

Approved: March 30, 1999
Date

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES.

The meeting was called to order by Chairperson Garry Boston at 1:30 p.m. on March 17, 1999 in Room 423-S of the Capitol.

All members were present except:

Committee staff present: Emalene Correll, Kansas Legislative Research
Norman Furse, Revisor of Statutes
June Evans, Secretary

Conferees appearing before the committee: Representative Joann Freeborn
Representative John M. Toplikar
Dr. Larry Wilkerson, Cessna Aircraft
Amy Sherbenou, Supervisor, Health Services, Cessna
Bob Williams, Kansas Pharmacy Association
Bud Burke, Cessna Aircraft

Others attending: See Attached List

The Chairperson stated memorandums that were sent to the Speaker requesting summer interims on **HBs 2523 and 2529** were distributed.

The minutes of March 11, 15, and 16 were distributed.

The Chairperson opened the hearing on **HB 2292 - Prohibiting sale and possession of laser pointers under certain conditions.**

Staff gave a briefing on **HB 2292** stating the bill would make it unlawful for anyone to aim the beam of a laser pointer at police officers and emergency workers engaged in the performance of their official duties. It shall be unlawful for any person to sell, give or furnish a laser pointer to any person who is under 18 years of age. Violation of this subsection is a class B person misdemeanor punishable by a minimum fine of \$200. Except as is needed for a school assignment, it shall be unlawful for any person under the age of 18 years to possess a laser pointer in, on, or within, 1,000 feet of any school property upon which is located a structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or for extracurricular activities for pupils in K-12. Laser pointers are subject to confiscation by school officials, security personnel or police officers.

Representative Joann Freeborn testified as a proponent for **HB 2292**, stating communities across the United States are dealing with complications of the misuse of pointers. Some school regulations prohibit some use of the pointers. As a result of concerns due to a variety of news articles and individuals relating personal experiences which they felt were problems, this legislation was requested. There have been cases where these pointers have been pointed at drivers and it has caused them to not be able to see properly for a few seconds. Some low voltage laser pointers can be purchased for \$9.99 plus tax making them very affordable for school children. Attached to the testimony are newspaper articles referring to laser pointers. (See Attachments 1 & 2)

Representative Toplikar testified in support of **HB 2292**, stating there was a growing concern over the use of laser pointers. They do have an FDA warning and should not be thought of as toys. There is a concern for law enforcement officers because some guns also project a red light and officers are not sure if a gun is being aimed at them or if it is a laser pointer. This should be looked at in an educational manner. A suggested amendment for Section 1 is attached. (See Attachment #3)

The following written testimony supporting **HB 2292** was provided: Garry Robbins, Executive Director, Kansas Optometric Association (Attachment #4), William W. Sneed, Kansas Peace Officers Association (Attachment #5), Amy Salisbury (Attachment #6).

The Chairperson closed the hearing on **HB 2292**.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 423-S of the Capitol at 1:30 p.m. on March 17, 1999.

The Chairperson opened the hearing on **HB 2538 - Sale of medicines and drugs through vending machines.**

Staff gave a briefing stating prescription medicine sold through a vending machine or other mechanical device is a class C nonperson misdemeanor and upon conviction shall be fined not less than \$25 nor more than \$500.

This bill states vending machines in which nonprescription drugs are offered for sale or sold shall be located in a climate controlled area. Climate controlled is not really necessary but should have read "inside". Also if more than 12 different nonprescription drugs are sold a retail dealers permit would be needed.

Dr. Larry Wilkinson, contract medical director for the Cessna Aircraft Company testified in support of **HB 2538**, stating over the counter medications are designed for self limiting minor illness/injury. This would decrease occupational nurses time dealing with minor health care issues. Increases occupational nurses time to provide care to significant health care issues. Reduces medical liability for standing orders regarding dispensing medication. Increases medication compliance and reduces medication hoarding. Vending machines for over the counter medications provides an accessible, safe and convenient avenue for business and industry. (See Attachment #7)

Amy Sherbenou, Supervisor for Health Services at the Cessna Aircraft Company, testified as a proponent to **HB 2538**, stating many employers, including the Cessna Aircraft Company, has dispensed over-the-counter medications to their employees for years. This practice is not required, but has provided employees relief from minor discomforts and allowed individuals to continue working.

In 1998, through computerization of Health Services data, Cessna discovered information regarding the distribution of over-the-counter medications in the workplace. Cessna's Wichita-based employees made 43,334 visits to Health Services and 21% of those visits were for over the counter medications. On an average, each employee at Cessna spends a total of 30 minutes walking to a first aid facility, obtaining over the counter medication, and walking back to his or her workstation. The 9,191 visits made to Health Services in 1998 for over the counter medications alone cost our company approximately \$300,000. It is believed the vending machines for over the counter medications would have a similar impact. (See Attachment #8)

Bob Williams, Executive Director, Kansas Pharmacists Association, testified in support of **HB 2538**, stating while the Kansas Pharmacists Association continues to believe it is poor public policy to allow medications to be sold in vending machines which are easily accessible by children, we have withdrawn our opposition. K.S.A. 65-1643 states that any person operating a store or place of business to sell, offer for sale or distribute any drugs to the public, must register or obtain a retailer's permit from the State board of Pharmacy. An exemption is allowed in paragraph (f) if the retail dealer sells 12 or few different nonprescription drug products. (See Attachment #9)

Larry Froelich, Executive Director, Kansas State Board of Pharmacy, testified in a neutral position to **HB 2538**, stating there are some needs that need to be addressed: Currently, K.S.A. 65-1643(f) requires: "No retail dealer who sells 12 or fewer different nonprescription drug products shall be required to obtain a retail dealer's permit under the pharmacy act of the state of Kansas or to pay a retail dealer new permit or permit renewal fee under such act." The Board of Pharmacy currently has 2,009 retail dealer permits. The retail dealers are annually inspected. The annual fee is \$12.00. If the vending machine contains more than 12 items, then a retail dealers permit should be required. The bill does not mention a quantity limit of items. Language to restrict each machine to less than 12 different items is suggested. (See Attachment #10)

Bud Burke, representing Cessna Aircraft, stated they would meet with the Revisor to address the concerns that have been brought up in both the Senate and House Health Committee Meetings and prepare a balloon amendment. There are no objections to the suggestions that have been made.

The Chairman closed the hearing on **HB 2538**, and stated he would allow a balloon be prepared and would consider at the March 22nd meeting.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 423-S of the Capitol at 1:30 p.m. on March 17, 1999.

Representative Bethell moved and Representative Long seconded approval of the minutes of March 11, 15 and 16. The motion carried.

The meeting adjourned at 2:45 p.m. The next meeting will be March 22.

STATE OF KANSAS

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TOPEKA

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March 17, 1999

Regarding House Bill 2292

To: Chairperson Boston, Vice-Chairperson Gerring , and Health and Human Services Committee

Thank you for taking time to listen to comments regarding the problems with the misuse of laser pointers.

I have handed out some documents which I feel provide substance to the concerns addressed in HB2292. Communities across the United States are dealing with complications of the misuse of pointers. In talking with some teens in my own district I learned that they had school regulations prohibiting some use of the pointers. As a result of concerns due to a variety of news articles and individuals relating personal experiences which they felt were problems, I requested this legislation be written.

- Pass around laser pointer
- Stories
- Stores and sales
- AG office opinion

Summary : Please consider this legislation as a way to inform the public about the problems we face when equipment is misused by a large portion of the population.

Sincerely,


Joann Freeborn

HHS
3-17-99
Atch #1

Area schools taking dim view of students with laser pointers

Front Page

By HEATHER HOLLINGSWORTH
The Capital-Journal

Schools across Shawnee County are expelling one of the latest fads -- laser pointers -- because of their potential to cause retinal damage and classroom chaos.

Although Shawnee County school boards haven't uniformly banned the lasers with sweeping districtwide policy changes, the items had been prohibited from most schools in all Shawnee County districts by December.

"Today it's laser pointers, tomorrow it's toothpicks," said Joe Zima, Topeka Unified School District 501 attorney. "We attempt to write policies that include some catch-all, general language. Boards act slowly, and it gives some general delegation to the schools."

The laser pointers, which often are attached to key chains, once were seen only in business settings and college lecture halls, where they were used as pointers. But as prices dropped from hundreds of dollars a few years ago to less than \$25 now, they are showing up everywhere.

