

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairperson Brenda Landwehr at 1:30 P.M. on February 12, 2008 in Room 526-S of the Capitol.

All members were present except:

Representative Shultz, excused  
Representative Otto, excused

Committee staff present:

Norman Furse, Revisor of Statutes Office  
Dianne Rosell, Revisor of Statutes Office  
Melissa Calderwood, Kansas Legislative Research Department  
Cindy Lash, Kansas Legislative Research Department  
Shelley Barnhill, Committee Assistant

Conferees appearing before the committee:

Brad Parry, MS, LAT, ATC, President Kansas Athletic Trainer Society  
W. David Carr, PhD, LAT, ATC, Director of the Athletic Training Education Program at the University of Kansas  
Representative Peggy Mast  
Teresa Walters, Certified Prevention Specialist, Executive Director of Emporians for Drug Awareness

Others Attending:

See Attached List.

Representative Storm moved that the minutes of the February 6, 2008 meeting be approved. Representative Flaherty seconded. The motion carried.

Chairperson Landwehr opened the hearings on **HB2695 - concerning athletic trainer licensure.**

Dianne Rosell, Revisor of Statutes Office briefed the committee on **HB 2695** There was discussion about the deleted requirements and the job descriptions of an Athletic Trainer. Section 4A details the education requirements.

Proponents:

Brad Parry, MS, LAT, ATC, President Kansas Athletic Trainer Society, testified in support of this bill. (Attachment 1) The educational requirements in the current bill do not match the current requirements by the Board of Certification. The current requirements in our statutes need to be updated.

W. David Carr, PhD, LAT, ATC, Director of the Athletic Training Education Program at the University of Kansas, spoke in favor of this bill. (Attachment 2) Dr. Carr detailed out the proposed changes to the bill. With the current bill, it is difficult for out of state trainers to relocate to Kansas because of the difference in the requirements between states. There was discussion about the legality of lines 30 to 31. Norm Furse said this bill originally addressed some grandfather clauses and the language needs to be fixed.

There were no opponents to this bill.

Chairperson Landwehr closed the hearing on **HB2695.**

The hearing on **HB2650 - concerning controlled substance; relating to salvia divinorum** was opened.

Cindy Lash, Legislative Research, briefed the committee on **HB 2650.** This bill would be amended to include the plant salvia divinorum, also know as salvinin A, as a schedule I drug. The definition of schedule I substance is one that has no accepted medical use. This bill has no cost to the state.

## CONTINUATION SHEET

MINUTES OF THE House Health and Human Services Committee at 1:30 P.M. on February 12, 2008 in Room 526-S of the Capitol.

### Proponents:

Representative Peggy Mast provided an introduction on the topic and provided written information about this herb. (Attachment 3)

Teresa Walters, Certified Prevention Specialist, Executive Director of Emporians for Drug Awareness, provided testimony in support of this bill. (Attachment 4) The state can be proactive in helping to raise awareness about this drug and prevent injuries by adopting this legislation.

Written testimony in support of **HB2650** was submitted by Thomas R. Stanton, Deputy Reno County District Attorney. (Attachment 5)

Representative Mast said Senate Bill **SB481- Controlled substance, schedule I, salvia and gypsum weed** was recommended by some law enforcement agencies.

Chairperson Landwehr asked if there were any more proponents or opponents for the bill. There were none. The hearing for **HB2650** was closed.

The meeting was adjourned at 2:55 p.m. The next meeting will be a joint meeting with the Senate Public Health and Welfare Committee on February 14, 2008 in room 313-S.



**To:** Kansas State House of Representatives Health and Human Services Committee

**From:** Brad Parry, MS, LAT, ATC, President Kansas Athletic Trainers Society

**RE:** House Bill 2695

The Athletic Training subcommittee of the Board of Healing Arts met a little over a year ago. They brought to our attention that the educational requirements listed in our current bill do not match the current requirements of the Board of Certification. We feel that we need to update the current requirements in our statutes to bring them more in line with standards being set by the Board of Certification. In this letter I will discuss the certification process for athletic trainers, and where we were educationally when our bill was first passed. That will be followed by a letter from David Carr, PhD, LAT, ATC. Dr. Carr is the director of the University of Kansas Athletic Training Curriculum Program, and is currently serving on the Board of Healing Arts Athletic Training subcommittee. . He will discuss the current educational standards for athletic trainers, and the proposed changes that we feel need to be made in our bill.

