

February 20, 2007

The Honorable Jim Barnett, Chairperson
Senate Committee on Public Health and Welfare
Statehouse, Room 120-S
Topeka, Kansas 66612

Dear Senator Barnett:

SUBJECT: Fiscal Note for SB 302 by Senators Umbarger and V. Schmidt


In accordance with KSA 75-3715a, the following fiscal note concerning SB 302 is respectfully submitted to your committee.

SB 302 would establish a Controlled Substances Monitoring Task Force in order to promote public health and discourage the abuse of controlled substances. The Task Force would consist of 11 members as follows: the Attorney General, two members appointed by the Board of Pharmacy, and one member appointed by each of the following organizations: Kansas Health Policy Authority, Kansas Bureau of Investigation, Board of Healing Arts, Kansas Medical Society, Kansas Association of Osteopathic Medicine, Kansas Pharmacists' Association, Kansas State Dental Association, and Kansas Hospital Association.

The purpose of the Task Force would be to provide recommendations to the 2008 Legislature regarding the feasibility of implementing a controlled substance prescription monitoring program and to create an electronic purchase log that is capable of checking compliance with all state, federal, and local laws concerning the sale of ephedrine and pseudoephedrine. The members of the Task Force would not be eligible for per diem compensation or reimbursement for expenses.

The passage of SB 302 would not have a fiscal effect, since the members of the Task Force would not be eligible for per diem compensation or reimbursement for expenses.

Sincerely,



Duane A. Goossen
Director of the Budget

cc: Linda Durand, KBI
Aaron Dunkel, Health & Environment
Debra Billingsley, Board of Pharmacy



Larry Welch

Paul Morrison

**Testimony
In Support of SB 302
Senate Public Health and Welfare Committee**

**Kyle G. Smith, Deputy Director
Kansas Bureau of Investigation
February 21, 2007**

Senator Barnett and Members of the Committee:

I appear here today on behalf of the Kansas Bureau of Investigation and Kansas Peace Officers' Association in support of SB 302. This legislation would create a task force to address the two greatest difficulties involving controlled substances facing Kansas law enforcement and public health agencies.

According to national statistics, prescription drug abuse is the only form of drug abuse that is increasing. 34 states have enacted prescription monitoring programs to help identify patients with pain management problems as well as illegal diversion of prescription drugs.

The Matt Samuels Act passed in 2005 by this legislature has had remarkable success in controlling the production of methamphetamine in Kansas. Our statistics show almost an 80% drop in the seizures of meth labs. However, we still had 168 meth labs seized last year and a vast majority of those labs obtained the precursor chemicals by multiple purchases from multiple pharmacies.

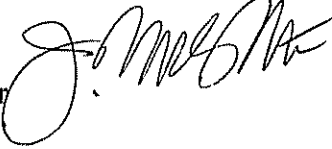
SB 302 creates a task force to study and propose solutions to these issues: the need for a prescription monitoring program; and the need for Sudafed sales to be logged and searched electronically. We strongly encourage favorable consideration. Thank you for your attention and I would be happy to answer any questions.



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To: Senate Public Health and Welfare Committee

From: Jerry Slaughter
Executive Director 

Subject: SB 302; concerning controlled substances monitoring

Date: February 21, 2007

The Kansas Medical Society appreciates the opportunity to appear today in support of SB 302, which would create a multi-disciplinary task force to develop a controlled substances monitoring program. Such a program, particularly if it allowed real-time access via a secure Web-based system, could be an extremely valuable tool to physicians and other clinicians as they assess the appropriateness of prescribing controlled substances, particularly for unfamiliar patients in emergency or urgent care settings. In addition to the clinical benefits of such a program, it also could be an important tool for law enforcement, to supplement efforts to discourage the illegal diversion of controlled substances. Several states have adopted similar programs, and we support taking the first steps to design and eventually deploy such a system in Kansas.

Thank you for the opportunity to offer these comments in support of SB 302.

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**Testimony re: SB 302
Senate Public Health and Welfare Committee
Presented by Julie J. Hein
on behalf of
Kansas Pharmacy Coalition
February 21, 2007**

Mr. Chairman, Members of the Committee:

My name is Julie Hein, and I represent the Kansas Pharmacy Coalition (KPC). The Kansas Pharmacy Coalition is an ad hoc coalition comprised of the Kansas Pharmacists Association and the Kansas Association of Chain Drug Stores.

The KPC supports SB 302. This bill creates a taskforce that will pull the stakeholders together, study and design an implementation plan for two important issues:

- 1) Prescription Monitoring Program and
- 2) Electronic tracking of Pseudoephedrine sales

We ask that the “real time” provision of the Pseudoephedrine Sales Tracking be deleted (delete “in real-time,” Pg 1 line 27). We believe that the taskforce should study the options available for electronic tracking of Pseudoephedrine sales and the taskforce should determine the proper option for Kansas, whether that is “real time” or another option (there are various options available). We have discussed this amendment to many of those involved in this legislation and do not believe there is objection to this deletion.

We believe it is very important that the taskforce study these two issues as separate projects, because they are very different transactions and require different record keeping. We trust that with the appropriate stakeholders at the table, the taskforce will have the ability to do a thorough evaluation and determine the best approach for both projects in Kansas.

Thank you very much for permitting me submit this written testimony.



GACHES, BRADEN, BARBEE & ASSOCIATES
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Senate Public Health and Welfare Committee
Testimony of Kansas Independent Pharmacy Service Corporation
Regarding SB 302: Controlled Substances Monitoring Task Force
Submitted by Ron Gaches
Wednesday, February 21, 2007

Thank you Chairman Barnett for this opportunity to provide comments of the Kansas Independent Pharmacy Service Corporation (KIPSC) regarding SB 302 proposing the creation of a Controlled Substances Monitoring Task Force. KIPSC supports the enactment of the Task Force and the assignment of the dual charges found on page one, section 1 (b) of the bill. The viability and practicality of both the controlled substances prescription monitoring program and the electronic purchase log are worth studying. It makes sense to have the two initiatives studied simultaneously by the same Task Force because a common solution or overlapping solution may be found.

Notwithstanding our support for the bill, we ask the Committee to consider one modest amendment prior to passage of the bill. On page one, line 27 is found the phrase "in real-time." We ask that this phrase be deleted from the bill. As used in the bill, this phrase directs the Task Force to develop an electronic purchase log recommendation that incorporates a "real-time" solution. We don't know for certain that a "real-time" solution will be possible or viable for implementation. KIPSC doesn't oppose the possible development of a "real-time" solution. We simply don't want to see that such a solution is mandated on the Task Force.

KIPSC looks forward to working with the Kansas Legislature to develop solutions that promote the public health and discourage the abuse of controlled substances. Thank you for consideration of our comments.