

## HOUSE BILL No. 2505

By Committee on Higher Education

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AN ACT relating to drugs; establishing the pharmacological standards commission and the pharmacological standards laboratory; and providing for the financing thereof.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. As used in this act:

(a) "Commission" means the pharmacological standards commission established by section 2 and amendments thereto;

(b) "drug" shall have the meaning prescribed by K.S.A. 65-1626 and amendments thereto; and

(c) "laboratory" means the pharmacological standards laboratory created pursuant to section 3 and amendments thereto.

Sec. 2. (a) There is hereby established the pharmacological standards commission which shall be composed of the following:

(1) A member of the board of pharmacy selected by the board of pharmacy;

(2) the dean of the school of pharmacy at the university of Kansas;

(3) the director of the Higuchi bioscience center at the university of Kansas;

(4) the dean of the college of veterinary medicine at Kansas state university; and

(5) the executive vice-chancellor of the university of Kansas medical school.

For budgeting purposes, the commission and laboratory shall be included with the board of regents budget requests. The staff of the board of pharmacy and board of regents shall provide administrative staff support for the commission and the laboratory.

Sec. 3. The pharmacological standards laboratory is hereby created within the Higuchi bioscience center at the university of Kansas. The laboratory shall test prescription and over-the-counter drugs, including those sold through the mail and internet, for adherence to federal drug administration approved standards. Law enforcement, persons taking the medication, pharmacists and veterinarians may submit samples for testing. The laboratory may purchase from the internet or other sources the drugs for testing. The laboratory shall notify the public, media, the Kansas

1 department of health and environment and the federal drug administra-  
2 tion of pharmaceutical products for human or animal use that do not meet  
3 federal drug administration standards.

4 Sec. 4. (a) There is hereby established in the state treasury the phar-  
5 macological standards fee fund.

6 (b) For the privilege of selling human and animal health drugs to the  
7 residents of Kansas, every provider shall remit to the commission the fee  
8 prescribed by this subsection. The fee shall be remitted quarterly by the  
9 end of the month following each calendar quarter. This fee shall consti-  
10 tute a franchise fee on persons selling pharmaceutical products to Kan-  
11 sans and reflect the state's interest and right in ensuring that the public  
12 health in Kansas is protected. The fee shall be set by rules and regulations  
13 of the pharmacological standards commission to cover the pharmacolog-  
14 ical standards laboratory costs. The commission should take into consid-  
15 eration such factors as they deem appropriate in establishing the franchise  
16 fee amount, including but not limited to the amount of product sold to  
17 Kansans and the difficulty of collecting the fee from the provider.

18 (c) Any provider of drugs that does not remit the appropriate fran-  
19 chise fee prescribed by this section shall be deemed in violation of the  
20 statutes of this state and the attorney general shall file suit to prevent  
21 further sales or delivery of drugs into Kansas by that provider.

22 Sec. 5. Subject to appropriations therefor, the commission shall use  
23 the pharmacological standards fee fund to pay salaries and wages and  
24 other operating costs of the commission staff and operations of the  
25 laboratory.

26 Sec. 6. The commission shall provide to the governor and the legis-  
27 lature an annual report. Such report shall include information relating to  
28 drugs tested and their adherence to the federal drug administration ap-  
29 proved standards and such other information as the commission deems  
30 relevant for public policy making.

31 Sec. 7. This act shall take effect and be in force from and after its  
32 publication in the statute book.

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