65-668, and amendments thereto.~~

~~(2) The pharmacist shall be responsible for filling and refilling prescriptions or prescriber's orders, or both, according to the directions of the prescriber by relying on the original prescription or prescriber's order or a copy thereof.~~

~~(3) The pharmacist shall comply with all requirements for prescription orders, including inventory and recordkeeping requirements, under the following:~~

~~(A) The Kansas uniform controlled substances act, K.S.A. 65-4101 et seq. and amendments thereto;~~

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~~(B) the Kansas pharmacy act, K.S.A. 65-1625 et seq. and amendments thereto;~~

~~(C) the board's applicable regulations in articles 1 and 20; and~~

~~(D) all federal laws and regulations applicable to prescriptions or medication orders.~~

~~(4) Packaging for the unit dose system shall take place at the address of the pharmacy providing the unit dose system.~~

~~(5) Container requirements for unit dose systems may include trays, bins, carts, and locked cabinets if the requirements of K.A.R. 68-7-14 are met. If these options are used, all patient medication trays or drawers shall be sufficiently labeled to identify each patient.~~

~~(6) Each unit dose system shall provide a verification check at the point of patient administration in order to ensure proper drug utilization.~~

~~(7) The delivery time cycle or hours of exchange shall not be limited to a specific time, but shall depend upon the pharmacist's discretion, the needs of the long term care facility, the stability of the drug, and the type of container used.~~

~~(8) The pharmacist shall have sole responsibility for dispensing under the unit dose system.~~

~~(d)(1) Each emergency medication kit pharmacist providing consulting services for a long-term care facility shall contain ensure that each e-kit contains only the drugs that are generally regarded by practitioners as essential to the prompt treatment of sudden and unforeseen changes in a patient's condition that present an imminent threat to the patient's life or well-being. Each pharmacy that supplies an e-kit to a long-term care facility shall have a written agreement that states:~~

~~(2) Each drug to be contained within an emergency medication kit shall be approved by~~

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~~the long-term care facility's pharmaceutical services committee or its equivalent, either of which shall be composed of at least a practitioner and a pharmacist.~~

(1) Drugs in the e-kit shall be used for administration in emergency situations and not for routine care.

(2) The e-kit contents shall only be administered by authorized personnel acting on the order of a prescriber which includes compliance with 21 CFR 1306.11 and 21 CFR 1306.21 for controlled substances.

(3)(c) The ~~Each~~ pharmacist providing ~~each emergency medication kit consulting services~~ for the long-term care facility shall ensure that the long-term care facility has policies and procedures that meet the following requirements are met:

~~(A)(1) The kit~~ Each pharmacy supplying an e-kit shall be supplied by a pharmacist, who shall retain possession ownership of the each drug until it is administered to the patient upon the valid pursuant to the order of a prescriber.

~~(B)(2) If the kit e-kit is not in an automated drug delivery system,~~

(A) the kit The e-kit shall be locked or sealed in a manner that indicates when the kit e-kit has been opened or tampered with; and

(B) within 96 hours after the e-kit has been opened, a pharmacist or a recognized technician shall audit each drug in the e-kit.

(3) If the e-kit is in an automated drug delivery system, the pharmacy shall audit the e-kit at least once every month.

~~(C)(4) The kit e-kit shall be securely locked in a sufficiently well-constructed cabinet or, closet, or cart according to the pharmacist-in-charge's professional judgment or in an automated~~

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drug delivery system, with drugs properly stored according to the manufacturer's recommendations. ~~Access to the cabinet or cart shall be available only to each nurse specified by the pharmaceutical services committee or its equivalent.~~

~~(D)(5) The kit shall have an expiration date equivalent to the earliest expiration date of the drugs within the kit, but in no event more than one year after all of the drugs were placed in the kit. Each nurse identified by the pharmaceutical services committee, or its equivalent, may access the e-kit in accordance with a prescriber's order.~~

~~(E) Unless the kit is in an automated drug delivery system, all drugs contained within the emergency medication kit shall be returned to the pharmacy as soon as the kit has been opened, along with the prescriber's drug order for medications administered.~~

(d) Each automated drug delivery system shall be registered and operated by a pharmacy located in Kansas.

(e) The pharmacist-in-charge or owner shall ensure the following e-kit requirements are met:

(1) The e-kit shall have an expiration date equivalent to the earliest expiration date of any drugs within the kit.

(2) At least once every six months, the pharmacist-in-charge or a pharmacist or recognized technician designated by the pharmacist-in-charge shall conduct an audit of each drug placed in the e-kit. Documentation of the audit shall be maintained in a readily retrievable format for a period of at least five years. (Authorized by K.S.A. 65-1630; implementing K.S.A. 2017 2024 Supp. 65-1637, K.S.A. 2017 Supp. 65-1642, and K.S.A. 2017 Supp. 65-1648; effective

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May 1, 1978; amended May 1, 1983; amended Sept. 9, 1991; amended Aug. 19, 2016; amended
Jan. 4, 2019; amended P-_____.)

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68-7-10a. Pharmacy based drug dispensing systems in a facility. (a) Each of the following terms, as used in this regulation, shall have the meaning specified in this subsection:

(1) "Facility" means any of the following:

- (A) "Crisis intervention centers, as defined in K.S.A. 39-2002, and amendments thereto;
- (B) Long-term care facility, as defined in K.A.R. 68-9-3; and
- (C) Psychiatric hospital, as defined in K.S.A. 39-2002, and amendments thereto.

