

Approved: _____
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE.

The meeting was called to order by Chairperson Sandy Praeger at 11:00 a.m. on April 1, 1999 at the Rail of the Capitol.

All members were present except:

Committee staff present: Norman Furse, Revisor of Statutes
JoAnn Bunten, Committee Secretary

Conferees appearing before the committee:

Other attending: See attached list

Discussion and Action on: HB 2538 - Sale of nonprescription medicines and drugs through vending machines.

After Committee discussion on **HB 2538** and a balloon of the bill (Attachment 1) that would amend the bill same as **SB 350** that passed out of Public Health and Welfare Committee March 19, 1999, and the Senate on March 24, 1999, Senator Becker made a motion that the Committee adopt the balloon amendments, and that the Committee recommend HB 2538 as amended favorably for passage, seconded by Senator Langworthy. The motion carried.

Adjournment

The meeting was adjourned at 11:10 a.m.

As Amended by House Committee

Session of 1999

HOUSE BILL No. 2538

By Committee on Federal and State Affairs

2-25

12 AN ACT concerning the sale of medicines and drugs through vending
13 machines; amending K.S.A. 65-650 and repealing the existing section.
14

15 *Be it enacted by the Legislature of the State of Kansas:*

16 Section 1. K.S.A. 65-650 is hereby amended to read as follows: 65-
17 650. (a) Any person, firm or corporation who shall offer for sale or sell
18 or distribute offers for sale, sells or distributes any prescription medicine,
19 prescription-only drug, ~~controlled-substance~~ drug intended for hu-
20 man use by hypodermic injection or poison through or by means of
21 any vending machine or other mechanical device, or who shall use uses
22 any vending machine in or for the sale or distribution of any prescription
23 medicine, prescription-only drug, ~~controlled-substance~~ drug in-
24 tended for human use by hypodermic injection or poison, shall be
25 deemed guilty of a class C nonperson misdemeanor and upon conviction
26 shall be fined not less than twenty-five dollars (~~\$25~~) \$25 nor more than
27 five hundred dollars (~~\$500~~) \$500.

28 (b) No nonprescription drugs shall be offered for sale or sold
29 through a vending machine in anything other than the manufacturer's
30 original tamper-evident and expiration-dated packet. No more than 12
31 different nonprescription drugs products shall be offered for sale
32 or sold through any one vending machine. Any vending machine in
33 which nonprescription drugs are offered for sale or sold shall be located
34 in a climate controlled area; and the drugs so that the drugs stored in
35 such vending machine are stored in accordance with drug manu-
36 facturer's requirements. Drugs offered for sale or sold in such vending
37 machine shall not be older than the manufacturer's expiration date. Each
38 vending machine through which nonprescription drugs are of-
39 fered for sale or sold shall have an obvious and legible statement
40 on the machine that identifies the owner of the ~~medicines~~ machine, a toll-
41 free telephone number at which the consumer may contact the
42 owner of the machine, a statement advising the consumer to check
43 the expiration date of the product before using the product and

Senate Public Health & Welfare
Date: 4-1-99
Attachment No. 1

1-2

1 the telephone number of the state board of pharmacy. As used in
2 this subsection, "nonprescription drug" does not include any pre-
3 scription medicine, prescription-only drug, ~~controlled substance~~
4 drug intended for human use by hypodermic injection or poison.
5 A violation of this subsection is a class C nonperson misdemeanor and
6 upon conviction the violator shall be fined not less than \$25 nor more
7 than \$500.

8 ~~[(c) (1) the following chemicals shall not be offered for sale or
9 sold through a vending machine:~~

10 [(A) Acetic anhydride (CAS No. 108-24-7);
11 [(B) benzaldehyde (CAS No. 100-52-7);
12 [(C) benzyl chloride (CAS No. 100-44-7);
13 [(D) benzyl cyanide (CAS No. 140-29-4);
14 [(E) diethylamine and its salts (CAS No. 109-89-7);
15 [(F) ephedrine, its salts, optical isomers and salts of optical iso-
16 mers (CAS No. 299-42-3), except products containing ephedra or
17 ma huang, which do not contain any chemically synthesized ephed-
18 rine alkaloids, and are lawfully marketed as dietary supplements
19 under federal law;

20 [(G) hydriodic acid (CAS No. 10034-85-2);
21 [(H) iodine (CAS No. 7553-56-2);
22 [(I) lithium (CAS No. 7439-93-2);
23 [(J) methylamine and its salts (CAS No. 74-89-5);
24 [(K) nitroethane (CAS No. 79-24-3);
25 [(L) chloroephedrine, its salts, optical isomers, and salts of op-
26 tical isomers (CAS No. 30572-91-9);

27 [(M) phenylacetic acid, its esters and salts (CAS No. 103-82-2);
28 [(N) phenylpropanolamine, its salts, optical isomers, and salts
29 of optical isomers (CAS No. 14838-15-4);

30 [(O) piperidine and its salts (CAS No. 110-89-4);
31 [(P) pseudoephedrine, its salts, optical isomers, and salts of op-
32 tical isomers (CAS No. 90-82-4);

33 [(Q) red phosphorous (CAS No. 7723-14-0);
34 [(R) sodium (CAS No. 7440-23-5); and
35 [(S) thionylchloride (CAS No. 7719-09-7);

36 [(2) A violation of this subsection is a class C nonperson mis-
37 demeanor and upon conviction the violator shall be fined not less
38 than \$25 nor more than \$500.]

39 Sec. 2. K.S.A. 65-650 is hereby repealed.

40 Sec. 3. This act shall take effect and be in force from and after its
publication in the statute book.