

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Joann Flower at 9:00 a.m. on February 13, 1997, in Room 423-S of the Capitol.

All members were present except:

Committee staff present: Raney Gilliland, Legislative Research Department
Gordon Self, Revisor of Statutes
Kay Scarlett, Committee Secretary

Conferees appearing before the committee:

Dr. Dirk Hanson, Executive Director, Kansas Board of Veterinary Examiners
Gary L. Reser, Executive Director, Kansas Veterinary Medical Association
Larry Froelich, Executive Director, Kansas State Board of Pharmacy
Mike Beam, Executive Secretary, Cow-Calf/Stocker Division, Kansas Livestock Association

Others attending: See attached list

Hearing on SB 62 - Amendments to the Kansas veterinary practice act.

Chairperson Flower opened the hearing on **SB 62**. Raney Gilliland, Legislative Research Department, explained the proposed changes to the Veterinary Practice Act.

Dr. Dirk Hanson, Executive Director, Kansas Board of Veterinary Examiners, testified in support of **SB 62**. He said this bill makes three basic changes in the Veterinary Practice Act. The first amendment would allow the practice of veterinary medicine from a non-registered premise on a limited basis as a public service outreach of a registered veterinary premise. He explained that the one word change in the definition of a veterinary-client-patient relationship would allow a veterinarian to prescribe appropriate treatment without actually having to physically examine each animal to which treatment is being prescribed if the veterinarian is personally acquainted with the keeping and care of the animal or animals. He explained that this will make the law more reflective of actual current practice. He said the third change is to correct a typographical error. He explained that the Clinical Competency Test was not offered "prior" to 1980, the intended conditional requirement is for license applicants who graduated "after" that date. (Attachment 1)

Gary L. Reser, Executive Director, Kansas Veterinary Medical Association, appeared in support of **SB 62**. He said the amended veterinary-client-patient relationship definition in this bill, along with the proposed language in the Pharmacy Act in **SB 77**, will assure that proper and diligent oversight of prescription drug distribution continues. He said this bill will allow Kansas veterinarians to service their clients and their companion and food animal patients effectively, completely, and safely. (Attachment 2)

This concluded the hearing on **SB 62**.

Hearing on SB 77 - Pharmacists dispensing and administering of drugs.

Chairperson Flower opened the hearing on **SB 77** and Raney Gilliland explained the proposed amendment to the Pharmacy Act.

Larry Froelich, Executive Director, Kansas State Board of Pharmacy, testified in support of **SB 77**. He explained that this amendment would clarify that nothing contained in the Pharmacy Act is to be construed to prohibit a duly registered wholesaler from distributing a drug labeled, "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian," pursuant to a veterinarian's written prescription or order, to the layman responsible for the animal. He said that distribution could occur only where a valid "veterinarian-client-patient relationship" exists as defined in the statutes and amended in **SB 62**. (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE, Room 423-S Statehouse, at 9:00 a.m. on February 13, 1997.

Mike Beam, Executive Secretary, Cow-Calf/Stocker Division, Kansas Livestock Association, appeared in support of **SB 77**. He said that it is common practice in the livestock industry for producers to buy prescription drugs directly from an animal health distributor after receiving a prescription or order from their veterinarian. He advised that this practice is recognized by the Federal Food and Drug Administration, which diligently regulates the use of drugs in food animals. He said this bill is intended to recognize the existing practice of dispensing prescription animal health products. (Attachment4)

Chairperson Flower closed the hearing on **SB 77**.

Discussion and final action on SB 62 - Amendments to the Kansas veterinary practice act.

Representative Lloyd moved to pass SB 62 out favorably and as it is a noncontroversial bill to have it placed on the consent calendar. Seconded by Representative Dahl, the motion carried.

Discussion and final action on SB 77 - Pharmacists dispensing and administering of drugs.

