

Approved: 5-2-2005  
Date

MINUTES OF THE HOUSE CORRECTIONS & JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairman Ward Loyd at 1:30 P.M. on March 14, 2005 in Room 241-N of the Capitol.

All members were present except:

Mike Peterson- excused  
Jim Ward- excused

Committee staff present:

Jill Wolters, Revisor of Statutes Office  
Diana Lee, Revisor of Statutes Office  
Jerry Ann Donaldson, Kansas Legislative Research  
Becky Krahl, Kansas Legislative Research  
Connie Burns, Committee Secretary

Conferees appearing before the committee:

Senator Terry Bruce  
Larry Welch, Director KBI  
Lt. Col. Terry Maple, KS Highway Patrol  
Kevin Graham, Attorneys' General Office  
Kyle Smith, KBI  
Lonnie Wright, Director of Narcotics, Oklahoma  
Scott Rowland, General Counsel Oklahoma State Bureau  
Representative Peggy Mast  
Tammy Samuels  
Mary Gaffey  
Debbie Criswell  
Randy Rogers, KS Sheriff's Association  
Michael White, KCDAA  
Duane Simpson, KS Agribusiness Retailers Association  
John Kiefhaber, KS Pharmacists Association  
Terry Holdren, KS Farm Bureau  
Tom Palace, Petroleum Marketers  
Representative Scott Schwab  
Dana Kenneson

Others attending:

See attached list.

**SB 27 - Unlawfully selling drug products containing Ephedrine or Pseudoephedrine, pharmacy controls; rebuttable presumption of intent if possession of more than nine grams**

Chairman Loyd opened the hearing on **SB 27**.

Chairman Loyd provided the committee with information from Firstline of Council of State Government (CSG) Midwest. (Attachment 1) The article touched on:

- Methamphetamine problems requires multifaceted response from states
- States target meth producers, seek better treatment for addicts
- supply and demand
- Prosecuting and protecting
- Environmental cleanup
- Lab seizures in 2003

Senator Terry Bruce, provided the committee the action that Senate Judiciary took on the bill.

([Attachment 2](#)) The Senate committee looked at:

- The major components of the Oklahoma law
- Other states proposed legislation
- Current Meth problem

The components of **SB 27**:

- Makes starch-based, multi-ingredient cold products containing ephedrine or pseudoephedrine schedule 5 drugs
- Does not require liquid or gel caps to be schedule 5 – still available as currently sold
- Preempts localities from further restrictions
- Requires KBI and Board of Pharmacy to report to legislature each year
- Criminal provisions
- Sets bail at \$50,000 for certain meth related violations

Larry Welch, Director of Kansas Bureau of Investigation, passage of the bill would help the KBI better address the importation and trafficking of methamphetamine, as well as cocaine, crack, marijuana, etc. ([Attachment 3](#)) Information was provided reflecting the efforts and achievements of the KBI in reduction of the number of meth labs.

Lt. Colonel Terry Maple, Kansas Highway Patrol, appeared in support of the bill. ([Attachment 4](#)) Oklahoma has had great success with a similar law already in place, restricting some forms of precursor cold medications, such as the tablet form of ephedrine and pseudo ephedrine. The number of meth labs has been cut in half; unfortunately, this has caused an increase in people coming across the Kansas Oklahoma border to simply purchase these precursor cold medications. The Kansas Highway Patrol and the methamphetamine task force are committed to fighting meth and other illegal drugs and continue to work with communities and identify the best practices to be evaluated and employed.

Kevin Graham, Assistant Attorney General, appeared in support of the bill. ([Attachment 5](#)) The trends of criminals from other states coming to Kansas to commit their crimes of purchasing meth making supplies due to our weaker laws, further heightens the need for Kansas to take action quickly to enact legislation similar to Oklahoma.

Kyle Smith, Kansas Bureau of Investigation, appeared in favor of the bill and also provided a balloon. ([Attachment 6](#)) The technical amendments are offered after working with the Kansas Pharmacists Association and the Kansas Pharmacy Board in an effort to keep the bill as simple and straight forward as possible.

Lonnie Wright, Oklahoma Director of Narcotics, provided statistical information on Oklahoma before and after passage of the model legislation. ([Attachment 7](#)) Scott Rowland, General Counsel for the State Bureau of Narcotics, spoke about three points of legislation, that selling meth is an economical based crime versus an addiction based crime, that OK found that it is driven by addiction and that they couldn't come up with a punishment that would off set the addiction. The second point is that meth is a very dangerous controlled substance. The third point is that the similar structure and availability of the product.

Representative Peggy Mast, requested passage of the bill. ([Attachment 8](#))

Tammy Samuels, urged passage of the bill and to spare another family the loss of a family member. ([Attachment 9](#))

Mary Gaffey, spoke in support of the bill. ([Attachment 10](#))

Debbie Crisswell, SOS Outreach Coordinator for Greenwood County, stated that the connection between meth and domestic violence/sexual assault is one of increased lethality, increased frequency and increased seriousness of the violence. ([Attachment 11](#))

Randy Rogers, President Kansas Sheriff's Association, appeared in support of the bill and requesting additional funding sources or restructure the way in which Byrnes Grant are awarded. ([Attachment 12](#))

Mike Jennings, Legislative Kansas County & District Attorneys Association, written testimony in support of the bill was presented by Michael White. ([Attachment 13](#))

Duane Simpson, Kansas Agribusiness Retailers Association, appeared in support of the bill. ([Attachment 14](#)) Anhydrous ammonia (NH<sub>3</sub>) can be used in cooking process for methamphetamine; it is used as fertilizer for wheat in Kansas. The theft of the fertilizer and the property damage done by the theft is a serious problem for the industry and customers. Missouri and Nebraska are considering similar legislation and failure to act in Kansas could result in a dramatic increase in meth related crimes.

John Kiefhaber, Kansas Pharmacists Association, stated that the Kansas pharmacist stand ready to do their part in law enforcement's campaign against meth production in Kansas and have requested an amendment to the bill. ([Attachment 15](#)) The amendment is in Section 3, paragraph (f) to not come back on the pharmacists if the purchaser was able to beat the system.

Terry Holdren, Kansas Farm Bureau, spoke in support of the bill. ([Attachment 16](#)) KFB policy also support uniformity of laws with neighboring states and the aggressive prosecution of individuals charged with manufacturing and distribution of meth.

Tom Palace, Executive Director of the Petroleum Marketers and Convenience store Association of Kansas, appeared in support of the bill. ([Attachment 17](#)) A request that the bill be amended to require suppliers to buy back unused inventory or make the act effective two months after the statute is posted in the Kansas Register.

Representative Scott Schwab, appeared in support of the bill. ([Attachment 18](#)) A suggestion was offered by not making the pharmacist the primary source of policing of meth ingredients.

Dana Kenneson, appeared in support of the bill. ([Attachment 19](#)) She felt voting in favor of this bill would send a great message to Kansas.

Written testimony was provided by Leslie Kaufman, Kansas Cooperative Council, in favor of passage of the bill. ([Attachment 20](#))

The Chairman stated that hearing on **SB 27** would be continued with opponents to be heard tomorrow.

The meeting was adjourned at 3:25 pm. The next scheduled meeting is March 15, 2005.