The pointers first surfaced at the end of the past school year in USD 501 and Auburn-Washburn USD 437 and then began appearing in neighboring suburban districts.

The hot item immediately became a nuisance.

- The family of a Chase Middle School student who suffered eye damage in September when a classmate shined a laser pointer in his eye has filed a lawsuit for damages. The student who shined the laser pointer received an in-school suspension, and laser pointers were banned schoolwide in October.

"I am curious to see how the courts will handle this," said Chase Middle School principal Tammy Heenan. "The victim's parents filed charges, and it went to the D.A. They received a letter that the case was picked up."

- A Washburn Rural Middle School student was disciplined last spring for shining a laser pointer in a classmate's eye.
- Jay Shideler Elementary School banned laser pointers in November after a student shined a laser pointer in the rear-view mirror of a school bus.

"We decided enough is enough," said Shideler principal Al Camblin. "We've only had two or three violations since then."

The University of Kansas banned laser pointers from all indoor athletic events after a Kansas fan shined one in the face of a DePaul basketball player to distract him.

* The New York City Council has banned the sale of laser pointers to minors, and the pointers have been banned in several school districts, including North Kansas City, where a middle school student was partially blinded by one in December.

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41 Eye injury prompts middle school ban of laser pointers

The Associated Press

KANSAS CITY, Mo. — After a seventh-grade boy suffered permanent eye damage, a middle school is suspending students who bring laser light pointers to school.

Dotting — pointing the beam of light at someone to watch the surprised look on the person's face when the red dot appears — has become popular among youngsters now that laser pointers have dropped in price.

Laser pointers come in the shape of a pen or a key chain and were originally manufactured to aid in business presentations. The pointers cost between \$15 and \$20 and can be bought at electronics or discount stores.

At Maple Park Middle School, a friend of the seventh-grader shone one of the pointers in the boy's eye a couple of times for possibly up to five seconds at a time, said Principal Scott Wilson.

The boy immediately began complaining that he had "total blackness" in one eye and was taken to a hospital. Later that day, the boy's parents were told that he had suffered at least partial permanent burn damage to the retina in one eye, Wilson said.

The boy has to wear a patch over the eye to protect it from further damage, Wilson said.

Any laser can cause a burn to the photoreceptors in the retina, similar to damage that can result from looking directly at the sun, according to Dave Fritz, an optometrist with LensCrafters in Kansas City.

"The beams in these laser pointers are actually pretty weak, but if prolonged, even for a couple of seconds, they can cause burns," Fritz said. "The main thing is that if kids aren't mature enough to be handling them properly — because they're not toys — they can cause a problem."

At least 100 of the laser pointers have been confiscated from Maple Park students this school year, Wilson said.

In New York, the City Council voted this week to prohibit the sale of laser pointers to anyone younger than 18 and to ban anyone younger than 20 from carrying the pointers on school grounds unless needed for an assignment.

Teen faces laser light battery charges

By STEVE FRY
The Capital-Journal

A 14-year-old Topeka youth has been charged with two counts of aggravated battery for pointing a laser light in the eyes of students at a local middle school in September and December.

A Shawnee County district judge Friday released the youth, Juan Pablo Solis, 415 N.E. Strait, from juvenile custody and placed him under house arrest pending further orders from court, according to court records. Solis is next to appear in district court March 2.

Solis is charged with intentional aggravated battery in a Dec. 16 incident and with reckless aggravated battery in a Sept. 17 incident. Both occurred at Chase Middle School, 2250 N.E. State.

In the December incident, Gary Wallace was attending school when Solis pointed a laser at him for two to four seconds, striking him in the left eye and causing temporary injury to Wallace's eye, court records said.

In September, Shawn Bradley was at school when he was struck in the left eye by the laser light and felt itching, burning and stinging, court records said, and a doctor's examination showed Bradley suffered temporary injury to the eye.

LASER: Dangers lead to ban on pointers

Continued from A-1

"There's an absolute concern and danger with these things," he said. "It's the same reason you don't look directly at the sun even though you're so far away from it. Usually incidental use, or exposure, to a laser beam wouldn't do much, but even looking at a weak laser beam, in close contact, after 15 or 30 seconds, you're going to have irreversible damage."

The popularity of pointers as toys has prompted the U.S. Food and Drug Administration and some manufacturers to bolster warnings.

"We're concerned and aware that they're being increasingly marketed as toys," said Sharon Snider, a FDA spokeswoman in Washington.

Late last year, the FDA made manufacturers put a warning on pointers about the potential of permanent eye damage after it received reports of eye injuries from a parent and an ophthalmologist. The FDA keeps no records on the actual number of injuries.

However, a lot of pointers are being sold without the warnings.

"These tools are not for children," said Mark Becker, marketing director for New York-based Apollo Presentation Products, one of the country's biggest sellers of laser pointers.

Becker said Apollo recently added its own additional warning that specifically states the pointers are not toys and should not be used by children without adult supervision.

The company also has asked retailers to put that warning in a display case.

A Northland seventh-grader was injured last week when a friend shone the pointer in the boy's eyes a couple of times for possibly up to five seconds each time.

That incident prompted the North Kansas City School District to ban pointers.

Shawnee Mission School District has a similar rule.

"The problem is that they're real... and easy to bring to

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Kansas City Star
Kansas City, MO
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all pages

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Laser light pointers become risky fad

Danger of blindness leads schools to ban presentation tools

By SHAWNA A. HAMEL
The Kansas City Star

The DePaul basketball player stood at the free-throw line at Allen Fieldhouse in Lawrence. Suddenly, a red dot popped up on his face.

A University of Kansas fan — using a laser light pointer — hoped to distract the shooter.

Instead, the nationally televised incident last week embarrassed and angered the university so much that the little lights now are banned at all indoor athletic events.

KU has joined the federal government, manufacturers and others in trying to stop a dangerous craze that can cause blindness.

Laser light pointers were introduced about 10 years ago as a presentation tool for lecturers, teachers and businesspeople.

Back then, the pointers were almost six inches long, as thick as a baton and cost at least \$100.

But the gadgets have become sleeker and cheaper.

Now the length of a lighter and as slim as a pen, some sell for less than \$10.

And children love them.

Pointers are great weapons in laser tag. And then there is dotting, or the technique of pointing a beam at people to surprise them.

"You see a kid with one about every day," said Marques Nelson, a student at West Middle School in Kansas City, Kan. "They just point them at people and play around."

But within seconds, a pointer can permanently damage the part of the retina that filters light. A blind spot can develop in the center of a person's field of vision; 90 percent of what a person sees is in the center of the field of vision.

The damage depends mostly on the beam's intensity, how long it's shined into the eyes, and how close the person is to the beam, said Timothy Cavanaugh, an ophthalmologist with Hunkeler Eye Centers of Kansas City.



Photo illustration by MARCIO JOSE SANCHEZ

How lasers damage vision

 Laser enters retina

 Beam intensity burns the back of the retina

Within seconds, a laser pointer can permanently damage the retina. A blind spot can develop in the field of vision. The damage depends on the beam's intensity and the length of exposure.



See LASER A-6

2-6

Dopler

Section 1. (a) Injury or harassment by laser pointer is: (1) Intentionally and knowingly, with an intent to injure, harass, pointing or shining of a laser pointer at a law enforcement officer; or (2) intentionally and knowingly, with the intent to injure, harass, pointing or shining of a laser pointer at another person.

(b) As used in this section, "laser pointer" includes any electronic device designed to emit a small beam of light.

(c) (1) Injury or harassment by laser pointer as described in subsection (a)(1) is a class B person misdemeanor.

(2) Injury or harassment by laser pointer as described in subsection (a)(2) is a class C person misdemeanor.

(d) Nothing in this section shall supersede any existing law relating to criminal use of firearms.

(e) The provisions of this act shall be part of and supplemental to the Kansas criminal code.

HHS
3-17-99
Atch#3

Kansas Optometric Association

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TESTIMONY
HOUSE HEALTH AND HUMAN SERVICES COMMITTEE
MARCH 17, 1999

I am Gary Robbins, Executive Director of the Kansas Optometric Association. I appreciate the opportunity to appear about House Bill 2292. The Kansas Optometric Association hasn't formally taken a position on this legislation. However, we welcome the opportunity to provide some technical information about the status of laser pointers.

