

Approved: February 16, 2012

MINUTES OF THE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman Vicki Schmidt at 1:30 p.m. on January 31, 2012, in Room 546-S of the Capitol.

All members were present.

Committee staff present:

Nobuko Folmsbee, Office of the Revisor of Statutes
Renaë Jefferies, Office of the Revisor of Statutes
Iraida Orr, Kansas Legislative Research Department
Melissa Calderwood, Kansas Legislative Research Department
Carolyn Long, Committee Assistant

Conferees appearing before the Committee:

Debra Billingsley, Kansas Board of Pharmacy
Nancy Zogleman, Pfizer
Chiquita C. Coggs, Executive Director, Board of Cosmetology

Other attending:

See attached list.

The Chair opened the hearing on **SB 325—Controlled substances; schedules IV and V**. Staff informed the committee that this legislation would add the drug *carisoprodol* to schedule IV and the drug *ezogabine* to schedule V of the controlled substances lists. The Board of Pharmacy indicates that the United States Drug Enforcement Administration maintains a list of controlled substances classifying illicit drugs and makes amendments each year after reviewing a drug's pharmacology, chemistry, trafficking, actual abuse, pattern of abuse, and relative potential for abuse. Since the board is required to follow all federal laws and these two drugs are currently controlled by the federal government, the Board has already been treating them as if they were controlled substances. This bill revises the controlled substances lists in the State of Kansas to match federal law.

Debra Billingsley, representing the Kansas Board of Pharmacy reminded the Committee that the Board is required to submit an annual report on controlled substances proposed by the Board for scheduling, rescheduling or deletion by the legislature. The Board relies on the following: potential for abuse; scientific evidence of its pharmacological effect; state of current scientific knowledge; history and current pattern of abuse; scope, duration and significance of abuse; risk to the public health; potential of the substance to produce psychological or physiological dependence liability; and, whether the substance is an immediate precursor of a substance already controlled. The Board recommends these two drugs, *carisoprodol* and *ezogabine*, be amended into the state schedule (Attachment #1).

CONTINUATION SHEET

The minutes of the Public Health and Welfare Committee at 1:30 p.m. on January 31, 2012, in Room 546-S of the Capitol.

Representing Pfizer Pharmaceutical, Nancy Zogleman informed the committee that in most states, regulatory or statutory provisions are in place to permit the transfer of complimentary controlled substance medicines from manufacturers to prescribers within certain bounds. Kansas, however, is one of only five states prohibiting the distribution of samples of all controlled substances to prescribers, including those medications listed in Schedule V. They are asking that Kansas follow other states by making a slight change and permit medications listed in Schedule V to be distributed free of charge to practitioners with prescribing authority and retaining limitations on Schedule II-IV. She offered two amendments using the language that is currently in the rule. One makes an exclusion for all of schedule V products and the other is very specific as to a sub-category in schedule V. Permitting manufacturers to distribute free samples of Schedule V medications to prescribers for patient treatment may reduce overall healthcare costs and benefit patient health by allowing prescribers the ability to access side effects and efficacy with a trial of medications prior to the dispensing of a written prescription (Attachment #2).

There being no further discussion, the hearing on SB 325 was closed and the hearing on SB 331-Cosmetology; salon and clinic license renewal was opened. Chiquita Coggs, Executive Director for the Board of Cosmetology, said that under current law, licenses for cosmetology establishments expire on June 30 of every calendar year. SB 331 would allow licenses for cosmetology establishments to expire one year from the last day of the month of issuance. The bill specifies that on or after July 1, 2012, renewal application fees would be prorated to reflect an expiration date from the last day of the month of the initial issuance of the license. By spreading renewals throughout the year, the Board of Cosmetology indicates this bill has the potential to reduce agency costs associated with hiring temporary personnel to process license renewals during the current expiration period (Attachment #3).

There being no further discussion, the hearing on SB 331 was closed.

The Chair called for final action on SB 324—Board of pharmacy; pharmacist license and intern registration. After a brief discussion by the Committee, *it was moved by Senator Reitz, seconded by Senator Brungardt, to recommend SB 324 as technically amended favorably for passage. Motion carried.*

The next meeting is scheduled for February 1, 2012.

The meeting adjourned at 2:00 p.m.