

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairperson Pat Colloton at 1:30 p.m. on March 18, 2009, in Room 535-N of the Capitol.

All members were present except:

Representative Bob Brookens- excused
Representative Stan Frownfelter- excused
Representative Melody McCray-Miller

Committee staff present:

Sean Ostrow, Office of the Revisor of Statutes
Jason Thompson, Office of the Revisor of Statutes
Jill Wolters, Office of the Revisor of Status
Athena Andaya, Kansas Legislative Research Department
Jerry Donaldson, Kansas Legislative Research Department
Jackie Lunn, Committee Assistant

Others attending:

See attached list.

SB 248 - Electronic logging system for sale of methamphetamine precursor.

Explanation of SB 248:

The bill as amended, would enact new law to be cited as the Statewide Electronic Logging System for Sale of Methamphetamine Precursor Act and would amend existing law concerning the sale of "methamphetamine precursor" to be any compound, mixture or preparation containing pseudoephedrine, ephedrine or phenylpropanolamine. The sales of methamphetamine precursors which are prescribed would be excluded from the requirement of any logging system.

Chairperson Colloton opened the hearing on **SB 248** and introduced Kansas State Senator Vicki Schmidt to give her testimony as a proponent of the bill. Senator Schmidt provided written copy of her testimony. (**Attachment 1**) She stated the Legislature has been dealing with the issue of methamphetamine precursors since at least 2005. This bill would enable the state to maintain a statewide electronic logging system that will document the sale of methamphetamine precursors in real time transmission with the Board of Pharmacy permitted to issue a waiver when necessary. In closing, she urged the Committee to pass this bill out favorably.

A short question and answer session followed.

Chairperson Colloton introduced Sandy Horton, Sheriff, Crawford County, to give his testimony as a proponent of **SB 248**. Sheriff Horton provided written copy of his testimony. (**Attachment 2**) Sheriff Horton stated after a decrease in Meth labs in the state of Kansas, they are on the rise with 153 reported in 2008 compared to 97 in 2007. The bill would benefit Kansas greatly and be a deterrent for Meth labs. He urged the Committee to pass **SB 248**.

A short question and answer session followed.

Chairperson Colloton introduced Doug Mays, former Speaker of the House of Representatives, representing Methshield, to give his testimony as a proponent of the bill. Mr. Mays provided written copy of his testimony. (**Attachment 3**) He stated Meth is cheap, potent and available everywhere. The written logbook system to track pseudoephedrine sales that is now in place in Kansas initially worked well as a deterrent. The low tech paper system has, however, proved cumbersome for law enforcement and prevents meaningful sharing of real time information between pharmacists, retailers, and authorities. A real time based tool will enable pharmacists, retailers, and law enforcement to track sales of products containing Pseudoephedrine. It will be up to the Board to go real time or decide when to dump the information. The online system will allow law enforcement to catch the potential meth "cook" or his runners in the act. He urged the Committee to support the bill.

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A short discussion followed.

Chairperson Colloton introduced Steven Wilhoft, Attorney General's Office, to give his testimony as a proponent of **SB 248**. Mr. Wilhoft provided written copy of his testimony. (Attachment 4) Mr. Wilhoft stated the bill would provide that the electronic precursor recording log would have the technical capability to receive electronic log data from pharmacies and to send real time notification to law enforcement agencies. In closing, he stated the Attorney General believes that this bill should be passed because it will have the effect of reducing the number of Meth lab sites in Kansas.

A short question and answer session followed.

Chairperson Colloton introduced Debbie Billingsley, Kansas Board of Pharmacy, to give her testimony as a proponent of the bill. Ms. Billingsley provided written copy of her testimony. (Attachment 5) Ms. Billingsley stated the annual cost of an electronic logging system would be \$300,000 to \$350,000 a year. The costs associated with health care, environmental cleanup, criminal activity, and harm to families and children greatly outweigh the costs of an electronic tracking system. Further, the Board of Pharmacy would be able to apply for funding through federal grants if legislation is in place.

A short question and answer session followed.

Chairperson Colloton called the Committee's attention to the "written only" proponent testimony of:
Ron Gaches, Kansas Independent Pharmacy Service Corporation (Attachment 6)
Ed Klumpp, Kansas Association of Police Chiefs and Kansas Police Officers Assoc. (Attachment 7)
Ron Hein, Kansas Pharmacy Coalition (Attachment 8)

Chairperson Colloton introduced Bill Sneed, Express Scripts, to give his testimony as a neutral party of **SB 248**. Mr. Sneed provided written copy of his testimony. (Attachment 9) Mr. Sneed stated they have concerns with the bill and asked the Committee to amend the bill at the beginning of Line 41 as follows: "Except in instances where a valid prescription is present for the product".

Chairperson Colloton asked if there was any one else wishing to testify on **SB 248**. Julie Hein was recognized by the Chair. Ms. Hein stated that Ron Hein had submitted written only testimony and she explained that he represented the Kansas Pharmacy Coalition. She stated they support the amendment that Mr. Sneed is offering.

With no others wishing to testify on **HB 248**, Chairperson Colloton closed the hearing.

HB 2340 - Sub. For H 2340 by Committee on Corrections and Juvenile Justice - Legislative review of parole board factors and rationale for granting or denying parole.

Chairperson Colloton moved the Committee's attention to **HB 2340**.

Representative Bethel moved to report the bill out favorably. Representative Roth seconded.

Chairperson Colloton offered an amendment (Attachment 10) making a substitute bill and explained it would require the Parole Board to provide an annual report in confidence regarding the granting of parole when proportionality is considered. This requirement would be for one year only.

A discussion followed.

Chairperson Colloton moved the amendment with the change of the year from 2010 to 2009. Representative Roth seconded.

A lengthy discussion followed with Patti Biggs, Parole Board, joining in.

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Representative Pauls suggested a conceptual amendment which would make it clear the Committee members would view any confidential information in the annual report while in the Committee meeting only and the staff would collect all copies and they would be kept in the Committee room and changing some of language talking about members' official functions in regard to the annual report.

A discussion followed regarding the annual report and the intent of the bill. Jill Wolters, Revisors Office, will do a redraft of the substitute bill to have before the Committee tomorrow.

Chairperson Colloton turned the Committee's attention to **SB 248** asking the Committee if they wished to work the bill today.

Representative Dillmore moved SB 248 favorable for passage. Representative Bethel seconded.

Chairperson Colloton recognized Representative Roth and he moved an amendment he had to offer on the bill. It was determined that Representative Roth's amendment should be added to HB 2340 instead of SB 248 and Representative Roth withdrew his amendment.

Representative Pauls moved an amendment to change time for Rules and Regs to 6 months on SB 248. Representative Bethel seconded. Motion carried.

Representative Bethel made a motion to add the language to the bill that Mr. Sneed requested in his testimony regarding the PBM being excluded and add it to the beginning of Section 2. Representative Dillmore seconded. Motion carried.

A discussion followed.

Representative Kinzer moved an amendment on Page 4, Lines 3 to strike language starting with the word "providing" going to the end of the sentence and adding in its place "complying with the provisions of this act". Representative Spaulding seconded. Motion carried.

Representative Kinzer moved an amendment to strike on Page 4, Lines 7 through 9. Representative Dillmore seconded. Motion carried.

Representative Dillmore moved to pass SB 248 out favorably as amended. Representative Bethel seconded. Motion carried.

Chairperson Colloton adjourned the meeting at 3:00 p.m. with the next meeting scheduled for March 19, 2009 at 1:30 p.m. in room 535 N.