

January 29, 2013

The Honorable Jeff King, Chairperson  
Senate Committee on Judiciary  
Statehouse, Room 341-E  
Topeka, Kansas 66612

Dear Senator King:

**SUBJECT:** Fiscal Note for SB 39 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 39 is respectfully submitted to your committee.

Under current law it is unlawful to obtain a prescription-only drug without a prescription. SB 39 would clarify that it is unlawful to obtain or possess a prescription-only drug without a prescription. Further, the bill makes unlawful the act of knowingly possessing a prescription-only drug by a person other than the holder of a valid prescription order. The bill includes the definition of "holder of a valid prescription order," which means (A) a person whom a valid prescription order is issued for the purpose of obtaining a prescription-only drug; and (B) such holder's implicitly or explicitly authorized agent for the purpose of facilitating delivery of such prescription-only drug to such holder.

The Board of Pharmacy estimates that SB 39 would have no fiscal effect on its operations or on licensed pharmacists. The Kansas Sentencing Commission indicates that any effect on prison admissions resulting from the passage of SB 39 would be negligible. Offenders may be sentenced to probation rather than prison for the crime's low severity level.

Sincerely,



Steven J. Anderson, CPA, MBA  
Director of the Budget

cc: Scott Schultz, Sentencing Commission  
Debra Billingsley, Pharmacy