

Approved 3-31-87  
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by SENATOR ROY M. EHRLICH at  
Chairperson

10:00 a.m./pm on March 26, 1987 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Emalene Correll, Legislative Research  
Bill Wolff, Legislative Research  
Norman Furse, Revisor of Statutes Office  
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

Michael Byington, Kansas Assn. for Blind and Visually Impaired, Inc.  
Rev. Jo Taliaferro, Guide Dog User  
Don Karr, Topeka Resource Center  
Dr. Richard Schutz, Director, Division Services for Blind, SRS  
James McHenry, Commissioner, Alcohol and Drug Abuse Services, SRS  
Elizabeth Taylor, Association of Alcohol and Drug Program Directors  
Ken Schafermeyer, Kansas Pharmacists Association

Others attending: see attached list

Michael Byington continued testimony on HB-2415 stating that if the blind are to live independently they need to be permitted to rent and buy homes suited to their needs. It was also stated that the payment of pet deposits cause difficulties for some guide dog users. Mr. Byington told the committee that an attempt had been made in HB-2415 to address various areas of difficulty a similar bill encountered last year. Written testimony by Mr. Byington appears as attachment 5, March 25, 1987.

Rev. Jo Taliaferro, accompanied by her guide dog, Cybil, spoke to the committee stating the difficulties encountered when attempting to rent an apartment and live independently as there is presently no legal protection under state law. (attachment 1)

Written testimony of Dr. Richard Schutz, SRS was presented to committee members and appears as attachment 2. In his testimony, Dr. Schutz states that discrimination can occur and supports HB-2415.

Don Karr spoke to the committee addressing various difficulties encountered by the handicapped who use guide dogs when attempting to obtain housing. (attachment 3)

James McHenry spoke in support of HB-2416 stating it was a companion bill to HB-2413 which speaks to drug abuse treatment facilities. Due to a 75% increase in facilities which need licensing, the multiple year license would enable the present staff to handle the growing requirements of licensing with existing personnel.

Elizabeth Taylor stated that her organization wished to go on record as supporting HB-2416.

Ken Schafermeyer spoke in support of HB-2505, stating that the Kansas Pharmacy Board required licensing of all pharmacies doing business in the state but is prohibited from inspecting out of state pharmacies doing business in Kansas. Mr. Schafermeyer stated the Board of Pharmacy supported HB-2505. Questions were raised concerning out of state pharmacies operating under laws which differ from Kansas law. (attachment 4)

The meeting adjourned at 10:47 a.m. and will meet March 27, 1987.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

SENATE  
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE March 26, 1987

(PLEASE PRINT)

NAME AND ADDRESS

ORGANIZATION

ELIZABETH E. TAYLOR

KOTA, KAADPD.

Theresa K Shively

KANSAS NARA

Marilyn Bradt

KINH

Dick Hummel

KS Health Care Assn

KEITH R LANDIS

CHRISTIAN SCIENCE COMMITTEE  
ON PUBLICATION FOR KANSAS

Ken Schafermeyer

KS Pharmacists Assoc.

Jerry SAUSTER

KS MEDICAL SOCIETY

Kevin D. McFarland

KS Assoc. of Homes for the Aging

al Nemeec

MHARS

Tom Hitchcock

Bd. of Pharmacy

KAREN McCLEIN

KS Assoc. of REALTORS

HB 245-

5333 SW 15th Ct  
Topeka, KS 66604  
Phone- 273-6028

To the Committee on Public Health and Welfare  
House Bill 2415  
March 3, 1987

I am Jo Taliaferro, an ordained presbyterian pastor.  
I am an employee of Topeka Hospice and serve as their educator/  
consultant for adolescents. I work as a braille proofreading  
consultant for the Topeka Resource Center for the Handicapped  
and enjoy a variety of community activities.

I'm here today to plead for the rights of blind and  
visually-impaired persons like myself to live where they  
choose without discrimination due to the presence of a guide  
dog. I have used a dog guide for thirteen years and am  
presently living in the Hillsdale Apartment complex. I now  
receive every courtesy from my manager and surrounding  
neighbors and have had no complaints about my guide dog. That  
was not accomplished without humiliating frustration due to  
ignorance and no legal protection under state law.

Potential discrimination arose last September when I  
selected the apartment I wanted. The location was ideal for  
a number of reasons. My guide dog could lead me to nearby  
bus stops, to grocery stores, to the cleaners, to church and  
to comfortable eating establishments in my area. My voting  
place would be within walking distance and a shopping center  
affords independence in meeting my personal needs.

Accommodations inside the apartment are adequate for using

SP4/W  
3-26-87  
attachment 1



HB2415

large braille books and braille equipment. Convenient laundry facilities could be arranged off the kitchen and spacious storage outside the front door could hold my eighteen-volume braille Bible and a variety of theological materials in braille and on cassette.