Representative Schwartz moved to pass SB 77 out favorably and to have it placed on the consent calendar. The motion was seconded by Representative Ballou. Motion carried.

Chairperson Flower announced that there would be an informal discussion on issues relating to Hazard Analysis and Critical Control Point (HACCP) tomorrow at 1:00 p.m. in Room 423-S. She said that Allie Devine, Secretary, Kansas Department of Agriculture, would be a participant. All interested parties were encouraged to attend.

The meeting adjourned at 9:50 a.m. The next meeting is scheduled for February 18, 1997.



Board of Veterinary Examiners

DIRK HANSON, D.V.M.

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Testimony to the Kansas House Agriculture Committee Regarding Senate Bill 62

Presented February 13th, 1997

Brief Analysis: Senate bill 62 proposes modifications to the language found in the Veterinary Practice Act (Chapter 47, Article 8) as follows:

The proposed addendum to **47-816(k)** would allow, on a limited basis, the practice of veterinary medicine from a non-registered premise. The '93 revisions to the Practice Act required all veterinary premises to become registered and to meet minimum standards. No exceptional provision was made for public service outreach clinics such as small community rabies vaccination clinics. As these are a safe and valuable service to the public, this legislation is sought to provide a legal basis for the continued occurrence of these clinics.

The one-word alteration of **47-816(n)(2)**, the definition of the veterinary-client-patient relationship (VCPR) is sought to make the law more reflective of the actual practice situation today. In veterinary consulting situations (such as a feedlot consultant), the veterinarian may have an excellent VCPR by way of a close working relationship with the client "by virtue of medically appropriate and timely visits to the premises where the animals are kept". The veterinarian with such a relationship should be able to prescribe appropriate treatment without actually having to physically exam each animal to which the treatment is being prescribed; hence the proposed change of "...has recently seen the animal and...", to "...has recently seen the animal or...".

The alteration to **47-826(a)(2)** is proposed in order to correct a typographical error that went undetected during passage of the '93 Veterinary Practice Act. The Clinical Competency Test (CCT) was not offered prior to 1980, hence the intended conditional requirement for license applicants who graduated **after** that date.

Feasibility and Fiscal impact: These changes could be implemented within currently approved staffing and expenditure levels. There will be no significant effect on the Agency's responsibilities, on the dollar effect on the budget, or on the long-range fiscal effect.

*House Agriculture Committee
February 13, 1997
Attachment 1*



KANSAS VETERINARY MEDICAL ASSOCIATION, INC.

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MEMORANDUM

TO: House Agriculture Committee
Representative Joann Flower, Chairman

FROM: Gary L. Reser, CAE, KVMA Executive Director

DATE: January 13, 1997

SUBJECT: **S.B. 62, Amendments to the Veterinary Practice Act**

The Kansas Veterinary Medical Association, representing over 700 Kansas veterinarians, is appearing before the House Agriculture Committee today in support of S.B. 62.

The amendments to the Veterinary Practice Act found in S.B. 62 will allow Kansas veterinarians to serve their Kansas clients and their companion and food animal patients even more effectively, completely, and safely.

The amendment in KSA 47-816 (n)(2), along with the addition of the veterinarian/client/patient relationship language in the Pharmacy Act found in S.B. 77, will assure that proper and diligent oversight of prescription drug distribution continues.

The KVMA views the issues addressed in S.B. 62 and S.B. 77 as extremely important to the preservation of public confidence in the current method of dispensing prescription drugs for food animals.

The Kansas Veterinary Medical Association respectfully asks for your support of S.B. 62.

Thank you for allowing me to be with you today.

ydm

*House Agriculture Committee
February 13, 1997
Attachment 2*

1997 KANSAS LEGISLATIVE SESSION

Senate Bill No. 77

PHARMACY PRACTICE ACT

House Committee on Agriculture

Thursday, February 13, 1997

Madam Chairman and members of the committee, my name is Larry Froelich and I serve as the executive secretary to the Board of Pharmacy. I appear before you today on behalf of the board in **support of SB 77**.