Athletic Trainers are certified nationally by the Board of Certification. Their sole mission as stated on their website is to certify Athletic Trainers and to identify for the public, quality healthcare professionals through a system of certification, adjudication, standards of practice, and continuing education programs. The first bill registering Athletic Trainers went into effect in Kansas in 1996. It was decided at that time to follow the standards set forth by the Board of Certification for registration of Athletic Trainers in Kansas. An Athletic Trainer would be granted registration in Kansas if he had met the educational standards, and had passed the certification exam administered by the Board of Certification. This essentially enables Kansas to stay out of the business of testing Athletic Trainers.

In 1996 the Board of Certification allowed prospective Athletic Trainers two separate educational pathways to be able to sit for their certification exam. The first path was referred to as the Internship Program. The student in this program had to take list of specific classes, but would not receive a degree in athletic training. They also had to document that they had a minimum of 1200 hours in the college or universities athletic training facility under the supervision of their athletic training staff. The second path was an approved Curriculum Program. College and universities that furnished a Curriculum Program would offer a degree in athletic training. There would be more specific course work designed for the athletic training student. Since there was more course work the hour requirement was lowered from 1200 to 800 hours of supervision in the athletic training facility. Once a student had completed their degree through an Internship or Curriculum Program, and had meet the hour requirement they could sit for the exam. Our

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registration bill that went into law in 1996 reflects the educational standards as discussed above.

In 2000 the Board of Certification made the decision to eliminate the Internship Program. By 2004 all athletic training students would have to have gone through an accredited Curriculum Program to be able to take the certification exam. In Dr. Carr's letter he will address educational changes that have occurred, and the proposed changes in our bill to bring it more in line with the current Board of Certification standards. Thank you for your time and consideration.

Sincerely Yours,

Brad Parry, MS, LAT, ATC

**To:** Kansas State House of Representatives Health and Human Services Committee

**From:** W. David Carr, PhD, LAT, ATC, Director of the Athletic Training Education Program at the University of Kansas

**RE:** House Bill 2695

The purpose of this letter is to outline the educational standards for Athletic Training Education Programs (ATEPs) and address the proposed changes in our bill. As discussed in the letter from our association president, Mr. Parry, the National Athletic Trainers' Association Board of Certification (BOC) has changed the requirements for exam eligibility since our bill was first introduced in 1996.

A task force was created in 1995 by the National Athletic Trainers' Association (NATA) Board of Directors to study the issue of education reform and make recommendations. After lengthy discussion and review it was decided that effective January 2004 anyone sitting for the National Athletic Trainers' Association Board of Certification (BOC) exam must graduate from an accredited curriculum program.

Accredited curriculum programs must teach a prescribed set of competency and proficiency content as dictated by the Commission of Accreditation of Athletic Training Education (CAATE). The minimum clinical hour requirements have been removed as the philosophical change is towards a competency based approach to education.

Proposed changes and rationale are as follows:

Section 2. K.S.A. 2007 Supp. 65-6905

~~(d) An individual holding a valid registration as an athletic trainer under the athletic trainers registration act on June 30, 2004, shall be deemed to be licensed as an athletic trainer under the athletic trainers licensure act, and such individual shall not be required to file an original application for licensure under the athletic trainers licensure act.~~

**Removing grandfather clause as no longer needed**

removed to  
Health and Human Services

House Health & Human Services  
Comm.  
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Attachment 2

Section 3. K.S.A. 2007 Supp. 65-6906

~~(A) Meets the educational requirements set forth in this act and has completed the clinical experience approved by the board on or before July 1, 1996;~~

**Clinical experience hours no longer required – competency based approach**

~~(B) meets the educational requirements set forth in this act and on the effective date of this act has been actively engaged as an athletic trainer for at least two years of the four years immediately preceding July 1, 1996; or~~

**Removing grandfather clause as no longer needed**

~~(C) is certified by a national certifying organization for athletic trainers, approved by the board on the effective date of this act and on the effective date of this act has been actively engaged as an athletic trainer for at least three years of the five years immediately preceding July 1, 1996.~~

**Removing grandfather clause as no longer needed**

~~(d) For the purpose of subsection (c), a person is actively engaged as an athletic trainer if such person performs the functions and duties of an athletic trainer: has, at the time of application, a current valid certificate by the national athletic trainers' association board of certification, inc. or other recognized national voluntary credentialing body which the board finds was issued on the basis of an examination which meets standards at least as stringent as those established by the board.~~

**Reflective of one route to certification**

~~(g) (e) The board may issue a temporary permit to an applicant for licensure as an athletic trainer who applies for a temporary permit on a form provided by the board, who meets the requirements for licensure as an athletic trainer as required by~~

K.S.A. 65-6907, and amendments thereto, or who meets all the requirements for licensure except examination and who pays to the board the temporary permit fee as required under K.S.A. 65-6910, and amendments thereto. Such temporary permit shall expire six months from the date of issue or on the date that the board approves or denies the application for licensure, whichever occurs first. No more than one such temporary permit shall be granted to any one person.

