

Approved March 18, 1986
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Robert Frey at
Chairperson

10:00 a.m. ~~pm~~ on March 10, 1986 in room 514-S of the Capitol.

All members ~~were~~ present ~~except~~: Senators Frey, Hoferer, Burke, Feleciano, Gaines, Langworthy, Parrish, Steineger, Talkington, Winter and Yost.

Committee staff present:

Mary Hack, Revisor of Statutes
Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department

Conferees appearing before the committee:

Elizabeth Taylor, Kansas Association of Domestic Violence Programs
Louis Matta, Kansas Association of Domestic Violence Programs
Marjorie Van Buren, Office of the Judicial Administrator
Everett Willoughby, Kansas State Board of Pharmacy
Kenneth Schafermeyer, The Kansas Pharmacists Association
Ronald Hein, Johnson and Johnson

Senate Bill 694 - Protection from abuse act amendments.

Elizabeth Taylor, Kansas Association of Domestic Violence Programs, testified in support of the bill. She stated women who don't have the availability of an attorney don't have the options to file protection from abuse. She explained the bill to the committee. Committee discussion was held concerning the additional time that will be required by the clerks of the court to fill out these forms.

Louis Matta, Kansas Association of Domestic Violence Programs, was recognized to respond to questions from the committee. Discussion was held with Mr. Matta concerning increase of caseload of the clerks. He said having the forms available is the most important. In response to a question, Elizabeth Taylor explained that half of the Civil penalty goes to the court and other half to the protection from abuse fund.

Marjorie Van Buren, Office of the Judicial Administrator, testified the office is concerned with the way the bill will affect their budget. She said it seems inappropriate to be retained by the court. They are concerned with filing of this form to include a motion of temporary orders.

Senate Bill 695 - MDMA, MPPP and PEPAP included in Schedule I of the uniform controlled substances act.

Everett Willoughby, Kansas State Board of Pharmacy, appeared in support of the bill and to present an amendment to delete Alfentanil from Schedule I and add it to Schedule II. A copy of his testimony is attached (See Attachment I).

Kenneth Schafermeyer, The Kansas Pharmacists Association, appeared in support of the bill and in support of the amendment recommended by Mr. Willoughby. He testified this bill makes the same changes that have already been incorporated into the federal controlled substances act. A copy of his testimony is attached (See Attachment II).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

room 514-S, Statehouse, at 10:00 a.m. ~~XXX~~ on March 10, 1986.

Senate Bill 695 continued

Ronald Hein, Johnson and Johnson, appeared to urge the committee to adopt the amendment to the bill to move alfentanil from Schedule I to Schedule II. Copies of his testimony with an attachment is attached (See Attachments III).

The hearings on the bill were completed.

Senator Gaines moved to adopt Mr. Willoughby's proposed amendment. Senator Burke seconded the motion, and the motion carried. Senator Gaines moved to report the bill favorably as amended. Senator Parrish seconded the motion, and the motion carried.

Senate Bill 476 - Increase in judges on court of appeals.

Senator Steineger moved to amend the bill in line 28 to change 20 3010 to 20-3010 and in line 38 - the date should be July 1, 1986. Senator Gaines seconded the motion, and the motion carried. Senator Burke moved to report the bill favorably as amended. Senator Steineger seconded the motion, and the motion carried.

Senate Bill 509 - Criminal damage to property, fire.

Senator Winter read his proposed amendment to the committee that would add a new crime called misdemeanor arson. Following committee discussion, Senator Burke moved to adopt the proposed amendment. Senator Winter seconded the motion, and the motion carried. Senator Winter moved to report the bill favorably as amended. Senator Talkington seconded the motion, and the motion carried.

Senate Bill 595 - Increase in docket fees paid into law enforcement training center fund.

The chairman explained the bill and read the fiscal note to the committee. Committee discussion was held.

Senate Bill 644 - Amount and disposition of docket fees.

Staff explained the bill and if the committee worked Senate Bill 595 this bill would not be needed.

Senate Bill 595

Senator Talkington moved to report the bill favorably. Senator Hoferer seconded the motion. Following committee discussion, the motion carried.

Senate Bill 622 - Restitution in criminal cases.

Staff explained this bill is similar to House Bill 2924. The committee wished to wait until a hearing could be held on the house bill before taking any action.

Senate Bill 644 - Amount and disposition of docket fees.

Senator Talkington moved to report the bill adversely. Senator Feleciano seconded the motion, and the motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 10:00 a.m./~~p.m.~~ on March 10, 1986

Senate Bill 694 - Protection from abuse act amendments.