The new language to this statute is added to K.S.A. 65-1635, section 1, subsection (d) that I would like to present. The requested change to this statute is intended to address registered wholesalers distributing veterinarian products in Kansas. A wholesale distributor is annually registered by the board of pharmacy. The additional language is needed to keep up with the current standard of practice.

Unlike the practice of dispensing prescription drugs in pharmacies and prescriber's offices, more often than not, the animal is not at the veterinarian's office and it is usually not just one animal that is being treated. The additional language would allow a registered wholesaler to distribute the products directly to the site of the animal AND will continue to require that a veterinarian order the medication.

The additional language is needed because the pharmacy practice act defines certain terms that affect this practice. I would like to review the definitions with you:

"DRUG" as defined by K.S.A. 65-1626(k) (2):

means articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals.

"PRESCRIPTION-ONLY DRUG" as defined by K.S.A. 65-1626(x):

means any drug required by the federal or state food, drug and cosmetic act to bear on its label the legend "Caution: Federal law prohibits dispensing without prescription."

"DISTRIBUTE" as defined by K.S.A. 65-1626(i):

means to deliver, other than by administering or dispensing, any drug.

"DELIVER" or "DELIVERY" as defined by K.S.A. 65-1626(f):

means the actual, constructive or attempted transfer from one person to another of any drug whether or not an agency relationship exists.

Terms that are not mentioned or affected by this statute change are:

"DISPENSER" as defined by K.S.A. 65-1626(h):

means a practitioner or pharmacist who dispenses prescription medication.

"DISPENSE" as defined by K.S.A. 65-1626(g):

means to deliver prescription medication to the ultimate user or research subject by or pursuant to the lawful order of a practitioner.

*House Agriculture Committee
February 13, 1997
Attachment 3*

This additional language would then allow wholesalers registered with the Kansas board of pharmacy to distribute drugs directly to feedlots, pens, etc. The drugs can only be ordered by a veterinarian where a valid veterinarian/client/patient relationship (VCPR) exists.

This practice is currently the norm, rather than the exception, we are proposing to change this statute to keep up with the real world and allow this to be "legal". If we were to enforce current language which does not address this practice, a pharmacist or veterinarian would have to be involved in the actual distributing process.

The board of pharmacy respectfully request the **favorable passage** out of committee of SB 77. Thank you.



Since 1894

February 12, 1997

To: House Agriculture Committee
Representative Joann Flower, Chairperson

Fr: Mike Beam, Exec. Sec., Cow-Calf/Stocker Division

Re: Senate Bill 77 - Amendment to Kansas Pharmacy Act

It's a common practice in today's sophisticated livestock industry for producers to buy prescription drugs directly from an animal health distributor after receiving a prescription or order from their veterinarian. This practice is recognized by the Food and Drug Administration, which diligently regulates the use of drugs in food animals.

Senate Bill 77, which the Kansas Livestock Association supports, is intended to recognize the existing practice of dispensing "legend" or prescription animal health products. The bill is the result of meetings between our members, the Board of Pharmacy, the Board of Veterinary Examiners, and animal health distributors.

Our members have a keen interest in the federal and state regulation of animal health drugs. These regulations affect the price and availability of these essential inputs. Fortunately, the competitiveness of the distribution industry assures a readily available supply at a competitive price.

Producers realize these products are subject to oversight by federal and state officials because of food safety concerns. A producer's veterinarian is a partner when using prescription drugs or products in an "extra label" manner. This requirement assures better treatment response and knowledge of adequate withdrawal times.

The current practice of dispensing prescription drugs seems to be satisfactory to the manufacturers, distributors, veterinarians, producers, and regulators. SB 77 codifies this procedure. We ask for your support of the legislation. Thank you!

*House Agriculture Committee
February 13, 1997
Attachment 4*