(2) "Out-of-house pharmacy" means a pharmacy providing services to a facility at a different location.

(b) Each out-of-house pharmacy shall create and implement policies and procedures for dispensing drugs to the residents of a facility.

(c) Drugs and devices dispensed to the resident of a facility shall be:

(1) Provided within a time period that meets the needs of the patient, considering the following factors:

- (A) the need for the drug as an emergency;
- (B) the availability of the drug; and
- (C) the stability of the drug.

(2) delivered safely to a designee of the facility;

(3) packaged in a unit-dose container or blister package unless the drug manufacturer specifies a different type of packaging. The packaging shall meet the requirements of K.A.R. 68-7-15 and 68-7-16; and

(4) filled or refilled pursuant to the original prescription or medication order, or a copy thereof.

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(A) Each medication order shall expire either pursuant to the facility's stop order policy, pursuant to the prescriber's order, or after one year, whichever is less.

(B) Each medication order received from the facility shall be dispensed as a prescription order and shall meet the requirements of subsections (a)(1)(A) through (a)(1)(E), (a)(1)(G), and (a)(1)(H) of K.A.R. 68-2-25, except as outlined in subsection (4)(C).

(C) Controlled substances shall only be dispensed pursuant to a prescription received from a prescriber.

(d) No out-of-house pharmacy providing services to a facility shall package medication for another pharmacy unless shared services are utilized.

(e) No out-of-house pharmacy shall change the packaging of a medication dispensed by another pharmacy.

(f) Dispensed controlled substances shall not be returned to the pharmacy.

(g) Dispensed drugs returned to the pharmacy shall not be redispensed if the drugs were removed from the packaging at the facility or comingled with other drugs. (Authorized by K.S.A. 65-1630; implementing K.S.A. 2024 Supp. 65-1637 and K.S.A. 65-1642; effective P-_____.)

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68-20-32. (Authorized by and implementing K.S.A. 65-4102, effective, T-68-7-17-23,
July 17, 2023; effective October 27, 2023; revoked P-_____.)

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68-20-33. (Authorized by and implementing K.S.A. 65-4102, effective, T-68-10-10-23,
October 10, 2023, effective January 12, 2024; revoked P-_____.)

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68-21-2. Electronic reports. (a) Except as specified in subsections (d) ~~and~~, (e), and (f) each dispenser shall file a report with the board for each scheduled substance and drug of concern sold in Kansas or to an address in Kansas. This report shall be submitted by the end of the next business day from the day that the drug is sold.

(b) Except as specified in subsections (c), (d), ~~and~~ (e), and (f), each dispenser that does not dispense scheduled substances or drugs of concern in Kansas or to an address in Kansas during the reporting period specified in subsection (a) shall file a zero report with the board. Each zero report shall be filed by the end of the next business day.

(c) Any dispenser that meets the following conditions may submit a written request to the board for an exemption from subsection (b):

(1) The dispenser does not monthly dispense more than 10 prescriptions for scheduled substances and drugs of concern in Kansas or to an address in Kansas.

(2) The dispenser is unable to automate submission of a zero report.

(d) Any medical care facility, as defined by K.S.A. 65-1626, and amendments thereto, may submit a written request to the board for an exemption from subsections (a) and (b) if the medical care facility provides an interim supply of a scheduled substance or drug of concern to an outpatient on an emergency basis and the interim quantity does not exceed a 48-hour supply and, as described in K.A.R. 68-7-11(d)(2)(B), is limited to an amount sufficient to supply the outpatient's needs until a prescription can be filled in accordance with K.A.R. 68-7-11. This exemption shall apply only to the outpatient emergency interim supply of drugs and not to other outpatient dispensing or supply activities of the medical care facility.

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(e) Any dispenser that does not dispense scheduled substances or drugs of concern in Kansas or to an address in Kansas may submit a written request to the board for an exemption from subsections (a) and (b) if both of the following conditions are met:

(1) The dispenser has submitted the required reports for at least three months or has provided three months of dispensing records to the board.

(2) The request is accompanied by the following:

(A) If the dispenser is a nonresident pharmacy, a list of states in which the pharmacy is registered;

(B) the current prescription monitoring program reporting status in each state in which the dispenser is registered; and

(C) a copy of any written reprimand, censure, or other disciplinary action related to prescription monitoring program reporting that the dispenser has had in any state, district, or territory.

(f) Any dispenser may submit a written request to the board for an exemption from subsections (a) and (b) of this regulation for each scheduled substance or drug of concern that is only dispensed to inmates at a correctional institution as defined by K.S.A. 75-5202, and amendments thereto, which do not exceed a 24-hour supply and are solely intended for administration to the inmates.

~~(g)~~(g) Each dispenser or pharmacy that no longer meets the criteria for exemption specified in subsection (c), (d), ~~or (e)~~ or (f) shall notify the board and begin submitting reports within seven days.

~~(g)~~(h) Each exemption issued by the board shall expire annually on August 31.