I had found after a long search, the dwelling I wanted. I had found a place which met my rather specialized but basic needs. I had found a place which would allow my dog guide and I to be independent but also opportunity for enthusiastic interaction with people and places of business and recreation in the area.

These rights were almost denied me because of the dog, who by her very profession makes many of these freedoms possible. The NO PET POLICY did not hold water! These well-educated dogs are working companions, not pets. The fact that The fact that new carpet had been laid in the apartment I wanted is only a problem for those who do not understand that a dog guide has a set routine for doing its emptying at the curb and that students are carefully instructed in picking up and disposing of the evidence so that cleanliness and sanitary conditions are maintained for all residents.

The issue here is not cleanliness but rather the right of a blind or visually-impaired person to choose his or her living space without discrimination because of use of a dog guide. Look at the photographs, examine the behavior of the

page 3.

dog guides here today and free the next person who seeks to live on rental or sale property from discrimination due to a negative attitude or unintentional ignorance. I am the first to have a dog guide in the complex where I live and the management has said that I am the one-time exception. Let's not let that continue to be the case. Support this bill! Encourage freedom for dog guides and their users even if some less discerning neighbors say, "You've gone to the dogs!"

Respectfully submitted,

The Rev. Dr. Jo Taliaferro

State Department of Social and Rehabilitation Services

Testimony in Support of H.B. 2415

Mr. Chairman and Members of the Committee:

I appear today in support of House Bill No. 2415 which gives totally or partially blind persons the right to be accompanied by trained guide dogs when seeking acquisition and use of rental, residential housing and in the purchase and use of residential housing. Without this right, discrimination against the blind can occur when they try to purchase or rent housing. Guide dogs are trained, well-groomed, well-behaved animals that play a vital part in enabling their blind owners to function independently.

SRS supports the right of blind persons to use guide dogs as called for in this proposal. SRS supports any action which will prevent discrimination against blind, visually handicapped, or other physically disabled persons in rental or sale of housing or elsewhere. SRS urges passage of House Bill No. 2415.

Richard Schutz, Director  
Division of Services for the Blind  
Rehabilitation Services  
Social and Rehabilitation Services  
296-4454  
March 26, 1987

For

Robert C. Harder, Secretary  
Office of the Secretary  
Social and Rehabilitation Services  
296-3271  
March 26, 1987

*SD/LLC*  
*3-26-87*  
*attachment 2*



State Department of Social and Rehabilitation Services  
Statement Regarding H.B. 2415

1. Title -- AN ACT concerning the use of guide dogs by blind persons; amending K.S.A. 39-1102 and repealing the existing section.
2. Purpose -- The purpose of this bill is to ensure that every blind person has the right to be accompanied by a trained guide dog when seeking acquisition and use of rental, residential housing and when seeking the purchase and use of residential housing without being required to pay an extra charge.
3. Background -- Without the right discussed in this proposal, discrimination against the blind can exist as they seek to acquire and use or purchase and use residential housing. Discrimination against the blind because of using guide dogs should not exist in the housing industry or elsewhere, particularly since guide dogs are trained, well-groomed, well-behaved animals that play a vital part in enabling their blind owners to function independently.
4. Effect of Passage -- The effect of passage will be to assure every blind person has the right to be accompanied by a specially trained guide dog when attempting to acquire and use rental, residential housing and when attempting to purchase and use residential housing.

Robert C. Harder  
Secretary  
Social and Rehabilitation Services  
296-3271  
March 26, 1987

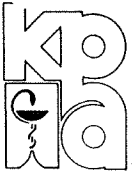
TESTIMONY IN SUPPORT OF H.B. 2415  
Submitted by Don Karr, Topeka Resource Center for the Handicapped

March 3, 1987

1. A "pet" deposit equal to 1/2 or 1 month's rent will prevent or discourage a number of persons with whom I commonly work from taking possession of rental property and establishing residency in the community (in Topeka, KS).
2. Some landlords will likely use such deterrent means to specify the characteristics their renters will exhibit (and which they will not). Other landlords, believing this practice to be common place, will use such policy to, in some cases, unjustly heighten their rental values, although the property and peaceful enjoyment thereof does not correspondingly appreciate in value.
3. The problem may be stated more simply as a failure to distinguish between a "pet" and a dog guide trained as a mobility or guiding aid.
4. H.B. 2415, when enacted, will provide protections for rental property owners as well, in that the term "guide dog" is herein defined as not being a "pet".
5. A landlord can request an identification card from the dog guide instructional facility to be assured the canine is indeed a verifiable dog guide.
6. It is also cited in the legislation that if such dog causes any damages such person shall be held liable for such damage.