Senator Talkington moved to amend the bill in line 45 to provide the forms will be furnished upon request. Senator Winter seconded the motion. Following committee discussion, the motion carried. Senator Talkington moved to amend the bill in Section 5 to provide the civil penalty is at the discretion of the court and the civil penalty not be more than \$300. Senator Winter seconded the motion. Committee discussion was held until time for adjournment. The motion was left pending until the next meeting at 12:00 P.M. Senator Gaines made a substitute motion to amend, that 25% of the civil penalty go to protection from abuse fund.

The meeting adjourned.

Copy of the guest list is attached (See Attachment IV).

Kansas State Board of Pharmacy

503 KANSAS AVENUE, SUITE 328
P.O. BOX 1007
TOPEKA, KANSAS 66601-1007
PHONE (913) 296-4056

STATE OF KANSAS



JOHN CARLIN
GOVERNOR

EVERETT L. WILLOUGHBY
EXECUTIVE SECRETARY

LYNN E. EBEL
BOARD ATTORNEY

STATEMENT TO THE SENATE JUDICIARY COMMITTEE

March 10, 1986

Everett L. Willoughby, Executive Secretary

Kansas State Board of Pharmacy

The three drugs proposed for scheduling as Schedule I drugs are MDMA, MPPP, and PEPAP. These drugs have been placed in Schedule I, federally, since they have no known medical use and have a great potential for abuse. They, for the most part, are produced clandestinely and pose a threat to the public health and welfare. These "designer drugs" have appeared on the streets in Sedgick and possibly Johnson and Wyandotte counties.

Proposed amended to Senate Bill 695:

Delete ALFENTANIL from Schedule I.

Add ALFENTANIL to Schedule II.

K.S.A. 65-4106(c) ALFENTANIL.....9737

Alfentanil now has an accepted medical use as an improved anesthetic analgesic. According to Howard McClain, Jr., Chief of the Drug Control Section, U.S. Department of Justice, alfentanil will be rescheduled federally within three months.

Although the proposed change would place it in Schedule II in Kansas, it could not be prescribed or used until it is rescheduled federally. As soon as it is rescheduled federally, it would be available for use in hospitals in Kansas.

S. Jud.
3/10/86
A-I



THE KANSAS PHARMACISTS ASSOCIATION

1308 WEST 10TH

PHONE (913) 232-0439

TOPEKA, KANSAS 66604

KENNETH W. SCHAFERMEYER, M.S., CAE

PHARMACIST

EXECUTIVE DIRECTOR

STATEMENT TO THE SENATE JUDICIARY COMMITTEE

MARCH 10, 1986

SUBJECT: SENATE BILL 695 REGARDING RESCHEDULING OF CONTROLLED SUBSTANCES.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

MY NAME IS KEN SCHAFERMEYER AND I AM EXECUTIVE DIRECTOR OF THE KANSAS PHARMACISTS ASSOCIATION, AN ORGANIZATION REPRESENTING 1,000 PRACTICING PHARMACISTS IN THE STATE OF KANSAS. I APPRECIATE THE OPPORTUNITY TO ADDRESS YOU TODAY ON SENATE BILL 695. THE KANSAS PHARMACISTS ASSOCIATION SUPPORTS THIS BILL AND URGES YOUR APPROVAL.

ACCORDING TO THE KANSAS UNIFORM CONTROLLED SUBSTANCES ACT, THE AUTHORITY FOR SCHEDULING AND RESCHEDULING CONTROLLED SUBSTANCES LIES WITH THE LEGISLATURE (K.S.A. 65-4102). THE FEDERAL UNIFORM CONTROLLED SUBSTANCES ACT IS ADMINISTERED BY THE DRUG ENFORCEMENT ADMINISTRATION (DEA). SINCE KANSAS ATTEMPTS TO KEEP IN AGREEMENT WITH THE FEDERAL ACT, A BILL TO SCHEDULE OR RESCHEDULE CONTROLLED SUBSTANCES IS REQUIRED ALMOST EVERY YEAR. THIS YEAR THERE ARE THREE DRUGS WHICH DEA HAS PLACED IN SCHEDULE I. THIS BILL MAKES THE SAME CHANGES THAT HAVE ALREADY BEEN INCORPORATED INTO THE FEDERAL CONTROLLED SUBSTANCES ACT.