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(h)(i) ~~Except as specified in K.A.R. 68-21-3, each~~ Each report required to be submitted pursuant to subsection (a) shall be submitted by secure file transfer protocol in the electronic format established by the American society for automation in pharmacy, dated no earlier than 2020, version 4, release 2b.

(i)(j) Each dispenser shall correct any reporting error within seven days of discovering the error or being notified of the error by the board or the board's designee. (Authorized by K.S.A. 65-1692; implementing K.S.A. ~~2022~~ 2024 Supp. 65-1683; effective October. 15, 2010; amended April 15, 2011; amended August. 13, 2014; amended June 2, 2023; amended P-_____.)

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68-21-8. Delegates (a) Each of the following terms, as used in this regulation, shall have the meaning specified in this subsection:

- (1) Licensed addiction counselor means the same as defined in K.S.A. 65-6608.
- (2) Licensed clinical addiction counselor means the same as defined in K.S.A. 65-6608.
- (3) Licensed master's addiction counselor means the same as defined in K.S.A. 65-6608.

(b) A licensed addiction counselor, licensed clinical addiction counselor, or a licensed master's addiction counselor shall be eligible to serve as a delegate pursuant to K.S.A. 2024 Supp. 65-1682. (Authorized by K.S.A. 65-1692; implementing K.S.A. 2024 Supp. 65-1682; effective P-_____.)

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Kansas Administrative Regulations Economic Impact Statement (EIS)

Kansas Board of Pharmacy
Agency

Bradford DeYoung
Agency Contact

785-296-4056
Contact Phone Number

68-7-10
K.A.R. Number(s)

Permanent Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million or more in implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation over the initial five-year period following adoption of such rule(s) and regulation(s) (as calculated in Section III, F)?

Yes If "Yes," then the agency shall not adopt the rule(s) and regulation(s) until the rule(s) and regulation(s) has been ratified by the Legislature with a bill, unless the proposed rule(s) and regulation(s) are: 1) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program, as described in K.S.A. 77-416(b)(1)(B), and amendments thereto; 2) temporary rule(s) and regulation(s) adopted pursuant to K.S.A. 77-722, and amendments thereto; or 3) rules and regulations adopted pursuant to K.S.A. 2-3710 (Kansas Agricultural Remediation Board). Continue to fill out the remaining EIS form to be included with the regulation packet in the review process to the Department of Administration and the Attorney General. The submitted EIS will be independently analyzed by the Division of the Budget for approval.

No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. The submitted EIS will be analyzed by the Division of the Budget for approval.

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Section I

Analysis, brief description, and cost and benefit quantification of the proposed rule(s) and regulation(s). If the approach chosen by the Kansas agency to address the policy issue is different from that utilized by agencies of contiguous states or of the federal government, the economic impact statement shall include an explanation of why the Kansas agency's rule and regulation differs.

The Kansas Board of Pharmacy is amending K.A.R. 68-7-10 in two distinct ways. First, the Board is splitting 68-7-10 into two separate regulations to provide clarity and brevity to what 68-7-10 governs: e-kits in long-term care facilities. Second, the board is updating the language to reflect best pharmacy practices, provide additional clarification that e-kits are to only contain drugs necessary for emergencies, and align with federal law.

The Board anticipates that the amendments will have no identifiable economic impact, and any costs associated with complying with the regulation should be absorbed within the normal course of business for pharmacies and long-term care facilities. The Board bases this belief on the feedback received from stakeholders.

Section II

Explain whether the proposed rule and regulation is mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program and whether the proposed rules and regulations exceed the requirements of applicable federal law.

Regulation is not mandated by the federal government for participating in a federally subsidized or assisted program.

Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

The Board anticipates no enhancement or restriction on current business activities.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that will be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

The Board anticipates that there will be no economic impact associated with implementing or complying with the proposed amendments. Any costs that do occur should be absorbed within the normal course of business for pharmacies and long-term care facilities.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

Pharmacies that provide consulting services for long-term care facilities and long-term care facilities.

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D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

The proposed amendments are primarily related to separating two distinct topics into two separate regulations and updating language to more accurately reflect best pharmacy practices. The Board anticipates no economic impact.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

The Board works with stakeholder groups in preparing regulations and requests feedback from stakeholders prior to routing the regulation through the administrative rule making process. The Board also specifically requests that each stakeholder provide an estimated cost of implementing, which forms the basis for the Board's estimation.

F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or individuals. *Note: Do not account for any actual or estimated cost savings that may be realized. Implementation and compliance costs determined shall be those additional costs reasonably expected to be incurred and shall be separately identified for the affected businesses, local governmental units, and individuals.*

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Individuals – \$0

Total Annual Costs – \$0

(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

The Board works with stakeholder groups in preparing regulations and requests feedback from stakeholders prior to routing the regulation through the administrative rule making process. The Board also specifically requests that each stakeholder provide an estimated cost of implementing, which forms the basis for the Board's estimation. The Board received zero indication that the proposed amendments would have an economic impact.

- Yes
 - No
 - Not Applicable
- If the total implementation and compliance costs exceed \$1.0 million or more in implementation and compliance costs over the initial five-year period following adoption of such rule(s) and regulation(s) that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation, did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

If applicable, click here to enter public hearing information.

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Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

There are no anticipated changes in state revenue or expenditures as a result of the adoption of the amendments. There are no anticipated revenues or expenditures to special revenue funds (including the Pharmacy Fee Fund).