Laser pointers emit a thin, red beam of light and were originally developed as a tool to assist with presentations. However, as the availability of these devices has increased and the prices have decreased, their popularity has soared with children. These devices are safe when used properly, but can be dangerous and have the potential to cause a permanent loss of vision if used improperly. Because of this, the Food and Drug Administration, along with the American Optometric Association (AOA), have issued advisories warning the public about the potential dangers associated with laser pointers. Attached to my testimony are the AOA's Recommendations for the Use of Laser Pointers and the FDA Warning on Misuse of Laser Pointers.

Laser pointers fall into the category of Class IIIa lasers, which can cause retinal damage if stared at for more than 10 seconds. While no significant risk of permanent vision damage exists from momentary exposure, the lasers should never be pointed at the eyes. The temporary visual impairment that they may cause can be dangerous when the person affected is involved in vision-critical activities, such as driving a car or flying an aircraft.

We are encouraging the public to use these laser pointers according to the manufacturers' directions for the purpose for which they were intended. In addition, parents should make sure that their children are not playing with these devices or taking them to school where they can become a nuisance.



Recommendations for the Use of Laser Pointers

Teachers and lecturers have used laser pointers for years to highlight key areas on charts and screens during visual presentations. Recently, with reduced cost of manufacturing, the consumer now has a variety of features to choose from, including different colors and styles. The visible range of a laser pointer can vary considerably depending on wavelength, output power and environmental factors such as background illumination and air quality.

When used in a responsible manner, most laser pointers are not considered hazardous. However, as the availability of such devices has increased, so have reports of their misuse. As a result, the Food and Drug Administration (FDA) issued a warning in December 1997 on the possibility of eye injury to children from hand-held laser pointers (see attachment). The FDA warning was prompted by two reports of eye injury attributed to the misuse of these devices. Of particular concern is the promotion of laser products as children's toys. The light energy that some laser pointers can deliver into the eye may be more damaging than staring directly into the sun.

Momentary exposure from a laser pointer can cause discomfort and temporary visual impairment, such as glare, flashblindness and afterimages, without causing permanent physical damage. **Glare** involves a reduction or loss of visibility in the central field of vision during exposure to the direct beam of the pointer. This effect is similar to viewing oncoming headlights at night. Once the beam disappears, the glare ceases. **Flashblindness** involves temporary vision impairment after viewing a bright light. The effect is similar to looking directly at a flashbulb when taking a photograph. The impairment may last for several minutes. **Afterimages** involve the perception of spots in the field of vision. These afterimages can be distracting and annoying and usually last for several minutes. Visual impairment may be dangerous if the exposed person is engaged in a vision-critical activity, such as driving a car or flying an aircraft.

There have been other disturbing reports involving the misuse of laser pointers, including spectators aiming laser lights at athletes during sporting events, cars illuminated on highways, pilots illuminated in-flight, children staring directly into the laser beam, and arrests made after police interpreted the red beam to be a laser-sighted weapon. Most of these incidents can be considered malicious misuse and demonstrate a lack of understanding for the potential consequences of laser illumination.



The FDA's Center for Devices and Radiological Health regulates the manufacture of commercial laser products. Manufacturers are required to classify laser products as Class I, II, IIIA, IIIB, or IV; certify by means of product labels; and submit a report demonstrating that requirements of compliance standards are met.

When selecting a laser pointer, the consumer should be familiar with the different product labels. Laser classification is based upon the potential of a beam to cause biological damage from unintentional viewing. The American National Standards for Safe Use of Lasers (ANSI Z136.1) identifies the maximum permissible exposure (MPE) for visible lasers to be 2.5 milliwatts per centimeter squared (mW/cm^2). Table 1 provides a summary of the different classes of continuous-wave visible lasers, including their maximum output power expressed in mW and the information that can be found on the product label.

TABLE 1

Class	Max. Power mW	Logotype	Warning Label
I	0.0004	None Required	None Required
II	1	CAUTION	Laser Radiation -- Do Not Stare into Beam
IIIA	5	CAUTION (Irradiance $< 2.5 mW/cm^2$)	Laser Radiation -- Do Not Stare into Beam or View Directly with Optical Instruments
		DANGER (Irradiance $\geq 2.5 mW/cm^2$)	Laser Radiation -- Avoid Direct Eye Exposure
IIIB	500	DANGER	Laser Radiation -- Avoid Direct Exposure to Beam

Class I lasers are not considered hazardous. Eye injury from unintentional exposure to Class II or Class IIIA lasers would be prevented by the natural blink response. However, Class IIIA laser pointers can and have caused permanent injury from prolonged viewing or when viewed through optical instruments, such as binoculars or microscopes. A DANGER logo is required on all Class IIIA lasers designed as pointers if the MPE is exceeded during brief exposures. (Note: ANSI Z136.1 recommends laser safety training and area warning signs for all Class IIIA lasers that carry the DANGER logo.) Although not manufactured as "legal" laser pointers, some Class IIIB devices could be used as handheld laser pointers by the uninformed. These lasers can cause eye injury if the beam is momentarily viewed, either directly or off a reflective surface.

The color of a laser beam is directly related to its wavelength. If two laser pointers are of equal power and different wavelengths, one may appear brighter than the other. This is due to the human eye's inherent sensitivity to some wavelengths over others. Most laser pointers are red or red-orange in color with wavelengths ranging from 630 to 680 nanometers (nm). The 650 nm wavelength is often selected because of its relatively low cost and increased visible range, which is twice that of the 670 nm laser pointer. The 635 nm pointer is considerably more expensive, but is very bright (approximately 10 times the brightness of the 670 nm pointer) and useful for environments where excessive ambient light is a problem. Green laser pointers (532 nm) are relatively new devices with wavelengths that are near the eye's peak sensitivity, resulting in

exceptional visibility and brilliance. The human eye perceives a 532 nm beam to be about 35 times brighter than an equivalent power 670 nm laser beam. A green laser pointer, which is a diode-pumped, frequency-doubled Nd:YAG laser, is more expensive than a simple diode red laser pointer. In addition, the high electrical current required by the green lasers drains battery power rapidly making these lasers considerably more costly to operate. It is important to note that individuals with color deficiency may not see red or green laser light very well, depending on their particular impairment, and could be at increased risk of overexposure and injury from staring into the light.

When used properly, the risk of eye injury from an appropriately manufactured and labeled laser pointer is extremely low. The incidents that prompted the FDA warning resulted from the deliberate misuse of "legal" laser pointers. While the majority of laser pointers contain low to moderately powered diode lasers, more powerful lasers that are not properly labeled according to FDA regulations may present a significant potential for eye injury.

An individual who receives a transient exposure may experience a dazzling effect, resulting in distraction or temporary visual impairment. The duration and severity of these effects will vary between individuals and with the wavelength of light, the power of the beam, and the length of exposure. If afterimages persist for several hours or if a disturbance in vision is apparent, an eye examination should be performed to rule out permanent eye injury.

To minimize risk of eye injury, the American Optometric Association recommends the use of Class II laser pointers by the general public. An increase in perceived brightness can be achieved by selecting laser pointers of shorter wavelengths (630 to 650 nm). Green laser pointers may not be reasonable alternatives due to their high purchase price and operating cost. While Class IIIA laser pointers can continue to be used by responsible adults, they should be replaced by lower powered pointers whenever possible due to the risk of eye injury if they fall into the hands of children or irresponsible individuals.

What you should do about laser pointers:

- If you are going to buy a laser pointer, get one that is Class II and operates with a wavelength between 630 and 680 nm. In no case should a laser pointer have a maximum output of greater than 5 mW.
- Laser pointers with a "CAUTION" warning label require few safety controls and are preferable to ones with a "DANGER" label.
- Before you use or purchase a laser pointer, read the label carefully.
- Never point the laser at another person.
- Do not allow children to use laser pointers unless under adult supervision and never as toys.
- Never look directly into the laser beam.
- Never view a laser pointer using an optical instrument, such as binoculars or a microscope.

HHS NEWS

U.S. Department of Health and Human Services

P97-45
FOR IMMEDIATE RELEASE
December 18, 1997

FOOD AND DRUG ADMINISTRATION
Sharon Snider: 301-827-6242
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FDA ISSUES WARNING ON MISUSE OF LASER POINTERS

The Food and Drug Administration is warning parents and school officials about the possibility of eye damage to children from hand-held laser pointers.

These products are generally safe when used as intended by teachers and lecturers to highlight areas on a chart or screen. However, recent price reductions have led to wider marketing, and FDA is concerned about the promotion and use of these products as children's toys.

