

**Hearing on SB 325 – Controlled Substances; sampling of Schedule V
Senate Public Health and Welfare
January 31, 2012**

Madam Chair, Members of the Committee, thank you for the opportunity to discuss SB 325 today. My name is Nancy Zogleman and I am Legislative Counsel for Pfizer. Pfizer is the world's largest biopharmaceutical company with a diversified health care portfolio that includes human and animal medicines, sold in both branded and generic medicines.

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. Many states are simply silent on the issue. Nevada forbids only the distribution of samples in Schedules II¹. Other states address access to samples of Schedule II and III, but exempt Schedule IV and V drugs from restrictions on sampling.

Kansas statutory language is silent on this issue. However, the current administrative rule KAR 68-20-15a (c)(3) states: *A controlled substance listed in schedules II through V shall not be distributed on a gratuitous basis by a manufacturer or distributor to a practitioner, mid-level practitioner, pharmacist, or any other person.*

We are asking if Kansas would 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.

We have been working with the Kansas Board of Pharmacy over the last two years to make changes to the current administrative rules. The BOP unanimously agreed to make changes allowing sampling of Schedule V medications. However, the rules have been held up because of drafting issues in other areas not pertaining to this issue.

The attached amendment uses the language that is currently in the rule and offers two options on how to amend. One makes an exclusion for all of schedule V products and the other is very specific as to a sub-category in schedule V.

Prescribers are already in the practice of carefully safeguarding controlled substances, a minor statutory change to permit the transfer of legitimate

^{*}The other states are Kentucky, Massachusetts, New York and Rhode Island.

¹ A manufacturer, wholesale supplier or other person legally able to furnish or sell any controlled substance listed in schedule II shall not provide samples of such a controlled substance to registrants. (NRS 453)

Schedule V medications from manufacturers to prescribers would not require additional security standards.

Maintaining existing physical security requirements and allowing distribution of samples only for Schedule V drugs would permit Kansas prescribers and patients a broader range of access to free samples of FDA-approved treatments, without jeopardizing the state's strict requirements aimed at preventing theft and diversion of prescription medications.

It is important for prescribers and patients in Kansas to have access to complimentary sample medications for a wide array of diseases and conditions regardless of their controlled substance schedule. 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.

In closing, I respectfully request that you consider this amendment to SB 325. Thank you.