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

The Board believes that there will not be an economic impact on individuals, small employers, or the general public with complying with the proposed amendments. Any costs associated with complying with the proposed amendments should be absorbed within the normal course of business for routine pharmacy operations on a short-term and long-term basis.

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

The amendments will have no effect on cities, counties, or school districts.

- H. Describe how the agency consulted and solicited information from businesses, business associations, local governmental units, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s) or may provide relevant information.

The Board works with stakeholder groups in preparing regulations and requests feedback from stakeholders prior to routing the regulation through the administrative rule making process. The Board also specifically requests that each stakeholder provide an estimated cost of implementing, which forms the basis for the Board's estimation. The Board received zero indication that the proposed amendments would have an economic impact.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- Yes If yes, complete the remainder of Section IV.
 No If no, skip the remainder of Section IV.

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Proposed

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the individuals or entities who would bear the costs.
- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other individuals who will bear the costs.
- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, the individuals or entities who will bear the costs and who will be affected by the failure to adopt the rule(s) and regulation(s).
- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

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Kansas Administrative Regulations Economic Impact Statement (EIS)

Kansas Board of Pharmacy
Agency

Bradford DeYoung
Agency Contact

785-296-4056
Contact Phone Number

68-7-10a
K.A.R. Number(s)

Permanent Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million or more in implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation over the initial five-year period following adoption of such rule(s) and regulation(s) (as calculated in Section III, F)?

Yes If "Yes," then the agency shall not adopt the rule(s) and regulation(s) until the rule(s) and regulation(s) has been ratified by the Legislature with a bill, unless the proposed rule(s) and regulation(s) are: 1) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program, as described in K.S.A. 77-416(b)(1)(B), and amendments thereto; 2) temporary rule(s) and regulation(s) adopted pursuant to K.S.A. 77-722, and amendments thereto; or 3) rules and regulations adopted pursuant to K.S.A. 2-3710 (Kansas Agricultural Remediation Board). Continue to fill out the remaining EIS form to be included with the regulation packet in the review process to the Department of Administration and the Attorney General. The submitted EIS will be independently analyzed by the Division of the Budget for approval.

No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. The submitted EIS will be analyzed by the Division of the Budget for approval.

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Section I

Analysis, brief description, and cost and benefit quantification of the proposed rule(s) and regulation(s). If the approach chosen by the Kansas agency to address the policy issue is different from that utilized by agencies of contiguous states or of the federal government, the economic impact statement shall include an explanation of why the Kansas agency's rule and regulation differs.

The Kansas Board of Pharmacy proposes adopting K.A.R. 68-7-10a, a regulation that was previously nested within 68-7-10. Upon reviewing 68-7-10, the Board determined that 68-7-10 actually governed two distinctly different areas of pharmacy practice and that by combining the two, the Board had caused needless confusion. The Board has since split the requirements for "pharmacy based drug dispensing systems in facilities" into the proposed new regulation, 68-7-10a. The Board also took this opportunity to update the language to reflect best pharmacy practices. Finally, the Board removed requirements from the regulation that were needlessly burdensome.

The Board anticipates that the proposed regulation will have no identifiable economic impact, and any costs associated with complying with the regulation should be absorbed within the normal course of business for pharmacies and facilities. The Board bases this belief on the feedback received from stakeholders.

Section II

Explain whether the proposed rule and regulation is mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program and whether the proposed rules and regulations exceed the requirements of applicable federal law.

Regulation is not mandated by the federal government for participating in a federally subsidized or assisted program.

Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

The Board anticipates no enhancement or restriction on current business activities.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that will be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

The Board anticipates that there will be no economic impact associated with implementing or complying with the proposed regulation. Any costs that do occur should be absorbed within the normal course of business for facilities (crisis intervention centers, long-term care facilities, or psychiatric hospitals).

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- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);
Pharmacies that provide services to facilities (crisis intervention centers, long-term care facilities, or psychiatric hospitals) and the facilities themselves.
- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;
The proposed regulation's benefits are primarily related to updating language to more accurately reflect best pharmacy practices. The Board does not anticipate any economic impact in either direction.
- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;
The Board works with stakeholder groups in preparing regulations and requests feedback from stakeholders prior to routing the regulation through the administrative rule making process. The Board also specifically requests that each stakeholder provide an estimated cost of implementing, which forms the basis for the Board's estimation.
- F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or individuals. *Note: Do not account for any actual or estimated cost savings that may be realized. Implementation and compliance costs determined shall be those additional costs reasonably expected to be incurred and shall be separately identified for the affected businesses, local governmental units, and individuals.*

Costs to Affected Businesses – \$0
 Costs to Local Governmental Units – \$0
 Costs to Individuals – \$0
Total Annual Costs – \$0
 (sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

The Board works with stakeholder groups in preparing regulations and requests feedback from stakeholders prior to routing the regulation through the administrative rule making process. The Board also specifically requests that each stakeholder provide an estimated cost of implementing, which forms the basis for the Board's estimation. The Board received zero indication that the proposed amendments would have an economic impact.