The light energy that laser pointers can aim into the eye can be more damaging than staring directly into the sun. Federal law requires a warning on the product label about this potential hazard to the eyes.

"These laser pointers are not toys. Parents should treat them with the appropriate care," said FDA Lead Deputy Commissioner Michael A. Friedman, M.D. "They are useful tools for adults that should be used by children only with adequate supervision."

FDA's warning is prompted by two anecdotal reports it has received of eye injury from laser pointers--one from a parent, the other from an ophthalmologist.

Momentary exposure from a laser pointer, such as might occur from an inadvertent sweep of the light across a person's eyes, causes only temporary flash blindness. However, even this can be dangerous if the exposed person is engaged in a vision-critical activity such as driving.

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P.O. BOX 2592 • WICHITA, KANSAS 67201



MEMORANDUM

TO: Representative Garry Boston
House Health and Human Services Committee

FROM: William W. Sneed
Kansas Peace Officers Association

DATE: March 16, 1999

RE: HB 2292

Mr. Chairman, members of the committee, my name is Bill Sneed and I appear today on behalf of the Kansas Peace Officers Association (KPOA). KPOA, the largest professional law enforcement organization in Kansas. We thank the Committee for the opportunity to express our support of House Bill 2292.

At first blush, some may wonder why laser pointer-devices manufactured originally to serve, via their ability to emit a "point" of laser light, as modern substitutes for classroom pointer sticks-need to be regulated and controlled.

In Unity There Is Strength

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Unfortunately, while laser pointers are still useful when used for their intended purpose, they have also become a nuisance. Media accounts of children and adults suffering eye injuries as a result of horseplay with these pointers are too common.

Laser pointers have also become a nuisance to law enforcement officers. Increasingly, Kansas officers find themselves “spotted”-in other words, they discover pinpoints of red light appearing on their uniforms. *Laser lights are, as all officers know, a common component of sophisticated firearms targeting devices-these devices utilize laser light points as a precision targeting mechanism, designed to enable users of firearms to direct their fire with the laser points.*

Naturally, law enforcement officers don't know, at the time they are “spotted,” whether the point is directed by an unthinking “prankster” or by a potential assailant. Officers have no choice but to assume the latter. Our officers are subject to more than enough stress without being victims of “pointing.”

KPOA vies House Bill 2292 as a sensible approach to the problems posed by the unwise use of laser pointers. The legislation creates a deterrent to the abuse of laser pointers. We urge passage of this legislation.

Again, KPOA supports this legislation and urges the Committee to report it favorably.

Very truly yours,



William W. Sneed

WWS/pk

3/17/99

Testimony of

**Amy Salisbury
3501 SW Spring Hill Dr.
Topeka, KS 66614**

House Bill 2292

Chairman Boston and members of the committee:

I appreciate the opportunity to present testimony as a private citizen on House Bill 2292 concerning restrictions on the sale, possession, and use of laser light pointers.

Misuse of laser light pointers is rapidly becoming a problem in schools, at sporting events, and on the road. I support the efforts of House Bill 2292 in placing limitations on the sale and use of these items. Possession of laser light pointers has increased due to a reduction in the cost of manufacturing. Several years ago, these pointers were used as a presentation tool for teachers and business people. Now, lasers are being sold as key chains contained in packaging attractive to children. It is common to find these laser pointers priced at ten to twelve dollars each. Little attention is being paid to the labels warning of potential injury to the eye. These children now hold a weapon with the potential to cause permanent eye damage or blindness.

Recently an incident took place right here in Topeka where a 14 year old youth pointed a laser at a fellow classmate striking him in the eye causing temporary injury. The 14 year-old has been charged with aggravated battery and will now face the consequences of his ignorance as to the danger of laser light pointers. The victim was fortunate, as the damage to his eye was only temporary. House Bill 2292 would work to restrict the sale of these weapons to minors and would prohibit the possession of them on school grounds.

An incident at Allen Field House in Lawrence should be pointed out, where a University of Kansas fan pointed a laser light at the face of the opposing team's player. While the intent was to distract the player and not to harm him, those laser light pointers have now been banned at all of their indoors athletic events. House Bill 2292 would lend a means of enforcement and punishment in order to correct this increasing problem.

Laser light pointers possess potential danger if used against a person operating a motor vehicle. Brief exposure to the beam of a laser pointer can cause temporary visual impairment such as glare, flashblindness, and afterimages, as well as discomfort. These images can last for several minutes and would be dangerous if the person were involved in a vision-critical activity such as driving.

In conclusion, House Bill 2292 will work to reduce the possession of these dangerous laser light pointers by minors, the age group that contributes the greatest misuse, ultimately reducing injury. Thank you for this opportunity to present testimony.

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TESTIMONY
HOUSE BILL 2538
MARCH 17, 1999

MY NAME IS DR. LARRY WILKINSON. I AM THE CONTRACT MEDICAL DIRECTOR FOR THE CESSNA AIRCRAFT COMPANY, AND PRESIDENT OF PRO-MED PHYSICIAN SERVICES, A COMPANY THAT PROVIDES ON-SITE OCCUPATIONAL MEDICAL STAFFING SERVICES.

HISTORICAL PERSPECTIVE

- Only three states (Arizona, Georgia & Kansas) restrict OTC (over-the-counter) vending machines.
- Many Fortune 500 companies utilize OTC vending machines (IBM, Xerox, AT & T, 3M, Sam's Club and Sony).
- Significant testimony during 1998 to pass a new bill.

MEDICAL CONSIDERATIONS

- OTC medications are designed for self limiting minor illness/injury.
- Decreases occupational nurses time dealing with minor health care issues.
- Increases occupational nurses time to provide care to significant health care issues.
- Reduces medical liability for standing orders regarding dispensing medication.
- Increases medication compliance (unit dose).
- Reduces medication hoarding (unit dose).

SPECIAL CONSIDERATIONS

Are childproof containers necessary?

No OTC vending machine medications come in unit dose, tamper proof containers.

Is a climate controlled environment necessary?

No Utilization and turnover of OTC medications is high, therefore, any stability issues or shorter expiration dates are not a concern.

SUMMARY

Vending machines for OTC medications provides an accessible, safe and convenient avenue for business and industry.

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Learjet Inc.

8220 West Harry Street, Wichita, KS 67209-2942
P.O. Box 7707, Wichita, KS 67277-7707
Phone (316) 946-2000

March 13, 1999

Dear Gary Boston
Health & Human Services Committee,

I am writing to you in regards to Bill #2538 that is on the agenda for Wednesday, March 17, 1999. I am a registered nurse at Bombardier Aerospace Learjet in the Occupation Health Department in Wichita, Kansas. We would like the Health & Human Services Committee to review and pass Bill #2538 - Sale of medicines and drugs through vending machines.

Our facility currently supplies over the counter medications at the request of the employee. Approximately 75-85% of the requests are for non work related injuries or illness. This is very costly, especially during the cold and flu seasons. It is also very time consuming passing out over the counter medications all day. We would like to install a vending machine and stock it with the basic over the counter unit dose medications such as Aspirin, Tylenol, Ibuprofen, and Maalox. Passing this Bill would benefit our company by allowing the employees to choose their own medications, thus placing the liability on themselves. It would also give them some responsibility in taking care of their own health problems that are not work related.

Thank you for introducing this Bill today. We hope that this Bill will be passed today by the Health & Human Services Committee.

Thank you for your consideration.
Sincerely,

A handwritten signature in cursive script that reads "Karen".

Karen Lehman R.N.
Occupation Health Nurse
Bombardier Aerospace Learjet

Raytheon Aircraft Company
9709 E. Central
P.O. Box 85
Wichita, KS 67201-4085

Raytheon Aircraft

Beech
Hawker

March 15, 1999

Dr. Wilkinson
c/o Cessna Health Service
PO Box 7704
Wichita, KS 67277

RE: Non-Prescription Medication Vending Machines

I feel that non-prescription medication vending machines would be of significant advantage to our operations with little down-side risk.

I have observed this type machine in numerous manufacturing facilities outside Kansas. When queried, the managers at these plants speak highly of the process and report no adverse problems.

Recommend that Kansas law be changed to allow such operations.

