

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1096

2001 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1096

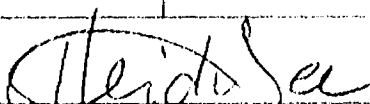
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1096

House Industry, Business and Labor Committee

Conference Committee

Hearing Date Jan 16, 2001

Tape Number	Side A	Side B	Meter #
2	X		0-10.95
Committee Clerk Signature 			

Minutes: Chairman R. Berg, Vice-Chair G. Keiser, Rep. M. Ekstrom, Rep. R. Froelich, Rep. G. Froseth, Rep. R. Jensen, Rep. N. Johnson, Rep. J. Kasper, Rep. M. Klein, Rep. Koppang, Rep. D. Lemieux, Rep. B. Pietsch, Rep. D. Ruby, Rep. D. Severson, Rep. E. Thorpe.

Chairman Berg: Let's open the hearing on HB 1096.

Howard Anderson Jr., R. Ph.: *Executive Director of the ND Board of Pharmacy*

written testimony

Rep Ekstrom: In section 7, does the pharmacy ever receive that original perscription as part of the record?

Anderson: No, under this that should not be necessary.

Chairman Berg: Is there any risk of someone else using that original perscription?

Anderson: No because that is part of the chart work.

Rep Ekstrom: With the liabilty chain of command, when only a fax is evidence that may become a little hairy.

Page 2
House Industry, Business and Labor Committee
Bill/Resolution Number HB 1096
Hearing Date Jan 16, 2001

Anderson: I don't think that will be a problem, it's just speeding up the perscription to the pharmacist.

Chairman Berg: Any other questions? Any one else here to testify on HB 1096? With that we'll close the hearing on HB 1096.

Rep Ekstrom: I recommend a do pass.

Rep Johnson: I second.

Chairman Berg: Motion is carried. 14 aye, 0 nay, 1 absent. Rep Kasper carries.

Date: 1/16/01
 Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. ~~Click here to type Bill/Resolution No.~~ 1096

House Industry, Business and Labor Committee

- Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Ekstrom Seconded By Johnson

Representatives	Yes	No	Representatives	Yes	No
Chairman- Rick Berg	✓		Rep. Jim Kasper	✓	
Vice-Chairman George Keiser	✓		Rep. Matthew M. Klein	✓	
Rep. Mary Ekstrom	✓		Rep. Myron Koppang	✓	
Rep. Rod Froelich	✓		Rep. Doug Lemieux	✓	
Rep. Glen Froseth	✓		Rep. Bill Pietsch	✓	
Rep. Roxanne Jensen	✓		Rep. Dan Ruby	✓	
Rep. Nancy Johnson	✓		Rep. Dale C. Severson	✓	
			Rep. Elwood Thorpe	+	

Total (Yes) 13 No 0

Absent 2

Floor Assignment Koppang

If the vote is on an amendment, briefly indicate intent.

REPORT OF STANDING COMMITTEE (410)
January 18, 2001 4:01 p.m.

Module No: HR-06-1084
Carrier: Koppang
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1096: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1096 was placed on the Eleventh order on the calendar.

2001 SENATE INDUSTRY, BUSINESS AND LABOR

HB 1096

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1096

Senate Industry, Business and Labor Committee

Conference Committee

Hearing Date February 14, 2001.

Tape Number	Side A	Side B	Meter #
1	x		29,2 to 40
Committee Clerk Signature <i>Doris E. Perez</i>			

Minutes:

The meeting was called to order. All committee members present. Hearing was opened on HB 1096 relating to the practice of pharmacy.

Howard Anderson, Executive Director, ND Board of Pharmacy, in favor. Written testimony attached.

Senator Mutch: page 1 line 23 "otherwise permitted" refers to what?

H Anderson: refers to limitations within their specialty.

Senator Espegard: Would this apply to optometrists prescribing medication other than for glaucoma?

H Anderson: No.

Galen Jordre, ND Pharmaceutical Assn. In favor

No opposing testimony. Hearing closed.

