

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman James Barnett at 1:30 P.M. on March 10, 2005 in Room 231-N of the Capitol.

All members were present except:

Susan Wagle- excused

Committee staff present:

Emalene Correll, Kansas Legislative Research Department

Terri Weber, Kansas Legislative Research Department

Norm Furse, Office of Revisor of Statutes

Whitney Nordstrom, Committee Secretary

Conferees appearing before the committee:

Debra Billingsley, Kansas Board of Pharmacy

John Kiefhaber, Kansas Pharmacists Association

Jerry Slaughter, Kansas Medical Society

Representative Peggy Mast

Lorne Phillips, Kansas Department of Health and Environment

Gary Eichorn, Lyon County Sheriff

Bill Halvorsen, KBI

Others attending:

See attached list.

Hearing on HB 2155

HB 2155– Prescription refills

Upon calling the meeting to order Chairperson Barnett announced that there would be a hearing on **HB 2155**, an act concerning pharmacists and pharmacy; relating to prescription refills; amending K.S.A. 65-1637 and repealing the existing section. First the Chair requested that Norm Furse, Office of Revisor of Statutes, give a brief overview of the bill. In his overview Mr. Furse calls the Committee's attention to the handout of the Kansas Constitution-Bill of Rights. A copy of his handout is (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

Chairperson Barnett asks the Committee for any questions and/or comments.

Senator Palmer asks who authored the above bill. Senator Gilstrap asked if Schedule 2 drugs are included in this bill. Senator Palmer asked what are some examples of Schedule 2 drugs. The Chair requested that Emalene Correll, Legislative Research Department, provide the Committee with a list of the different Schedules of drugs.

As there were no further questions, Chairperson Barnett called upon the first proponent conferee to testify. Debra Billingsley, Kansas State Board of Pharmacy, stated in her testimony that this legislation would be used sparingly and only in those instances where the patient has been receiving refills of maintenance medication and it would be in the patient's best interest not to go without his drug. We would respectfully request that this statute be amended to add this additional language as the Board believes it would be in the best interest of their patient's health, safety and welfare. A copy of her testimony is (Attachment 2) attached hereto and incorporated into the Minutes as referenced.

The Chair asks the Committee for any questions and/or comments.

Senator Journey asks what justified the civil liability section of this bill.

As there were no further questions and/or comments for Ms. Billingsley, Chairperson Barnett called upon the second proponent to testify. John Kiefhaber, Kansas Pharmacists Association, stated that emergency dispensing for previously written prescription drugs will be safe because of the involvement of the

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professional pharmacist, who routinely checks for proper drug usage, drug-to-drug interactions and proper dosage levels on all prescription medications. A copy of his testimony is (Attachment 3) attached hereto and incorporated into the Minutes as referenced.

As there were no questions and/or comments for Mr. Kiefhaber, Chairperson Barnett called the Committee's attention to written testimony submitted by Jerry Slaughter, Kansas Medical Society, in support of **HB 2155**. A copy of his testimony is (Attachment 4) attached hereto and incorporated into the Minutes as referenced.

As there were no further conferees, the Chair requested that Mr. Furse prepare a balloon amendment for the above bill.

Chairperson Barnett closed the hearing on **HB 2155**.

Hearing on Sub HB 2088

Sub HB 2088– An act concerning uniform vital statistics

The next order of business was a hearing on **Sub HB 2088**, an act concerning the uniform vital statistics act; amending K.S.A. 65-2409a, 65-2412 and 65-2434 and repealing the existing sections. First the Chair requested that Emalene Correll, Legislative Research, give a brief overview of the bill.

As there were no questions and/or comments for Ms. Correll, Chairperson Barnett called upon the first proponent conferee to testify. Representative Peggy Mast stated that **HB 2088** gives law enforcement the opportunity to prosecute although it is only about the same penalty as writing a bad check, at least it is a penalty for giving birth to a child and perhaps allowing him or her to suffocate in a garbage bag, drowning her, or who knows the myriad of other ways to taking your own child's life. A copy of her testimony is (Attachment 5) attached hereto and incorporated into the Minutes as referenced.

The Chair asked for any questions and/or comments for Representative Mast.

Senator Journey asked if offering this bill under a different chapter was ever considered.

As there were no further questions and/or comments for Representative Mast, Chairperson Barnett called upon the second proponent conferee to testify. Dr. Lorne Phillips, KDHE, stated in his testimony that KDHE supports this bill with an additional amendment. The current language does not take into account the provision of six months for filing a birth certificate and thereafter filing delayed certificate of birth as specified in K.S.A. 65-2419 and 65-2420a. A copy of his testimony is (Attachment 6) attached hereto and incorporated into the Minutes as referenced.

As there were no questions for Dr. Phillips, the Chair called upon the third and fourth proponent conferees to testify. Sheriff Gary Eichorn, Lyon County Sheriff, and Bill Halvorsen, KBI, and stated that **HB 2088**, will greatly assist in cases involving a death of a newborn baby that was delivered without medical assistance. With this Bill in place, there will be a duty to report the death to authorities in order that a timely investigation can go forward. A copy of their testimony is (Attachment 7) attached hereto and incorporated into the Minutes as referenced.

Chairperson Barnett called attention to written testimony submitted by two individuals in support of **HB 2088**. A copy of their testimony is (Attachment 8 and Attachment 9)

As there were no further questions and/or comments and no further conferees, Chairperson Barnett closed the hearing on **HB 2088**.

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Adjournment

As there was no further business, the meeting was adjourned at 2:25 p.m.

The next meeting is scheduled for Monday, March 14, 2005.