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January 28, 2013

Senator King, Chair  
Senate Judiciary Committee

Re: Senate Bill 39, Unlawful Possession of Prescription-Only Drugs

Dear Chairman King and Members of the Committee,

Misuse of prescription pills is fast becoming a major issue in not only Leavenworth County, but throughout the State of Kansas and indeed the Nation. When prosecuting certain types of drug cases we noticed what we believe was an oversight in legislation. I say I believe it to be an oversight because most people, including myself, have always believed it to be illegal to possess someone else's prescription medication. We have been prosecuting specific types of prescription drugs case due to their highly addictive properties, but we are finding that people are now resorting to taking any prescription pills they can find in an effort to "get high". Children are having "pharm parties". A "pharm party" is where people obtain all the prescription medications they can, share them among the other "party" goers, take several pills and wait to see how it effects them. We have seen a rise in the number of arrestees, on non drug offenses, possessing prescription medications belonging to someone other than themselves. I believe there is a reason why pharmacists and doctors require a license to dispense prescription drugs. Their training and expertise makes them very aware of the danger any medication poses if taken indiscriminately or recklessly. It is illegal to sell prescription medications "over the counter" and it should be just as illegal for anyone other than the person to whom the medication is prescribed to possess that medicine.

To give a specific example of this problem, we had a case where an individual was found with 42 non-prescribed pills in his possession. None of those pills could be charged to him, even though we knew he was using those pills. We had another individual take his grandmother's prescription pills to crush and snort. In Kansas, neither of these cases could be prosecuted. Any of these pills will affect the user if taken in large enough quantity or taken in conjunction with other drug and alcohol users.

Please note that we are not asking to change any of the pills that are already viewed to be illegal to possess without a valid prescription. We also note in this bill an exception for prescription holders to allow a third party to posses their medication for safety reasons. Example: a parent for a child, a child for an elderly parent, a caregiver for a homebound patient, etc.

Sincerely,

Todd Thompson  
County Attorney, Leavenworth County, Kansas