Sincerely,


Robert, C. Hurchison, Manager
Safety and Industrial Hygiene

TESTIMONY
HOUSE BILL 2538
MARCH 17, 1999

MY NAME IS AMY SHERBENOU. I AM THE SUPERVISOR FOR HEALTH SERVICES AT THE CESSNA AIRCRAFT COMPANY. THANK YOU FOR PROVIDING ME WITH THE OPPORTUNITY TO ADDRESS THE COMMITTEE ON HOUSE BILL 2538.

MANY EMPLOYERS, INCLUDING THE CESSNA AIRCRAFT COMPANY, HAVE DISPENSED OVER-THE-COUNTER MEDICATIONS TO THEIR EMPLOYEES FOR YEARS. THIS PRACTICE IS NOT REQUIRED OF US BUT IT HAS PROVIDED EMPLOYEES RELIEF FROM MINOR DISCOMFORTS AND ALLOWED INDIVIDUALS TO CONTINUE WORKING. USED AS DIRECTED, OVER-THE-COUNTER MEDICATIONS ARE SAFE AND EFFECTIVE. THE SALE OF THEM THROUGH A VENDING MACHINE IN A CLIMATE-CONTROLLED AREA POSES NO SAFETY RISK IF THE MEDICATION IS IN THE MANUFACTURER'S ORIGINAL, TAMPER-EVIDENT PACKAGE WHICH NOTES THE EXPIRATION DATE.

IN 1998, THROUGH COMPUTERIZATION OF HEALTH SERVICES DATA, CESSNA DISCOVERED INFORMATION REGARDING OUR DISTRIBUTION OF OVER-THE-COUNTER MEDICATIONS IN THE WORKPLACE. CESSNA'S WICHITA-BASED EMPLOYEES MADE 43,334 VISITS TO HEALTH SERVICES AND 21% OF THOSE VISITS WERE FOR OVER-THE-COUNTER MEDICATIONS. WHY IS THIS A CONCERN FOR INDUSTRY? ON AN AVERAGE, EACH EMPLOYEE AT

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OUR LARGE FACILITIES SPENDS A TOTAL OF 30 MINUTES WALKING TO A FIRST AID FACILITY, OBTAINING OVER-THE-COUNTER MEDICATION, AND WALKING BACK TO HIS OR HER WORKSTATION. THE IMPACT OF THIS ON PRODUCTION IS DRAMATIC WHEN WE CONSIDER THE EMPLOYEES' SALARIES AND THE LOSS OF PRODUCTION TIME. THE 9,191 VISITS MADE TO HEALTH SERVICES IN 1998 FOR OVER-THE-COUNTER MEDICATIONS ALONE COST OUR COMPANY APPROXIMATELY \$300,000. AS OUR COMPANY CONTINUES TO GROW, THESE COSTS WILL ESCALATE.

CESSNA EXPERIENCED A SIMILAR CIRCUMSTANCE IN 1998 WITH FREQUENT REQUESTS FOR BLOOD PRESSURE CHECKS. IN THE FIRST SIX MONTHS OF THAT YEAR, WE LOST THOUSANDS OF HOURS OF PRODUCTION DUE TO EMPLOYEE VISITS TO HEALTH SERVICES SOLELY FOR BLOOD PRESSURE CHECKS. WE THEN DECIDED TO PLACE BLOOD PRESSURE MACHINES IN THE CAFETERIAS WHERE THEY WERE EASILY ACCESSIBLE TO EMPLOYEES ON THEIR BREAKS AND AT LUNCH. THE IMPACT WAS SIGNIFICANT. THE LAST SIX MONTHS OF 1998 REVEALED A 70% DECREASE IN REQUESTS FOR BLOOD PRESSURE CHECKS AT THE HEALTH SERVICES STATIONS WHICH RESULTED IN MEANINGFUL COST SAVINGS. WE BELIEVE THAT PROPER UTILIZATION OF VENDING MACHINES FOR OVER-THE-COUNTER MEDICATIONS WILL HAVE A SIMILAR IMPACT.

WHEN WE PUT BLOOD PRESSURE MACHINES IN OUR CAFETERIAS, EMPLOYEES LOST NO MEDICAL ATTENTION; IT WAS JUST RECEIVED DIFFERENTLY. THIS WILL ALSO BE THE CASE IF

DISPENSING OVER-THE-COUNTER MEDICATIONS THROUGH VENDING MACHINES WOULD BECOME LAWFUL.

CESSNA IS IN THE BUSINESS OF MAKING AIRPLANES, HOWEVER, WE ARE ALSO COMMITTED TO ADDRESSING THE NEEDS OF OUR EMPLOYEES. WE BELIEVE THAT THE PASSAGE OF HOUSE BILL 2538 WOULD ALLOW A SAFE AND CONVENIENT WAY OF PROVIDING OVER-THE-COUNTER MEDICATIONS IN AN INDUSTRIAL ENVIRONMENT WHICH WOULD BE BENEFICIAL TO BOTH EMPLOYEES AND EMPLOYERS.

ALTHOUGH CHILDREN AND ADULTS ALIKE CAN READILY PURCHASE THESE PRODUCTS IN THE LOCAL GROCERY STORES, ONLY KANSAS, ARIZONA, AND GEORGIA STILL PROHIBIT THE SALE OF OVER-THE-COUNTER MEDICATIONS IN VENDING MACHINES. WE RESPECTFULLY REQUEST THAT THIS LEGISLATION BE PASSED SO THAT WE WILL NO LONGER BE ONE OF A VERY FEW STATES THAT PENALIZES EMPLOYERS FOR ASSISTING THEIR EMPLOYEES WITH CONDITIONS THAT CAN BE TREATED BY OVER-THE-COUNTER MEDICATION.



THE KANSAS PHARMACISTS ASSOCIATION
1308 SW 10TH AVENUE
TOPEKA, KANSAS 66604-1299
PHONE (785) 232-0439
FAX (785) 232-3764

ROBERT R. (BOB) WILLIAMS, M.S., C.A.E.
EXECUTIVE DIRECTOR

TESTIMONY
House Health & Human Services Committee
March 17, 1999

House Bill 2538

My name is Bob Williams, I am the Executive Director of the Kansas Pharmacists Association. Thank you for this opportunity to address the Committee on HB 2538.

As many of you know, last year we opposed a similar bill which also allowed for the sell of over-the-counter medications through vending machines. While the Kansas Pharmacists Association continues to believe it is poor public policy to allow medications to be sold in vending machines which are easily accessible by children, we have withdrawn our opposition. We are pleased to note that some of our concerns have been addressed in paragraph (b) having to do with outdated drugs and the location of vending machines. However, there continues to be some issues which the Committee may want to address.

KSA 65-1643 states that any person operating a store or place of business to sell, offer for sale or distribute any drugs to the public, must register or obtain a retailer's permit from the State Board of Pharmacy. An exemption is allowed in paragraph (f) if the retail dealer sells 12 or fewer different nonprescription drug products. I have attached a copy of KSA 65-1643 for your review. Presumably, according to KSA 65-1643, if a retailer sells 12 or more nonprescription drug products in a vending machine, they would be required to first obtain a permit from the board. Additionally, the State Board of Pharmacy would be required to inspect the vending

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machines annually as they do other retail dealers. Retailer permits are \$12 annually, renewed February 1. If the Committee does not feel it necessary to require a retailer's permit, you may want to consider restricting the sell of nonprescription drug products to 12 or fewer items when sold through a vending machine.

In addition, HB 2538 does not place any restrictions on what type of nonprescription drug products may be sold through vending machines. As many of you know, for the past couple of years the Attorney General of Kansas has been seeking passage of a "Chemical Control Act". HB 2469 has been introduced and hearings conducted in the House Judiciary Committee. One of the many aspects of this legislation is to restrict the sell of ephedrine, pseudoephedrine and phenylpropoanolamine containing products such as Sudafed, Tylenol Cold and Sinus, Contac and Nyquil to name a few. These common nonprescription medications can be used in the illegal manufacturing of drugs in so called "meth labs". The Committee may wish to restrict the sell through vending machines of these highly potent nonprescription drugs.

Thank you.

me, strength and quantity of the drug dispensed and the name of the dispensing pharmacist; and (D) drug allergies and sensitivities.

(2) Upon receipt of a prescription order, the pharmacist shall examine the patient's medication profile record before dispensing the medication to determine the possibility of a harmful drug interaction or reaction to the medication. Upon recognizing a potential harmful drug interaction or reaction to the medication, the pharmacist shall take appropriate action to avoid or minimize the problem which shall, if necessary, include consultation with the prescriber with documentation of actions taken on the prescription record.