- Yes
 - No
 - Not Applicable
- If the total implementation and compliance costs exceed \$1.0 million or more in implementation and compliance costs over the initial five-year period following adoption of such rule(s) and regulation(s) that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation, did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving

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legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

There are no anticipated changes in state revenue or expenditures as a result of the adoption of the regulation. There are no anticipated revenues or expenditures to special revenue funds (including the Pharmacy Fee Fund).

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

The Board believes that there will not be an economic impact on individuals, small employers, or the general public with complying with the proposed regulation. Any costs associated with complying with the proposed regulation should be absorbed within the normal course of business for routine pharmacy operations on a short-term and long-term basis.

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

The proposed regulation will have no effect on cities, counties, or school districts.

- H. Describe how the agency consulted and solicited information from businesses, business associations, local governmental units, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s) or may provide relevant information.

The Board works with stakeholder groups in preparing regulations and requests feedback from stakeholders prior to routing the regulation through the administrative rule making process. The Board also specifically requests that each stakeholder provide an estimated cost of implementing, which forms the basis for the Board's estimation. The Board received zero indication that the proposed amendments would have an economic impact.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

Yes If yes, complete the remainder of Section IV.

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No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the individuals or entities who would bear the costs.
- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other individuals who will bear the costs.
- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, the individuals or entities who will bear the costs and who will be affected by the failure to adopt the rule(s) and regulation(s).
- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

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Kansas Administrative Regulations Economic Impact Statement (EIS)

Kansas Board of Pharmacy
Agency

Bradford DeYoung
Agency Contact

785-296-4056
Contact Phone Number

68-20-32
K.A.R. Number(s)

Permanent Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million or more in implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation over the initial five-year period following adoption of such rule(s) and regulation(s) (as calculated in Section III, F)?

Yes If "Yes," then the agency shall not adopt the rule(s) and regulation(s) until the rule(s) and regulation(s) has been ratified by the Legislature with a bill, unless the proposed rule(s) and regulation(s) are: 1) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program, as described in K.S.A. 77-416(b)(1)(B), and amendments thereto; 2) temporary rule(s) and regulation(s) adopted pursuant to K.S.A. 77-722, and amendments thereto; or 3) rules and regulations adopted pursuant to K.S.A. 2-3710 (Kansas Agricultural Remediation Board). Continue to fill out the remaining EIS form to be included with the regulation packet in the review process to the Department of Administration and the Attorney General. The submitted EIS will be independently analyzed by the Division of the Budget for approval.

No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. The submitted EIS will be analyzed by the Division of the Budget for approval.

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Section I

Analysis, brief description, and cost and benefit quantification of the proposed rule(s) and regulation(s). If the approach chosen by the Kansas agency to address the policy issue is different from that utilized by agencies of contiguous states or of the federal government, the economic impact statement shall include an explanation of why the Kansas agency's rule and regulation differs.

The Kansas Board of Pharmacy proposes revoking 68-20-32. This regulation was adopted under the Board's emergency powers to add drugs to the controlled substance list until the Kansas Legislature has had the opportunity to act. The regulation's force and effect have expired, and the revocation of this regulation is merely a formality.

The Board anticipates that the proposed revocation will have no identifiable economic impact based on feedback from stakeholders.

Section II

Explain whether the proposed rule and regulation is mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program and whether the proposed rules and regulations exceed the requirements of applicable federal law.

Regulations are not mandated by the federal government for participating in a federally subsidized or assisted program.

Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

The Board anticipates no enhancement or restriction on current business activities.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that will be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

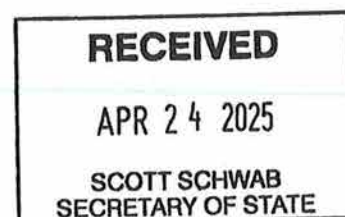
The Board anticipates that there will be no economic impact associated with the proposed revocation.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

None, regulation is in effect null.

- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

None, the regulation is in effect null.



E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

The Board works with stakeholder groups in preparing regulations and requests feedback from stakeholders prior to routing the regulation through the administrative rule making process. The Board also specifically requests that each stakeholder provide an estimated cost of implementing, which forms the basis for the Board's estimation.

F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or individuals. *Note: Do not account for any actual or estimated cost savings that may be realized. Implementation and compliance costs determined shall be those additional costs reasonably expected to be incurred and shall be separately identified for the affected businesses, local governmental units, and individuals.*

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Individuals – \$0

Total Annual Costs – \$0
(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

Regulation allows for the withdrawal of an application through inaction. Regulation will not cost.

- Yes
 - No
 - Not Applicable
- If the total implementation and compliance costs exceed \$1.0 million or more in implementation and compliance costs over the initial five-year period following adoption of such rule(s) and regulation(s) that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation, did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

None, the regulation is in effect null.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

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None, the regulation is in effect null.

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

None, the regulation is in effect null.

- H. Describe how the agency consulted and solicited information from businesses, business associations, local governmental units, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s) or may provide relevant information.