**Modification to application process to reflect practical need of newly hired Athletic Trainers awaiting completion of the national certification exam**

Section 4. K.S.A. 2007 Supp. 65-6907

(b) ~~completed clinical experience of at least 800 hours over a minimum of two years as approved by the board; and~~

**Clinical experience hours no longer required for certification exam**

Section 5. K.S.A. 2007 Supp. 65-6909

(c) At least ~~30~~ 60 days before the expiration of the license of an athletic trainer, the board shall notify the licensee of the expiration by mail, addressed to the licensee's last mailing address, as noted upon the board's records. If the licensee fails to pay the renewal fee and submit an application ~~by~~ at least 30 days prior to the date of expiration of the license, the licensee shall be given a second notice that the licensee's license ~~has expired~~ will expire and the license may be renewed only if the renewal fee and ~~the late~~ an additional renewal fee are received by the board within the 30-day period following the date of expiration and that if both fees are not received ~~within the 30-day period~~ by the date of expiration the license shall be canceled for failure to renew and shall be reissued only after the athletic trainer has been reinstated under subsection (d).



(d) Any licensee who allows the licensee's license to be canceled by failing to renew as herein provided may be reinstated upon payment of the ~~renewal fee, the~~ reinstatement fee, filing an updated practice protocol and upon submitting evidence of satisfactory completion of any applicable continuing education requirements established by the board. The board shall adopt rules and regulations for reinstatement of persons whose licenses have been canceled for failure to renew. Renewal of canceled licenses or reinstatement of licenses may include additional testing, training or education as the board deems necessary to establish the person's present ability to perform the functions or duties of an athletic trainer.

Section 6. K.S.A. 2007 Supp. 65-6910

Application and license fee based upon certificate of prior examination, not more than.....	\$80
Annual renewal fee, not more than.....	\$70
Late <i>Additional</i> renewal fee, not more than.....	\$75
Reinstatement fee, not more than.....	\$80
Certified copy of license, not more than.....	\$15
Temporary permit.....	\$25

**Modification to application timing, fees, and renewal process**

STATE OF KANSAS



TOPEKA

HOUSE OF  
REPRESENTATIVES

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COMMITTEE ASSIGNMENTS  
VICE-CHAIR: HEALTH & HUMAN SERVICES  
UTILITIES  
SOCIAL SERVICES BUDGET

Testimony for HB 2650  
February 12, 2008

Members of the Committee, thank you for the opportunity to speak a few words about the merit of this piece of legislation. We all desire to protect our young people from unnecessary harm. This important bill will help to move toward that goal. The active chemical - Salvinorin A, which is found in Salvia, is the strongest naturally occurring psychoactive drug known to date. There are several ways of ingesting this drug and the youth culture has caught on to the hallucinogenic effects of its use.

Salvia is an extremely potent drug and the effects of taking it becomes stronger with each use. For this reason, I join with law enforcement, parents, and organizations across Kansas and ask you to pass this legislation to help keep our children safe.

Respectfully,

A handwritten signature in cursive script that reads "Peggy Mast". The ink is dark and the signature is fluid and legible.

Peggy Mast, State Representative  
76<sup>th</sup> District

House Health + Human Services Committee  
2-12-08  
Attachment 3



**DIVERSION PROGRAMS**  
 APPLICATIONS & ON-LINE  
 FORMS  
 ARCOS  
 CHEMICALS  
 CONTROLLED SUBSTANCE  
 SCHEDULES  
 CSOS  
 IMPORT AND EXPORT  
 NFLIS  
 QUOTAS  
 REGISTRATION SUPPORT  
 REPORTS REQUIRED BY 21 CFR

#### RESOURCES

CAREER OPPORTUNITIES  
 DRUGS/CHEMICALS OF  
 CONCERN  
 e-COMMERCE INITIATIVES  
 FEDERAL REGISTER NOTICES  
 MEETINGS & EVENTS  
 OFFICES & DIRECTORIES  
 PROGRAM DESCRIPTION  
 PUBLICATIONS  
 QUESTIONS & ANSWERS  
 REGULATIONS & CODIFIED CSA  
 SIGNIFICANT GUIDANCE  
 DOCUMENTS

