SESSION OF 2012

SUPPLEMENTAL NOTE ON SENATE BILL NO. 325

As Amended by Senate Committee on Public Health and Welfare

Brief*

SB 325 would amend the Controlled Substances Act to add Carisoprodol to the Schedule IV controlled substances list and Ezogabine N-[2-amino-4(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester to Schedule V list. The bill also would allow for the distribution of free samples of Schedule V nonnarcotic depressants by manufacturers or distributors to practitioners, mid-level practitioners, pharmacists, or other persons.

Background

The bill was introduced at the request of the Kansas State Board of Pharmacy. The Executive Secretary of the Board and a representative of Pfizer testified in favor of the bill before the Senate Committee on Public Health and Welfare. The Executive Secretary testified that in proposing a drug be classified as a scheduled controlled substance, the Board relies on factors set forth in Kansas statutes. The Executive Secretary further stated that the Drug Enforcement Administration (DEA) issues their rulings for drugs to be classified as scheduled controlled substances using the same factors and the DEA recently has added Carisoprodol to Schedule IV and Ezogabine to Schedule V on the federal controlled substances list. The representative of Pfizer requested an amendment to the bill to allow Schedule V nonnarcotic depressants that have an effect on the central nervous system to be distributed free of charge by a

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*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at http://www.kslegislature.org

manufacturer or distributor to a practitioner, mid-level practitioner, pharmacist, or any other person. The representative stated Kansas is one of only five states prohibiting the distribution of samples of all controlled substances to prescribers, including those medications listed in Schedule V. The representative further stated that allowing the distribution of samples of the Schedule V nonnarcotic depressants 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 medicines. The representative stated the result may be to reduce overall healthcare costs and benefit patient health by providing the ability to assess side effects and efficacy with a trial of medications before dispensing the written prescription. The representative indicated the Board unanimously agreed with the amendment requested by the Pfizer representative. No opposing or neutral testimony was presented to the Senate Committee.

The Senate Committee on Public Health and Welfare amended the bill, as requested by Pfizer, to allow for distribution of samples of Schedule V nonnarcotic depressants by a manufacturer or distributor to certain health care professionals. The Committee also made technical amendments to the bill.

The fiscal note prepared by the Division of the Budget and provided after the Senate Committee hearing states the Board of Pharmacy indicated the bill would have no fiscal effect on its operations. The Kansas Sentencing Commission indicated the bill would affect agency expenditures, but has not yet provided an estimate. According to the Division of the Budget, once information is provided, a revised fiscal note will be submitted.