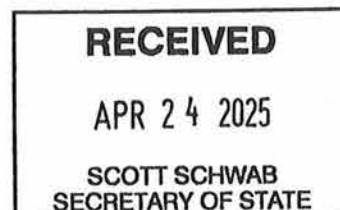
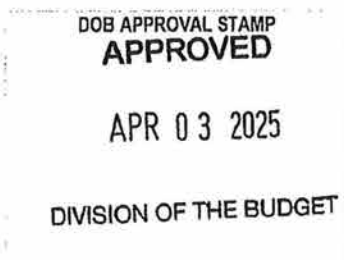
The Board works with stakeholder groups in preparing regulations and requests feedback from stakeholders prior to routing the regulation through the administrative rule making process. The Board also specifically requests that each stakeholder provide an estimated cost of implementing, which forms the basis for the Board's estimation.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- Yes If yes, complete the remainder of Section IV.
- No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the individuals or entities who would bear the costs.
- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other individuals who will bear the costs.
- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, the individuals or entities who will bear the costs and who will be affected by the failure to adopt the rule(s) and regulation(s).



D. Provide a detailed statement of the data and methodology used in estimating the costs used.

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Kansas Administrative Regulations Economic Impact Statement (EIS)

Kansas Board of Pharmacy
Agency

Bradford DeYoung
Agency Contact

785-296-4056
Contact Phone Number

68-20-33
K.A.R. Number(s)

Permanent Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million or more in implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation over the initial five-year period following adoption of such rule(s) and regulation(s) (as calculated in Section III, F)?

Yes If "Yes," then the agency shall not adopt the rule(s) and regulation(s) until the rule(s) and regulation(s) has been ratified by the Legislature with a bill, unless the proposed rule(s) and regulation(s) are: 1) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program, as described in K.S.A. 77-416(b)(1)(B), and amendments thereto; 2) temporary rule(s) and regulation(s) adopted pursuant to K.S.A. 77-722, and amendments thereto; or 3) rules and regulations adopted pursuant to K.S.A. 2-3710 (Kansas Agricultural Remediation Board). Continue to fill out the remaining EIS form to be included with the regulation packet in the review process to the Department of Administration and the Attorney General. The submitted EIS will be independently analyzed by the Division of the Budget for approval.

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Section I

Analysis, brief description, and cost and benefit quantification of the proposed rule(s) and regulation(s). If the approach chosen by the Kansas agency to address the policy issue is different from that utilized by agencies of contiguous states or of the federal government, the economic impact statement shall include an explanation of why the Kansas agency's rule and regulation differs.

The Kansas Board of Pharmacy proposes revoking 68-20-33. This regulation was adopted under the Board's emergency powers to add drugs to the controlled substance list until the Kansas Legislature has had the opportunity to act. The regulation's force and effect have expired, and the revocation of this regulation is merely a formality.

The Board anticipates that the proposed revocation will have no identifiable economic impact based on feedback from stakeholders.

Section II

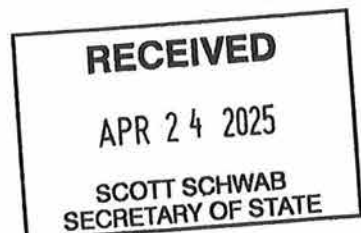
Explain whether the proposed rule and regulation is mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program and whether the proposed rules and regulations exceed the requirements of applicable federal law.

Regulations are not mandated by the federal government for participating in a federally subsidized or assisted program.

Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;
The Board anticipates no enhancement or restriction on current business activities.
- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that will be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;
The Board anticipates that there will be no economic impact associated with the proposed revocation.
- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);
None, regulation is in effect null.
- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;
None, the regulation is in effect null.



E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

The Board works with stakeholder groups in preparing regulations and requests feedback from stakeholders prior to routing the regulation through the administrative rule making process. The Board also specifically requests that each stakeholder provide an estimated cost of implementing, which forms the basis for the Board's estimation.

F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or individuals. *Note: Do not account for any actual or estimated cost savings that may be realized. Implementation and compliance costs determined shall be those additional costs reasonably expected to be incurred and shall be separately identified for the affected businesses, local governmental units, and individuals.*

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Individuals – \$0

Total Annual Costs – \$0

(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

Regulation allows for the withdrawal of an application through inaction. Regulation will not cost.

- Yes
 - No
 - Not Applicable
- If the total implementation and compliance costs exceed \$1.0 million or more in implementation and compliance costs over the initial five-year period following adoption of such rule(s) and regulation(s) that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation, did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

None, the regulation is in effect null.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

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None, the regulation is in effect null.

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

None, the regulation is in effect null.

- H. Describe how the agency consulted and solicited information from businesses, business associations, local governmental units, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s) or may provide relevant information.

The Board works with stakeholder groups in preparing regulations and requests feedback from stakeholders prior to routing the regulation through the administrative rule making process. The Board also specifically requests that each stakeholder provide an estimated cost of implementing, which forms the basis for the Board's estimation.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- Yes If yes, complete the remainder of Section IV.
- No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the individuals or entities who would bear the costs.
- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other individuals who will bear the costs.
- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, the individuals or entities who will bear the costs and who will be affected by the failure to adopt the rule(s) and regulation(s).

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D. Provide a detailed statement of the data and methodology used in estimating the costs used.

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Kansas Administrative Regulations Economic Impact Statement (EIS)

Kansas Board of Pharmacy
Agency

Bradford DeYoung
Agency Contact

785-296-4056
Contact Phone Number

68-21-2
K.A.R. Number(s)

Permanent Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million or more in implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation over the initial five-year period following adoption of such rule(s) and regulation(s) (as calculated in Section III, F)?