#### LINKS

FEDERAL AGENCIES & RELATED  
 INDUSTRY RELATED  
 PUBLIC INTEREST



[Drugs and Chemicals of Concern](#) > [Salvia Divinorum](#)

## Drugs and Chemicals of Concern

### SALVIA DIVINORUM AND SALVINORIN A

(Street Names: Maria Pastora, Sage of the Seers,  
 Diviner's Sage, Salvia, Sally-D, Magic Mint)

August 2007 DEA/OD/ODE

#### Introduction:

*Salvia divinorum* is a perennial herb in the mint family native to certain areas of the Sierra Mazateca region of Oaxaca, Mexico. The plant, which can grow to over 3 feet in height, has large green leaves, hollow square stems and white flowers with purple calyces, and can grow successfully outside of this region. *Salvia divinorum* has been employed by the Mazatec Indians for its hallucinogen effects for ritual divination and healing. The active constituent of *Salvia divinorum* has been identified as salvinorin A. Currently, neither *Salvia divinorum* nor any of its constituents, including salvinorin A, are controlled under the federal Controlled Substances Act (CSA).

#### Licit Uses:

Neither *Salvia divinorum* or its active constituent salvinorin A has an approved medical use in the U.S.

#### Chemistry and Pharmacology:

Salvinorin A, also called Divinorin A, is believed to be the ingredient responsible for the hallucinogenic effects of *Salvia divinorum*. Chemically, it is a neoclerodane diterpene found primarily in the leaves, and to a lesser extent in the stems. Although several other substances have been isolated from the plant, none have been shown to be psychoactive.

In the U.S., plant material is typically either chewed or smoked. When chewed, the leaf mass and juice are maintained within the cheek area with absorption occurring across the lining of the oral mucosa (buccal). Effects first appear within 5 to 10 minutes. Dried leaves, as well as extract-enhanced leaves purported to be enriched with salvinorin A, are also smoked. Smoking pure salvinorin A, at a dose of 200-500 micrograms, results in effects within 30 seconds and lasts about 30 minutes.

A limited number of studies have reported the effects of using either plant material or salvinorin A. Psychic effects include perceptions of bright lights, vivid colors and shapes, as well as body movements and body or object distortions. Other effects include dysphoria, uncontrolled laughter, a sense of loss of body, overlapping realities, and hallucinations (seeing objects that are not present). Adverse physical effects may include incoordination, dizziness, and slurred speech.

Scientific studies show that salvinorin A is a potent and selective kappa opioid receptor agonist. Other drugs that act at the kappa opioid receptor also produce hallucinogenic effects and dysphoria similar to that produced by salvinorin A. Salvinorin A does not activate the

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serotonin 2A receptor, which mediates the effects of other schedule I hallucinogens.

**Illicit Uses:**

Salvinorin A and *Salvia divinorum* products are abused for their ability to evoke hallucinogenic effects, which, in general, are similar to those of other scheduled hallucinogenic substances, including LSD, DMT, psilocybin, and ketamine.

**User Population:**

Information on the user population is limited. It appears to be mostly adolescents and younger adults influenced by promotions of the drug on Internet sites.

**Illicit Distribution:**

*Salvia divinorum* is grown domestically and imported from Mexico and Central and South America. The Internet is an important venue for the promotion and distribution of *Salvia divinorum*. It is sold as seeds, plant cuttings, whole plants, fresh and dried leaves, extract-enhanced leaves of various strengths (e.g., 5x, 10x, 20x, 30x), and liquid extracts purported to contain salvinorin A. These products are also sold at local retail shops (e.g., head shops and tobacco shops).

**Control Status:**

*Salvia divinorum* and salvinorin A are not currently controlled under the CSA. However, a number of states have placed controls on *Salvia divinorum* and/or salvinorin A. In 2005, Louisiana made it illegal to purchase or distribute *Salvia divinorum*. Both Delaware and Missouri have added *Salvia divinorum* and salvinorin A into schedule I of the states' drug regulations. In 2006, Tennessee and Oklahoma passed legislation on *Salvia divinorum*. Maine and North Dakota have also recently passed legislation controlling *Salvia divinorum* and/or salvinorin. Moreover, as of July 2007, legislative bills proposing regulatory controls on salvinorin A and/or *Salvia divinorum* are pending in Alabama, Alaska, California, Florida, Illinois, Iowa, New Jersey, New York, Ohio, Oregon, Pennsylvania, and Texas. Internationally, salvinorin A and/or *Salvia divinorum* have been placed under regulatory controls in Australia, Belgium, Denmark, Estonia, Finland, Italy, Spain, and Sweden.