(3) A medication profile record shall be maintained for a period of not less than five years from the date of the last entry in the records.

(4) All prescription drug orders communicated by way of electronic transmission shall conform to federal and state laws and the provisions of the board's rules and regulations.

(e) No registration shall be issued or continued for the conduct of a pharmacy until or unless the provisions of this section have been complied with.

History: L. 1953, ch. 290, § 28; L. 1975, ch. 319, § 28; L. 1982, ch. 262, § 2; L. 1986, ch. 235, § 4; L. 1987, ch. 236, § 4; L. 1989, ch. 194, § 1; L. 1994, ch. 254, § 5; L. 1997 supp., ch. 112, § 2; July 1.

→ **65-1643.** Registration or permit required; pharmacies, manufacturers, wholesalers, auctions, sales, distribution or dispensing of samples, retailers, institutional drug rooms; certain acts declared unlawful. On and after the effective date of this act, it shall be unlawful:

(a) For any person to operate, maintain, open or establish any pharmacy within this state without first having obtained a registration from the board. Each application for registration of a pharmacy shall indicate the person or persons desiring the registration, including the pharmacist in charge, as well as the location, including the street name and number, and such other information as may be required by the board to establish the identity and exact location of the pharmacy. The issuance of a registration for any pharmacy shall also have the effect of permitting such pharmacy to operate as a retail dealer without requiring such pharmacy to obtain a retail dealer's permit. On evidence satisfactory to the board: (1) That the pharmacy for which the registration is sought will be conducted in full compliance with the law and the rules and regulations of the board; (2) that the location and appointments of the pharmacy are such that it can be operated and maintained without endangering the public health or safety; (3) that the pharmacy will be under the supervision of a pharmacist, a registration shall be issued to such persons as the board shall deem qualified to conduct such a pharmacy.

(b) For any person to manufacture within this state any drugs except under the personal and immediate supervision of a pharmacist or such other person or persons as may be approved by the board after an investigation and a determination by the board that such person or persons is qualified by scientific or

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technical training or experience to perform such duties of supervision as may be necessary to protect the public health and safety; and no person shall manufacture any such drugs without first obtaining a registration so to do from the board. Such registration shall be subject to such rules and regulations with respect to requirements, sanitation and equipment, as the board may from time to time adopt for the protection of public health and safety.

(c) For any person to distribute at wholesale any drugs without first obtaining a registration so to do from the board.

(d) For any person to sell or offer for sale at public auction or private sale in a place where public auctions are conducted, any drugs without first having obtained a registration from the board so to do, and it shall be necessary to obtain the permission of the board in every instance where any of the products covered by this section are to be sold or offered for sale.

(e) For any person to in any manner distribute or dispense samples of any drugs without first having obtained a permit from the board so to do, and it shall be necessary to obtain permission from the board in every instance where the samples are to be distributed or dispensed. Nothing in this subsection shall be held to regulate or in any manner interfere with the furnishing of samples of drugs to duly licensed practitioners, to pharmacists or to medical care facilities.

→ (f) Except as otherwise provided in this subsection (f), 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 authorizing such person so to do. No retail dealer who sells 12 or fewer different nonprescription drug products shall be required to obtain a retail dealer's permit under the pharmacy act of the state of Kansas or to pay a retail dealer new permit or permit renewal fee under such act. It shall be lawful for a retail dealer who is the holder of a valid retail dealer's permit issued by the board or for a retail dealer who sells 12 or fewer different nonprescription drug products to sell and distribute nonprescription drugs which are prepackaged, fully prepared by the manufacturer or distributor for use by the consumer and labeled in accordance with the requirements of the state and federal food, drug and cosmetic acts. Such nonprescription drugs shall not include: (1) A controlled substance; (2) a drug product the label of which is required to bear substantially the statement: "Caution: Federal law prohibits dispensing without prescription"; or (3) a drug product intended for human use by hypodermic injection; but such a retail dealer shall not be authorized to display any of the words listed in subsection (u) of K.S.A. 65-1626 and amendments thereto, for the designation of a pharmacy or drugstore.

(g) For any person to sell any drugs manufactured and sold only in the state of Kansas, unless the label and directions on such drugs shall first have been approved by the board.

(h) For any person to operate an institutional drug room without first having obtained a registration to do so from the board. Such registration shall be subject to the provisions of K.S.A. 65-1637a and amendments thereto and any rules and regulations adopted pursuant thereto.

Kansas State Board of Pharmacy

LANDON STATE OFFICE BUILDING
900 S.W. JACKSON STREET, ROOM 513
TOPEKA, KANSAS 66612-1231
PHONE (785) 296-4056
FAX (785) 296-8420

STATE OF KANSAS

EXECUTIVE DIRECTOR
LARRY FROELICH



BILL GRAVES
GOVERNOR

1999 KANSAS LEGISLATIVE SESSION
HOUSE BILL No. 2538
House Committee on Health and Human Services

Representative Garry Boston, Chairman
Committee Members

HB 2538 has concerns that the Board of Pharmacy believes need to be addressed:

Currently, K.S.A. 65-1643(f) requires: "No retail dealer who sells 12 or fewer different nonprescription drug products shall be required to obtain a retail dealer's permit under the pharmacy act of the state of Kansas or to pay a retail dealer new permit or permit renewal fee under such act. It shall be lawful for a retail dealer who is the holder of a valid retail dealer's permit issued by the board or for a retail dealer who sells 12 or fewer different nonprescription drug products to sell and distribute nonprescription drugs which are prepackaged, fully prepared by the manufacturer or distributor for use by the consumer and labeled in accordance with the requirements of the state and federal food, drug and cosmetic acts."

The definition of Retail dealer is found in K.S.A. 65-1626(ff): "**Retail dealer**" means a person selling at retail nonprescription drugs which are prepackaged, fully prepared by the manufacturer or distributor for use by the consumer and labeled in accordance with the requirements of the state and federal food, drug and cosmetic acts. Such nonprescription drugs shall not include:

- (1) A controlled substance;
- (2) a drug the label of which is required to bear substantially the statement "Caution: Federal law prohibits dispensing without prescription; or
- (3) a drug intended for human use by hypodermic injection.

The Board of Pharmacy currently has **2,009** retail dealer permits. The retail dealers are annually inspected. The annual fee is **\$12.00**. If the vending machine contains more than 12 items, then a retail dealers permit should be required. The bill does not mention a quantity limit of items. I would like to suggest **additional language to restrict each machine to less than 12 items.**

Ephedrine is a nonprescription controlled substance. Although ephedrine is a schedule V controlled substance, it is **not** a prescription drug (K.S.A. 65-4113) and may be sold through these vending machines. The definition of nonprescription drug is not within this bill and not within the pharmacy practice act. I would suggest that

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the committee consider language that **references that a nonprescription drug cannot include a controlled substance, a poison or an injectable product.**

I have included examples of inspection reports for retail dealers that show where outdated merchandise was found. I believe no one intentionally tries to sell outdated merchandise, but it does happen and that is a potential problem to the consumer. I propose that the bill contain language to require **the owner to check the machines monthly and record the inspections to protect from selling outdated items.**

There is no mention of the locations of these machines to allow for monitoring of the items for sale. If the locations are identified, how are they inspected? If the consumer has concerns with the products, are toll-free numbers listed for the consumer to contact the owner? In regards to liability of ingestion of outdated products, who assumes the liability? If inspected, are the owners identified on the machine for responsibility of the guilty party? Last year, I proposed adding language **“Each vending machine that contains nonprescription drugs must have an obvious and legible statement on the machine that identifies the owner of the machine, a toll-free number that the consumer can notify the owner, advises the customer to check the expiration date of the product before using, and lists the phone number of the Board of Pharmacy.”**

Finally, the committee heard testimony last year that Kansas and Arizona are the only two states that still prohibit vending machine sales. I have attached **examples of other States prohibiting this procedure.**

KANSAS STATE BOARD OF PHARMACY INSPECTION OF RETAIL DEALERS

Name: [Redacted]
 Street: 245 E [Redacted] Street
 City: [Redacted] Zip: 67216
 County: SG
 Type of Business: Supermarket Family Center
 Dept. Store Grocery
 Restaurant Convenience Shop
 Other: _____