AFFILIATED WITH THE AMERICAN PHARMACEUTICAL ASSOCIATION

S. Jud.
3/10/86
A-II

THIS IS AN IMPORTANT BILL AND, TO MY KNOWLEDGE, IS NOT
CONTROVERSIAL. I HOPE THAT THIS COMMITTEE WILL RECOMMEND PASSAGE.
THANK YOU VERY MUCH.

LAW OFFICES
HIATT & CARPENTER, CHARTERED
627 S. TOPEKA AVENUE
TOPEKA, KANSAS 66603-3294

EUGENE W. HIATT
EDWIN P. CARPENTER
RONALD R. HEIN
DAVID C. CARPENTER
STEPHEN P. WEIR

TELEPHONE
AREA CODE (913)
232-7263

SENATE JUDICIARY COMMITTEE
MARCH 10, 1986
RE: SB695

Mr. Chairman and Members of the Committee:

Last year I came before this Committee to request rescheduling of the drug sufentanil, an anesthetic. That drug had been rescheduled at the federal level in May, 1984, but was not rescheduled in Kansas until April 25, 1985, after the Legislature acted.

This year, a similar anesthetic agent, alfentanil, is in the process of being moved from Schedule I to Schedule II at the federal level. The effect of this move would be to permit the marketing of alfentanil under the stringent regulatory requirements of Schedule II. However, the same dilemma may occur again in Kansas due to the fact that the final rescheduling by the Drug Enforcement Agency (DEA) of the Dept. of Justice may not occur until after the legislative session adjourns. If that occurs, although the drug will be legally available in the vast majority of states, once again, Kansas physicians will not be able to prescribe the drug, and patients will not be able to benefit it.

Therefore, I would request that the Committee adopt an amendment to SB695 to move alfentanil from Schedule I to Schedule II. Should the DEA get the paperwork completed prior to the end of the session, then the amendment would be customarily added to the bill anyway. If the feds do not reschedule the drug, there has been no harm done because the drug will not be available for distribution anyway due to the federal prohibitions.

In order to assure that there is not another repeat of the sufentanil situation, I would urge the Committee to adopt this amendment. I understand that Mr. Everett Willoughby, executive director of the Kansas Board of Pharmacy, has talked with the feds about this matter, and that they are supportive of this amendment at the state level. In addition, I would note that several states have taken this action to insure that a sufentanil type situation does not occur again in their state.

Thank you very much, and I will yield for any questions.

Respectfully submitted,

HIATT & CARPENTER, CHARTERED



Ronald R. Hein
Legislative Counsel
Johnson & Johnson

RRH:lc

S. Jud.
3/10/86
A-III

ATTACHMENT I

SUFENTA® (sufentanil citrate) Injection
 NDA approved May 4, 1984
 Rescheduled by DEA May 25, 1984

STATE	DATE AVAILABLE AS CII
Alabama	June 25, 1984
Alaska	May 25, 1984
Arizona	May 25, 1984
Arkansas	July 1, 1984
California	May 25, 1984
Colorado	May 25, 1984
Connecticut	May 25, 1984 [May 8, 1985]
Delaware	May 25, 1984
Florida	[August 1 - October 1, 1984] September 14, 1984; June 20, 1985
Georgia	May 25, 1984
Hawaii	June 18, 1984
Idaho	September 10, 1984
Illinois	October 19, 1984
Indiana	May 25, 1984
Iowa	August 10, 1984
Kansas	April 25, 1985
Kentucky	May 25, 1984
Louisiana	May 25, 1984
Maine	May 25, 1984
Maryland	May 25, 1984
Massachusetts	May 25, 1984
Michigan	May 25, 1984
Minnesota	January 26, 1985
Mississippi	July 1, 1985
Missouri	July 2, 1984
Montana	October 13, 1984
Nebraska	May 25, 1984
Nevada	May 25, 1984
New Hampshire	May 25, 1984
New Jersey	May 25, 1984
New Mexico	August 6, 1984
New York	May 25, 1984
North Carolina	October 1, 1984
North Dakota	June 24, 1984
Ohio	May 25, 1984
Oklahoma	May 25, 1984
Oregon	May 25, 1984
Pennsylvania	May 25, 1984
Puerto Rico	November 3, 1984
Rhode Island	July 24, 1984
South Carolina	May 25, 1984
South Dakota	May 25, 1984
Tennessee	May 25, 1984
Texas	May 25, 1984
Utah	May 25, 1984
Vermont	May 25, 1984
Virginia	May 25, 1984
Washington	August 16, 1984
Washington, D.C.	July 13, 1984
West Virginia	June 13, 1985
Wisconsin	November 1, 1984
Wyoming	May 25, 1984