Comments and additional information are welcomed by the Drug and Chemical Evaluation Section, FAX 202-353-1263 or telephone 202-307-7183.

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# Emporians for Drug Awareness, Inc.

*Working for a Safer Community*

*PO Box 2015 Emporia KS 66801*

*620.341.2450 voice*

*620.341.2331 fax*

February 8, 2008

Honorable Representative Landwehr, Chair, and  
Distinguished Members of the Health and Human Services Committee:

The changes proposed by House Bill 2650 related to controlled substances in the State of Kansas represent a significant effort to prevent the use of two hallucinogens that are, as yet, unscheduled on a national basis and, therefore, considered legal for use, purchase or cultivation. Several individual states have already taken the step to address the dangers of Salvia Divinorum or Salvinorum A. Datura Stramonium, commonly known as jimson weed, grows wild in Kansas making it particularly relevant to try to control.

Internet sites abound proclaiming the purported benefits and "mind-expanding" properties of both of these plants. Not only can the information on these sites be misleading in regards to health benefits, but because the two are "plants", potential users may have the impression that they are "natural" substances and, thus, much safer than is actually the case.

By adopting legislation that adds salvia and jimson weed to other controlled substances, our state can be proactive in helping to raise awareness and possibly prevent many injuries or deaths.

Respectfully,



Teresa Walters, Certified Prevention Specialist  
Executive Director

*Visit our website at [www.emporiansfordrugawareness.com](http://www.emporiansfordrugawareness.com)*

*House Health + Human Services Committee  
2-12-08  
Attachment 4*



Kansas County & District Attorneys Association

1200 SW 10th Avenue  
Topeka, KS 66604  
(785) 232-5822 Fax: (785) 234-2433  
www.kcdaa.org

TO: House Health and Human Services Committee

FROM: Thomas R. Stanton  
Deputy Reno County District Attorney  
President, KCDA

RE: Written Testimony in Support of House Bill 2650

Chair Landwehr and members of the committee:

Thank you for consideration of House Bill 2650 and for giving me the opportunity to provide written testimony regarding this legislation. Two insidious hallucinogenic drugs have appeared in communities across this nation. Those drugs are salvia divinorum, also known as salvinorin A, and datura stramonium, also known as gypsum weed or jimson weed. HB 2650 would criminalize the possession, use and sale of Salvia divinorum. I respectfully request a friendly amendment to add Datura Stramonium to this legislation, so both of these dangerous drugs will be listed as controlled substances pursuant to K.S.A. 65-4105(d).

Salvia divinorum is a powerful psychoactive herb grown primarily in South America. Videos of teenagers using the drug have appeared on You Tube. These videos show children using the drug and entering a state in which neither the body nor the emotions can be controlled. According to the information I have gathered, many of these "trips" result in horrifying, depressing hallucinations. Use of the drug has been linked to the suicide of one Delaware teenager, Brett Chidester. Brett was a well adjusted, bright, high school student who began purchasing the drug over the internet. He ultimately committed suicide when the "insight" he received during the use of this drug resulted in his conclusion that his life was not worth living. The tragedy led to the Delaware legislature taking the action I am asking you to take today.

The DEA reports that the drug has been added to the schedule I list of controlled substances in Delaware and Missouri. Controls on the drug were passed in Tennessee, Oklahoma, Maine and North Dakota in 2006. As of July 2007, the following states have

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proposed legislation to control the drug: Alabama, Alaska, California, Florida, Illinois, Iowa, New Jersey, New York, Ohio, Oregon, Pennsylvania, Texas, and Kansas. While there have been no salvia-related deaths reported in Kansas, the fact that this substance is not controlled makes it difficult to track its current effects in our State.

Datura stramonium is a weed found in many parts of this country. Its use has been promoted in the recent past by, again, videos available by internet which depict teenagers "getting high" using the drug. The high has been described as a "living dream," with hallucinogenic effects that can last for days. A major concern with this drug is the fact that dosages which result in the desired "high" and dosages that can result in death are extremely close. If a person uses this drug and does not experience the expected result, a second dose can then kill the user.

There are times in life when the prudent action to be taken is to wait until a particular situation occurs before taking action. This type of reactive response is sometimes preferable to alternative courses of action. There are other times when the prudent course to follow is a proactive course of action. When it comes to these substances, the prudent action is to pass this legislation now. We should not wait for the death of a child in Kansas to take steps to control these drugs. I urge your full support and favorable recommendation HB 2650. The Association would be happy to answer any questions upon request.

Respectfully submitted,

Thomas R. Stanton  
Deputy Reno County District Attorney