Original Permit No. 36609
 Renewal No. They did not return
- will now - \$24⁰⁰

AREAS OF INSPECTION:

Drugs (Household): Hall's Lids, Epsom Salt, H₂O, Alcohol, Vaseline
Menthol Oil,

Injectable for Human Use: _____

Expiration Dates Checked: Tinactin, Mycelex OTC, Micabun, Afrin, Afrin
Triaminic, Vicks 44E, 44M, Daktin-1, Cortaid, Caldesant, Actifed,
Sudafed, Orinol, Motrin IB, Advil, Pepcid, Kaopectate, Mycistan

x date
 REMARKS: Bayer Echinacea 10/97, Bayer Low Strength 5/98, Bayer Low Strength 6/98
Bayer Cypels 2/98, Advil Cold & Sinus 1/97, Tylenol Cypels 11/97, 1/97, 5/97, 9/97
Benadryl Gel 2/98

Drug Wholesaler: _____

Talked with manager
Many outdates will recheck
 in 6 months. (Person not
 rotating stock)

Signature of Operator on Duty: [Signature] Date: 4-21-98

Signature of Inspector: [Signature]

Address all correspondence and request for information to: Kansas State Board of Pharmacy
 Landon State Office Building
 900 Jackson, Room 513
 Topeka, KS 66612-1220
 (913) 296-4056

KANSAS STATE BOARD OF PHARMACY INSPECTION OF RETAIL DEALERS

Name: ~~_____~~ # 20
 Street: ~~_____~~ E 21st
 City: ~~_____~~ Zip: 67208
 County: Se
 Type of Business: Supermarket Family Center _____
 Dept. Store _____ Grocery _____
 Restaurant _____ Convenience Shop _____
 Other: _____

Original Permit No. 34564
 Renewal No. 97-98

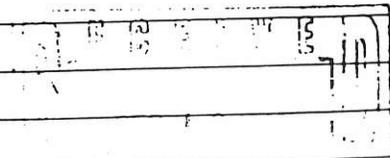
AREAS OF INSPECTION:

Drugs (Household): Witch Hazel, Petroleum Jelly, K2B, Alcohol, Epsom salt, Calamine, Cotton Oil, Sweet Oil, Candids, Boric Acid, Pills, Lids, Chaps, sticks, blister

Injectable for Human Use: _____

Expiration Dates Checked: Midol, Pampon, Cortisone 10, Oxy 10, Myrelax 7, Vagistat 1, Lotrimin AF, Tinactin, Sensi-hw Eyes, Renu, Visine, Drea-dy, Meclon, Mylan, Pepidac, Tagamet HB, Zantac 75, Motrin IB, Advil, Tawst 1

REMARKS: Micatin Buda 12-95, 3-97, Aug 93, Micatin Spray 12-96, 4-97, Lotrimin AF Spray Buda 2-97, Resorax 6-96



Drug Wholesaler: _____

Signature of Operator on Duty: [Signature] Date: 12-1-97

Signature of Inspector: Carol Haynes RPh

Address all correspondence and request for information to: Kansas State Board of Pharmacy
 Landon State Office Building
 900 Jackson, Room 513
 Topeka, KS 66612-1220
 (913) 296-4056

KANSAS STATE BOARD OF PHARMACY
INSPECTION OF RETAIL DEALERS

Name: [Redacted] Discount
Street: 3108 W. [Redacted]
City: [Redacted] Zip: 67203
County: SG

Original Permit No. 3682
Renewal No. 97-98

Type of Business: Supermarket Family Center
Dept. Store Grocery
Restaurant Convenience Shop
Other: _____

AREAS OF INSPECTION:

Drugs (Household): Aspirin, Ibuprofen, Chlorthalidone, Alcohol, Hair, Epsom salt, W. Tech Hylol
Veribin, Helt, Lutan

Injectable for Human Use: _____

Expiration Dates Checked: Sinemet, Tylenol Sinus, Tylenol Gel, Dexamet, Femstat 3, Corcept, Deson, Lamin NF, Miralax, Opson A, Benadryl, Robitussin DM, F, PE, Medanoid

REMARKS: Arthritis Foundation 5-97 7-97 Vicks VapoM Sep 97
Adul 10/97, Sucret 8-95 Sucret 2-97 lots

Comment will be back to verify ~~all~~ outdated have been pulled. - Verify by spot checking

Drug Wholesaler: _____

Signature of Operator on Duty: [Redacted] Date: 12-3-97

Signature of Inspector: C. Hayman RPh

Address all correspondence and request for information to: Kansas State Board of Pharmacy
Landon State Office Building
900 Jackson, Room 513
Topeka, KS 66612-1220
(913) 296-4056

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KANSAS STATE BOARD OF PHARMACY
INSPECTION OF RETAIL DEALERS

Name: ~~_____~~ Mart
Street: 1018 E 4th
City: ~~_____~~ Zip: 67330
County: LB

Original Permit No. 3844
Renewal No. 98-99

Type of Business: Supermarket _____ Family Center _____
Dept. Store _____ Grocery _____
Restaurant _____ Convenience Shop
Other: _____

AREAS OF INSPECTION:
Drugs (Household): Hall's Lubron Alcohol, H₂O, Witch Hazel
Calamin,
Injectable for Human Use: _____

Expiration Dates Checked: Rapid Relief -> Pain Reducer, Advanced Pain Reliever, Ex-Pain, Complete Allergy,
Stay Alert, Antacid Relief, Roloids, Tylenol, Tylenol ES, Tylenol Drops, Doane, Midol PM, Eklase,
Pepto Bismol, Tylenol ES, Tylenol Drops, Doane, Midol PM, Eklase,
Contract Tylenol ES, Benadryl, Urtek, Ison, Rob. Huxon, Dramamine, Sucrets,

REMARKS: _____
* outdated Mules Tablets 12/98, Acton 1/98
Dristan Cold's Cough, Acton 8/98, Dristan 10/98
Drug Wholesaler: _____

Signature of Operator on Duty: Lisa _____ Date: 2-28-99

Signature of Inspector: C. Wagner RPh

Address all correspondence and request for information to: Kansas State Board of Pharmacy
Landon State Office Building
900 Jackson, Room 513
Topeka, KS 66612-1220
(913) 296-4056

KANSAS STATE BOARD OF PHARMACY INSPECTION OF RETAIL DEALERS

Name: [Redacted] #41
 Street: 2445 [Redacted]
 City: [Redacted] Zip: 67217
 County: SG
 Type of Business: Supermarket Family Center _____
 Dept. Store _____ Grocery _____
 Restaurant _____ Convenience Shop _____
 Other: _____

Original Permit No.: 3 7744
 Renewal No.: 98-99

AREAS OF INSPECTION:

Drugs (Household): Alcohol, H₂O, Calamine, Pills, Larders,
Mineral Oil, Chaps, Blisters, W. Schuttz, Glycerin, Sweet Oil
Vaseline, Epsom Salt,

Injectable for Human Use: _____

Expiration Dates Checked: Oxy 10, Oxaladyl, Vitone, Ocultol, Napheon A, Doxona,
Flintston, Centrum, Midal, Pamprom, Axid A, Relady, Donnagel,
Phillip, Charabio, Alkatchar PM, Kaspiloth, Manlux Antigen, Tenex, Afan,
Condreg, Coricidin, Smeck, Droxal, Bayor, Aleva, Orudiat, Motin IB

REMARKS:

Outdated Viractin 4/98 Cream, 5/98 Gel, Benadryl Gel 1/98
Boston Remedy Drops 8/98, Adstat 3/96, Allert 1/98

Drug Wholesaler: _____

Signature of Operator on Duty: S. [Redacted]

Date: 12-11-98

Signature of Inspector: C. Hayner RPh

Address all correspondence and request for information to: Kansas State Board of Pharmacy
 Landon State Office Building
 900 Jackson, Room 513
 Topeka, KS 66612-1220
 (913) 296-4056

**KANSAS STATE BOARD OF PHARMACY
INSPECTION OF RETAIL DEALERS**

~~Store~~ Store

Name: ~~XXXXXXXXXX~~, LLC
 Street: ~~6th St~~ 601 ~~Street~~ Street
 City: ~~XXXXXXXXXX~~ Zip: 66064
 County: MI

Original Permit No. 38651
 Renewal No. 98499

Type of Business: Supermarket _____ Family Center
 Dept. Store _____ Grocery _____
 Restaurant _____ Convenience Shop _____
 Other: _____