*SPH/W*  
*3-26-87*  
*attachment 3*





THE KANSAS PHARMACISTS ASSOCIATION

1308 WEST 10TH

PHONE (913) 232-0439

TOPEKA, KANSAS 66604

KENNETH W. SCHAFERMEYER, M.S., CAE

PHARMACIST

EXECUTIVE DIRECTOR

TO: Members of the Senate Public Health & Welfare Committee

FROM: Kenneth W. Schafermeyer  
Executive Director

RE: HB 2505 Regarding Pharmacy Inspections

DATE: March 24, 1987

The State of Kansas requires the Board of Pharmacy to license pharmacists doing business in the state. Why require the Board to license these pharmacies while prohibiting the Board from inspecting them?

The Board of Pharmacy should be allowed to inspect all of its licensees--not just some of them. This issue is a matter of providing equity, consistency and fairness for all pharmacies.

Passage of HB 2505 would correct an inequity in the Pharmacy Practice Act. Your support of HB 2505 would be appreciated.

*S.A.H. (w)*  
*3-26-87*  
*attachment 4*



RECEIVED

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K. Ph. A.

STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN  
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215  
CONSUMER PROTECTION: 296-3751  
ANTITRUST: 296-5299

July 20, 1984

ATTORNEY GENERAL OPINION NO. 84- 71

Lynn E. Ebel  
Attorney, Kansas Board of Pharmacy  
Davis, Davis, McGuire & Thompson  
P.O. Box 69  
400 Shawnee Street  
Leavenworth, Kansas 66048

Re: Public Health -- Examination and Registration of  
Pharmacists -- Registration of Out of State Pharmacists  
Doing Business in Kansas

Synopsis: The requirements of the Kansas Pharmacy Act, K.S.A.  
65-1601 et seq extend to all persons within or without  
the state who deliver prescription drugs in Kansas.  
Cited herein: K.S.A. 65-1636, K.S.A. 1983 Supp.  
65-1626, 65-1631, 65-1643.

\* \* \*

Dear Ms. Ebel:

As counsel for the Kansas Board of Pharmacy, you request our opinion regarding the authority of the board to require out of state pharmacies doing business in Kansas to hold Kansas pharmacy licenses and be subject to the board's regulations.

K.S.A. 65-1636 is contained in the Kansas Pharmacy Act, K.S.A. 65-1625 et seq., and provides:

Lynn E. Ebel  
Page Two

"Except as otherwise provided in this act, the sale and distribution of drugs shall be limited to pharmacies operating under registrations as required by this act and the actual sale or distribution of drugs shall be made by a registered pharmacist or other person acting under his or her immediate personal direction and supervision."

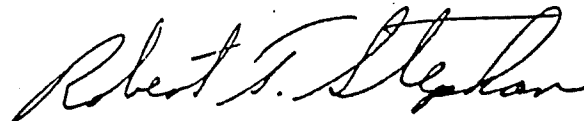
K.S.A. 1983 Supp. 65-1626(i) states that to "distribute means to deliver . . . any drug." Subsection (g) states that to "dispense means to deliver prescription medication to the ultimate user pursuant to the lawful order of a practitioner."

The term pharmacy is defined at K.S.A. 1983 Supp. 65-1626(s) as "premises, laboratory, area or other place (1) where drugs are offered for sale, where the profession of pharmacy is practiced and where prescriptions are compounded and dispensed . . ."  
As noted above, only pharmacies operating under the direction of a registered pharmacist may distribute drugs in Kansas under K.S.A. 65-1636. K.S.A. 1983 Supp. 65-1643(f) provides that it is unlawful for "any person operating a store or place of business to sell, offer for sale or distribute any drugs to the public without first having obtained a registration or permit from the board . . ."

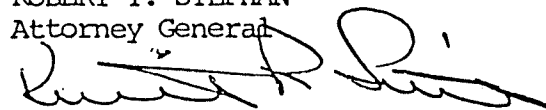
In none of the foregoing statutes is there any language of limitation which suggests that only Kansas residents are subject to the board's control. Rather, Kansas statutes provide for the registration on a reciprocal basis of out of state pharmacists without examination. K.S.A. 1983 Supp. 65-1631(d). We therefore conclude that the language of the Kansas Pharmacy Act does not suggest that its provisions are limited to pharmacies within this state.

A consideration of the purpose of the act also suggests that there was no intent to limit the application of the act. The state's interest in establishing and maintaining high standards in the dispensation of prescription drugs is clear. See, e.g., State ex rel. v. Fadely, 180 Kan. 652, 665 (1957). We therefore conclude that both the language and purpose of the Kansas Pharmacy Act require that out of state pharmacies doing business in Kansas hold a Kansas pharmacy license and be subject to all Kansas regulations.

Very truly yours,



ROBERT T. STEPHAN  
Attorney General



Kenneth R. Smith  
Assistant Attorney General

RTS:JEF:KRS:may