

Approved: 1-30-97  
Date

## MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE

The meeting was called to order by Chairperson David Corbin at 10:00 a.m. on January 28, 1997 in Room 423-S of the Capitol.

All members were present except: Quorum was present.

Committee staff present: Raney Gilliland, Legislative Research Department  
Jill Wolters, Revisor of Statutes  
Lila McClafin, Committee Secretary

Conferees appearing before the committee:  
Dr. Dirk Hanson, Executive Director, Board of Veterinary Examiners  
Larry Froelich, Executive Director, Board of Pharmacy  
Mike Beam, Kansas Livestock Association

Others attending: See attached list

Chairperson Corbin opened the hearing on **SB 62**.

### **SB Amendment to the Kansas Veterinary Practice Act.**

Dr. Dirk Hanson addressed the committee as a proponent of the bill. He said it would allow on a limited basis the practice of veterinary medicine from a non-registered premise, and would allow for public service outreach clinics such as small community rabies vaccination clinics as they are a safe valuable service to the public (Attachment 1).

A motion was made by Senator Tyson that **SB 62** be passed. The motion was seconded by Senator Sallee. Motion carried.

### **SB 77: Pharmacists dispensing and administering of drugs.**

Larry Froelich said their organizations had requested the bill to keep up with the current standard of practice. The bill would allow a registered wholesaler to ship their products directly to the site of the feed lots, pens, etc were the animals are housed, and it continues to require that a veterinarian order the medication, and only when a valid veterinarian-client-patient relationship exists (Attachment 2).

Dr. Dirk Hanson recommended an amendment in line 40 that the language be amended to read veterinary-client-patient relationship (Attachment 3).

Mike Beam told the committee it is a common practice today 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. This practice is recognized by the Food and Drug Administration. **SB 77** codifies this procedure (Attachment 4).

A motion was made by Senator Clark to amend the bill as recommended by Dr. Hanson. The motion was seconded by Senator Umbarger. Staff said the bill needed some punctuation cleanup and ask if it could be included in the motion. Senator Clark and Senator Umbarger agreed to included it in the motion. Motion carried. A motion was made by Senator Clark that the bill be passed as amended. Senator Biggs seconded the motion. Motion carried.

The meeting adjourned.

The next meeting is scheduled for January 29, 1997





## Board of Veterinary Examiners

**DIRK HANSON, D.V.M.**

Executive Director  
10475 Purple Sage Road  
Wamego, Kansas 66547  
(913) 456-8781  
FAX 456-8782

### Testimony to the Kansas Senate Agriculture Committee Regarding Senate Bill 62

Presented January 28th, 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.

*Senate Agriculture  
Attachment 1  
1-28-97*

# *Kansas State Board of Pharmacy*

LANDON STATE OFFICE BUILDING  
900 S.W. JACKSON STREET, ROOM 513  
TOPEKA, KANSAS 66612-1231  
PHONE (913) 296-4056  
FAX (913) 296-8420

STATE OF KANSAS



BILL GRAVES  
GOVERNOR

EXECUTIVE DIRECTOR  
LARRY C. FROELICH

BOARD ATTORNEY  
DANA W. KILLINGER

**SENATE BILL 77**  
**SENATE AGRICULTURE COMMITTEE**  
**TUESDAY, JANUARY 28, 1997**

MR. 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 SHIP THE PRODUCTS DIRECTLY TO THE SITE OF THE ANIMAL, AND WE WILL CONTINUE TO REQUIRE THAT A VETERINARIAN ORDER THE MEDICATION.

*Senate Agriculture  
attachment 2  
1-28-97*

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 IN 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.

THIS ADDITIONAL LANGUAGE WOULD THEN ALLOW WHOLESALERS REGISTERED WITH THE KANSAS BOARD OF PHARMACY TO DISTRIBUTE DRUGS DIRECTLY TO FEED LOTS, PENS, ETC. THE DRUGS COULD ONLY BE ORDERED BY A VETERINARIAN WHERE A VALID VETERINARIAN/CLIENT/PATIENT RELATIONSHIP (VCPR) EXISTS.

TO BE PERFECTLY HONEST WITH THIS COMMITTEE, THIS PRACTICE IS CURRENTLY THE NORM, RATHER THAN THE EXCEPTION, WE ARE ONLY CHANGING 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.

A handwritten signature in cursive script, appearing to read "Jay Proch".

State of Kansas



## Board of Veterinary Examiners

**DIRK HANSON, D.V.M.**

Executive Director  
10475 Purple Sage Road  
Wamego, Kansas 66547  
(913) 456-8781  
FAX 456-8782

### Testimony to the Kansas Senate Agriculture Committee Regarding Senate Bill 77

Presented January 28th, 1997

#### Brief Analysis:

Senate bill 77, proposes an addendum to the Kansas Pharmacy Act, and includes the phrase "**Veterinary-Client-Patient Relationship**". Since this phrase is defined in KSA 47-816(n), it is recommended that the language in SB 77 be modified to read "Veterinary-Client-Patient Relationship, as defined in KSA 47-816(n)."

*Senate Agriculture  
attachment 3  
1-28-97*



*Since 1894*

January 28, 1997

To: Senate Agriculture Committee  
Senator David Corbin, Chairman

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!

*Senate Agriculture  
Attachment 4  
1-28-97*