AREAS OF INSPECTION:

Drugs (Household): Alcohol, Calamine Epsom salt, Pepto-Bismol, Tylenol, Halls, Blistex

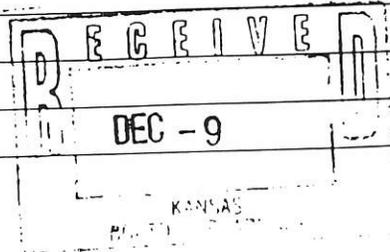
Injectable for Human Use: _____

Expiration Dates Checked: Infant Glycerin Suppositories, Rogaine, V.I.T. 200 IU, Shurtzke Bismuth Tablets, Eckard Pink Bismuth, H.E.B. Relief Cap, Stopshop Tussin, Pathadryl, Daykot 1, CVS Cold's Comfort, Treasury Backache, Mylanta AL, Top Care Nasal Spray, Tylenol Jr., Triple Antibiotic, Caladryl to Kids,

REMARKS: _____

~~Outdated~~ ^{outg.de} ~~Alleferm 2/98, Bausch's Lens Sensitive Eyes 8/98, Lactaid 8/98, Arbor Gate Relief Soft Gel 6/98, Vit A 8000 IU 5/98, Minoxidil Topical Sol. 2% Vitani C 250mg 10/98~~

Drug Wholesaler: _____



Signature of Operator on Duty: ~~Nina~~

Date: 12-2-98

Signature of Inspector: C. [Signature]

Address all correspondence and request for information to: Kansas State Board of Pharmacy
 Landon State Office Building
 900 Jackson, Room 513
 Topeka, KS 66612-1220
 (913) 296-4056

KANSAS STATE BOARD OF PHARMACY
INSPECTION OF RETAIL DEALERS

Name: [Redacted]
Street: 121 N. [Redacted]
City: [Redacted] Zip: 67467
County: Ottawa

Original Permit No. 10-37137
Renewal No. [Redacted]

Type of Business: Supermarket _____ Family Center _____
Dept. Store _____ Grocery _____
Restaurant _____ Convenience Shop X
Other: _____

AREAS OF INSPECTION:

Drugs (Household): Tylenol, Children Tylenol, Nyquil, Advil, Excedrin, Excedrin, Aleve, Allertan, Contac, Artificial, Mylanta, Maalox, ~~Don~~ Dinepp, Visic

Injectable for Human Use: —

Expiration Dates Checked: Yes

REMARKS: Alka-Seltzer pha cold (1X2) ~~(2X2)~~ exp 4/98
Anakin (2X30) exp: 7/98 and 1/98
Preparation H oint (2X28) exp 10/97

Drug Wholesaler: Lanone

Signature of Operator on Duty: [Signature] Date: 11-25-98

Signature of Inspector: Chi Lussen, R. Ph.

Address all correspondence and request for information to: Kansas State Board of Pharmacy
Landon State Office Building
900 Jackson, Room 513
Topeka, KS 66612-1220
(913) 296-4056

10-9

KANSAS STATE BOARD OF PHARMACY
INSPECTION OF RETAIL DEALERS

Name: [Redacted] Market
Street: 312 S [Redacted]
City: [Redacted] Zip: 67335
County: MO

Original Permit No. 34709
Renewal No. 98-99

Type of Business: Supermarket Family Center
Dept. Store Grocery
Restaurant Convenience Shop
Other: _____

AREAS OF INSPECTION:

Drugs (Household): Calamine, Alcohol, H₂O, Halls, Lids, Epsom salt
Boric Acid Powder

Injectable for Human Use: _____

Expiration Dates Checked: Drixoral, Contac, Band-Aid, Succrate, Sudafed,
Alka-Seltzer, Amoxicillin, Robitussin, Robitussin Maximum Strength, Midol, Gink
Ex-Lax, Pepdo-Bromel tablet, Tardomid AD

REMARKS:

Nyctol 7/8, Kaspexal 9/96, Kaspexal 1-D 3/96
Phillips MOM 9/96 +
Roloids

Drug Wholesaler: _____

Signature of Operator on Duty: Phyllis M. [Redacted] Date: 11-19-98

Signature of Inspector: C. Haysen RPh

Address all correspondence and request for information to: Kansas State Board of Pharmacy
Landon State Office Building
900 Jackson, Room 513
Topeka, KS 66612-1220
(913) 296-4056

WEST VIRGINIA

WV BReg 15-1-2. Definitions.

The following words and phrases as used in this Rule have the following meanings, unless the context otherwise requires:

2.1. The term "Drug" means

- (a) substances recognized as drugs in the official "United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or Official National Formulary," or any supplement to any of them;
- (b) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals;
- (c) substances (other than food) intended to affect the structure of any function of the body of man or animals; and
- (d) substances intended for use as a component of any article specified in subdivisions (a), (b) or (c) of this subsection. It does not include devices or their components, parts or accessories.

WV BReg 15-1-16.

Sale of Drugs by Mechanical Devices; Sharing Compensation.

- 16.1. The sale of drugs and medicines by mechanical devices or vending machines are prohibited.
- 16.2. Sharing compensation.

The independent judgment of a pharmacist is a public trust, and his first allegiance is to the patient whom he or she serves. No pharmacist shall, except with a person licensed to practice pharmacy, or in the course of his or her employment with a duly licensed institution, clinic or foundation, directly or indirectly share compensation arising out of or incidental to his or her professional employment with, or accept professional employment from any person or persons who for compensation prescribe drugs used in the compounding or dispensing prescriptions.

GEORGIA

GA PracAct 26-4-2. Definitions.

As used in this chapter, the term:

(1)

(7) "Drug" or "drugs" means:

- (A) Articles recognized or for which the standards of specifications are prescribed in the official compendium;
- (B) Articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals;
- (C) Articles other than food, intended to affect the structure or any function of the body of man or other animals; or
- (D) Articles intended for use as a component of any article specified in subparagraph (A), (B), or (C) of this paragraph, but does not include devices.

GA PracAct 26-4-8.

Penalty for dispensing drugs by vending machines.

Any person who shall sell or dispense drugs by the use of vending machines shall be guilty of a misdemeanor.

(Ga. L. 1956, p. 724, 2; Code 1933, 79A-9904, enacted by Ga. L. 1967, p. 296, 1.)

CONNECTICUT

CT BReg Sec. 20-175-44.

Sale of patent or proprietary medicinal compounds in vending machines

No patent or proprietary medicinal compounds, preparations or units put up in sealed or unsealed containers, labeled and accompanied with directions for use with the name and address of the manufacturer or distributor thereof, shall be sold or offered or exposed for sale or dispensed by any means in any type of vending machines.

MAINE

ME PracAct 13792.

Sale by certain methods prohibited

It shall be unlawful for any person to sell, distribute, vend or otherwise dispose of any drug, medicine or pharmaceutical or medical preparation by means of any public exhibition, entertainment, performance, carnival or by vending machines.

fees for premises registrations and permits.

- (a) Pharmacy registration and permit fees shall be as follows.
 - (1) Each new pharmacy registration shall be \$140.00;
 - (2) Each renewal pharmacy registration shall be \$125.00.
- (b) Manufacturer registration and permit fees shall be as follows.
 - (1) Each new manufacturer registration shall be \$300.00;
 - (2) Each renewal manufacturer registration shall be \$300.00.
- (c) Wholesaler registration and permit fees shall be as follows.
 - (1) Each new wholesaler registration shall be \$300.00;
 - (2) Each renewal wholesaler registration shall be \$300.00.
 - (3) Each wholesaler who deals exclusively in nonprescription drugs and for which no registration is required under the uniform controlled substances act there shall be a fee of \$50.00.
- (d) Institutional drug room registration and permit fees shall be as follows.
 - (1) Each new institutional drug room registration shall be \$25.00;
 - (2) Each renewal institutional drug room registration shall be \$20.00.
- (e) Other registration and permit fees shall be as follows.
 - (1) For each retail dealer selling more than 12 different nonprescription drug products there shall be a permit fee of \$12.00;
 - (2) Each auction permit shall be \$35.00;
 - (3) Each sample distribution permit shall be \$30.00.

(Authorized by and implementing K.S.A. 65-1645 as amended by L. 1987, ch. 236, Sec. 5; effective May 1, 1983; amended May 1, 1988; amended June 6, 1994.)