Yes If "Yes," then the agency shall not adopt the rule(s) and regulation(s) until the rule(s) and regulation(s) has been ratified by the Legislature with a bill, unless the proposed rule(s) and regulation(s) are: 1) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program, as described in K.S.A. 77-416(b)(1)(B), and amendments thereto; 2) temporary rule(s) and regulation(s) adopted pursuant to K.S.A. 77-722, and amendments thereto; or 3) rules and regulations adopted pursuant to K.S.A. 2-3710 (Kansas Agricultural Remediation Board). Continue to fill out the remaining EIS form to be included with the regulation packet in the review process to the Department of Administration and the Attorney General. The submitted EIS will be independently analyzed by the Division of the Budget for approval.

No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. The submitted EIS will be analyzed by the Division of the Budget for approval.

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Section I

Analysis, brief description, and cost and benefit quantification of the proposed rule(s) and regulation(s). If the approach chosen by the Kansas agency to address the policy issue is different from that utilized by agencies of contiguous states or of the federal government, the economic impact statement shall include an explanation of why the Kansas agency's rule and regulation differs.

The Kansas Board of Pharmacy is amending K.A.R. 68-21-2 to allow dispensers that dispense 24-hour supplies to inmates at a correctional institution to request an exemption from subsection (a) and (b) (reporting requirements). K-TRACS does not believe that the aforementioned dispensers need to report as the risk of diversion, drug abuse, or doctor shopping is nearly non-existent in correctional facilities. This should reduce the burden on those pharmacies.

The Board anticipates that the amendments will have no identifiable economic impact, and any costs associated with complying with the regulation should be absorbed within the normal course of business for pharmacies and correctional institutions. The Board bases this belief on the feedback received from stakeholders.

Section II

Explain whether the proposed rule and regulation is mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program and whether the proposed rules and regulations exceed the requirements of applicable federal law.

Regulation is not mandated by the federal government for participating in a federally subsidized or assisted program.

Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

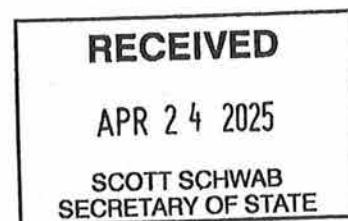
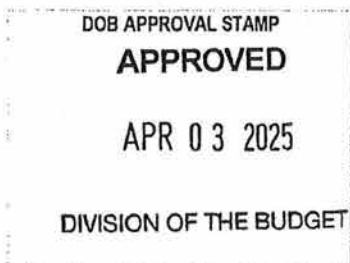
The Board anticipates no enhancement or restriction on current business activities.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that will be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

The Board anticipates that there will be no economic impact associated with implementing or complying with the proposed amendments. Any costs that do occur should be absorbed within the normal course of business for dispensers.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

Pharmacies, facilities, and institutions that report to K-TRACS.



D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

The proposed amendments are primarily related to reducing needless reports. The Board anticipates that the benefit to pharmacies that dispense to correctional institutions and correctional institutions would be economically negligible with no negative economic impact.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

The Board works with stakeholder groups in preparing regulations and requests feedback from stakeholders prior to routing the regulation through the administrative rule making process. The Board also specifically requests that each stakeholder provide an estimated cost of implementing, which forms the basis for the Board's estimation.

F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or individuals. *Note: Do not account for any actual or estimated cost savings that may be realized. Implementation and compliance costs determined shall be those additional costs reasonably expected to be incurred and shall be separately identified for the affected businesses, local governmental units, and individuals.*

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Individuals – \$0

Total Annual Costs – \$0

(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

The Board works with stakeholder groups in preparing regulations and requests feedback from stakeholders prior to routing the regulation through the administrative rule making process. The Board also specifically requests that each stakeholder provide an estimated cost of implementing, which forms the basis for the Board's estimation. The Board received zero indication that the proposed amendments would have an economic impact.

- Yes
 - No
 - Not Applicable
- If the total implementation and compliance costs exceed \$1.0 million or more in implementation and compliance costs over the initial five-year period following adoption of such rule(s) and regulation(s) that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation, did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

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Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

There are no anticipated changes in state revenue or expenditures as a result of the adoption of the amendments. There are no anticipated revenues or expenditures to special revenue funds (including the Pharmacy Fee Fund).

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

The Board believes that there will not be an economic impact on individuals, small employers, or the general public with complying with the proposed amendments. Any costs associated with complying with the proposed amendments should be absorbed within the normal course of business for routine pharmacy operations on a short-term and long-term basis.

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

The amendments will have no effect on cities, counties, or school districts.

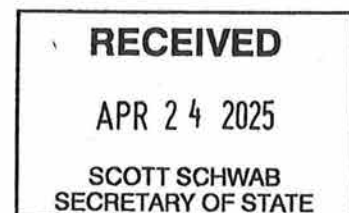
- H. Describe how the agency consulted and solicited information from businesses, business associations, local governmental units, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s) or may provide relevant information.

The Board works with stakeholder groups in preparing regulations and requests feedback from stakeholders prior to routing the regulation through the administrative rule making process. The Board also specifically requests that each stakeholder provide an estimated cost of implementing, which forms the basis for the Board’s estimation. The Board received zero indication that the proposed amendments would have an economic impact.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- Yes If yes, complete the remainder of Section IV.
 No If no, skip the remainder of Section IV.



- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the individuals or entities who would bear the costs.
- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other individuals who will bear the costs.
- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, the individuals or entities who will bear the costs and who will be affected by the failure to adopt the rule(s) and regulation(s).
- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

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Kansas Administrative Regulations Economic Impact Statement (EIS)

Kansas Board of Pharmacy
Agency

Bradford DeYoung
Agency Contact

785-296-4056
Contact Phone Number

68-21-8
K.A.R. Number(s)

Permanent Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million or more in implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation over the initial five-year period following adoption of such rule(s) and regulation(s) (as calculated in Section III, F)?

Yes If "Yes," then the agency shall not adopt the rule(s) and regulation(s) until the rule(s) and regulation(s) has been ratified by the Legislature with a bill, unless the proposed rule(s) and regulation(s) are: 1) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program, as described in K.S.A. 77-416(b)(1)(B), and amendments thereto; 2) temporary rule(s) and regulation(s) adopted pursuant to K.S.A. 77-722, and amendments thereto; or 3) rules and regulations adopted pursuant to K.S.A. 2-3710 (Kansas Agricultural Remediation Board). Continue to fill out the remaining EIS form to be included with the regulation packet in the review process to the Department of Administration and the Attorney General. The submitted EIS will be independently analyzed by the Division of the Budget for approval.

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Section I

Analysis, brief description, and cost and benefit quantification of the proposed rule(s) and regulation(s). If the approach chosen by the Kansas agency to address the policy issue is different from that utilized by agencies of contiguous states or of the federal government, the economic impact statement shall include an explanation of why the Kansas agency's rule and regulation differs.

The Kansas Board of Pharmacy proposes adopting K.A.R. 68-21-8 to expand upon who may serve as a delegate. K.S.A. 65-1682 specifies that the Board may authorize individuals to access the program database through rules and regulations. The Board has received requests to allow licensed addiction counselors, licensed clinical addiction counselors, and licensed master's addiction counselors to access the K-TRACS database. The Board is granting that request through the proposed regulation.

The Board anticipates that the proposed new regulation will have no identifiable economic impact, and any costs associated with complying with the regulation should be absorbed within the normal course of business for facilities. The Board bases this belief on the feedback received from stakeholders.

Section II

Explain whether the proposed rule and regulation is mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program and whether the proposed rules and regulations exceed the requirements of applicable federal law.

Regulation is not mandated by the federal government for participating in a federally subsidized or assisted program.

Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

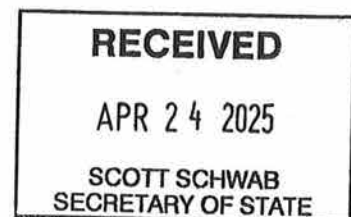
The Board anticipates no enhancement or restriction on current business activities.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that will be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

The Board anticipates that there will be no economic impact associated with implementing or complying with the new proposed regulation. Any costs that do occur should be absorbed within the normal course of business for facilities.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

Pharmacies, facilities, and institutions that access K-TRACS reports.



D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

The proposed amendments are primarily related to reducing needless reports and the new regulation is primarily related to expanding upon who may serve as a delegate. The Board anticipates no negative economic impact.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

The Board works with stakeholder groups in preparing regulations and requests feedback from stakeholders prior to routing the regulation through the administrative rule making process. The Board also specifically requests that each stakeholder provide an estimated cost of implementing, which forms the basis for the Board's estimation.

F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or individuals. *Note: Do not account for any actual or estimated cost savings that may be realized. Implementation and compliance costs determined shall be those additional costs reasonably expected to be incurred and shall be separately identified for the affected businesses, local governmental units, and individuals.*

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Individuals – \$0

Total Annual Costs – \$0

(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

The Board works with stakeholder groups in preparing regulations and requests feedback from stakeholders prior to routing the regulation through the administrative rule making process. The Board also specifically requests that each stakeholder provide an estimated cost of implementing, which forms the basis for the Board's estimation. The Board received zero indication that the proposed regulation would have an economic impact.

- Yes
 - No
 - Not Applicable
- If the total implementation and compliance costs exceed \$1.0 million or more in implementation and compliance costs over the initial five-year period following adoption of such rule(s) and regulation(s) that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation, did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

If applicable, click here to enter public hearing information.

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Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

There are no anticipated changes in state revenue or expenditures as a result of the adoption of the amendments. There are no anticipated revenues or expenditures to special revenue funds (including the Pharmacy Fee Fund).

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

The Board believes that there will not be an economic impact on individuals, small employers, or the general public with complying with the proposed regulation. Any costs associated with complying with the proposed amendments should be absorbed within the normal course of business for routine pharmacy operations on a short-term and long-term basis.

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

The proposed regulation will have no effect on cities, counties, or school districts.

- H. Describe how the agency consulted and solicited information from businesses, business associations, local governmental units, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s) or may provide relevant information.

The Board works with stakeholder groups in preparing regulations and requests feedback from stakeholders prior to routing the regulation through the administrative rule making process. The Board also specifically requests that each stakeholder provide an estimated cost of implementing, which forms the basis for the Board's estimation. The Board received zero indication that the proposed regulation would have an economic impact.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

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- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the individuals or entities who would bear the costs.
- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other individuals who will bear the costs.
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