Discussion held. **Senator Klein**: Motion: do pass. **Senator Espegard**: Second.

Page 2

Senate Industry, Business and Labor Committee

Bill/Resolution Number 1096

Hearing Date February 14, 2001.

Roll call vote: 7 yes; 0 no. Motion carried. Floor assignment : **Senator Espegard.**

Date: 2/14/01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1096

Senate Industry, Business and Labor Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By S Klein Seconded By S Espeland

Senators	Yes	No	Senators	Yes	No
Senator Mutch - Chairman	✓		Senator Every	✓	
Senator Klein - Vice Chairman	✓		Senator Mathern	✓	
Senator Espeland	✓				
Senator Krebsbach	✓				
Senator Tollefson	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen Espeland

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
February 14, 2001 11:44 a.m.

Module No: SR-27-3306
Carrier: Espegard
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1096: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1096 was placed on the Fourteenth order on the calendar.

2001 TESTIMONY

HB 1096



Board of Pharmacy
STATE OF NORTH DAKOTA
EDWARD T. SCHAFER, Governor

OFFICE OF THE EXECUTIVE DIRECTOR
P.O. Box 1354
Bismarek, North Dakota 58502-1354
Telephone (701) 328-9535
Fax (701) 258-9312

PATRICIA M. CHURCHILL, R.Ph.
Bismarek, President
MARVIN M. MALMBERG, M.S., R.Ph.
Fargo, Senior Member
DAVID J. OLIG, R.Ph.
Fargo
HARVEY J. HANEL, Pharm.D., R.Ph.
Horace
GARY W. DEWHRST, R.Ph.
Hettinger
WILLIAM J. GROSZ, Sc.D., R.Ph.
Wahpeton, Treasurer
HOWARD C. ANDERSON, Jr., R.Ph.
Turtle Lake, Executive Director

HOUSE BILL No. 1096
INDUSTRY, BUSINESS AND LABOR COMMITTEE
TUESDAY- JANUARY 16, 2001 - 2:00 PM - PEACE GARDEN ROOM

Chairman Berg, members of the Industry, Business and Labor Committee, for the record I am Howard C. Anderson, Jr., R.Ph., Executive Director of the North Dakota State Board of Pharmacy.

Thank you for the opportunity to appear before you today. This Bill was introduced at the request of the State Board of Pharmacy and contains changes necessary to help pharmacists care for their patients and primarily expands our laws to the greatest extent possible under the federal regulations.

Sections 1 - 2 and 8 change the definition of prescription drug in the various sections in the North Dakota Law to include the Rx Only language adopted by the Food and Drug Administration. Manufacturers, packagers and labelers of prescription medication asked the FDA to simplify and shorten the designation of a prescription drug since the caution: "Federal Law Prohibits Dispensing Without Prescription" took up too much room on the label.

Section 3 changes NDCC 19-03 to match the language which you changed two years ago in 19-02.1-01 and 43-15-01(24) during the Fifty-Sixth Legislative Assembly.

Sections 4-5-6 are scheduling or rescheduling of Controlled Substances, which the Board of Pharmacy acting as the Controlled Substances Board has scheduled administratively during the past two years, to keep North Dakota's drug schedules in conformity with those of the Drug Enforcement Administration.

Page 2 line 11, places Gamma-hydroxybutyric acid in Schedule I, unless it is specifically listed in another schedule as an approved drug product.

Page 3 - line 5 under e. Dronabinol and f. Gamma-hydroxybutyric acid are placed in schedule III when they are marketed as approved drug products. Ketamine, which is a drug used for induction of anesthesia, has also been placed in scheduled III.

On page 5 line 16 Zaleplon has been added to the list of Schedule IV Controlled Substances and on line 28 Modafinil is also in Schedule IV.

The change on page 6 line 6 brings us into concurrence with the DEA Regulations which were changed to allow the facsimile of a prescription signed by the practitioner before faxing to serve as the original prescription of the physician, to be retained by the pharmacy for that purpose. Prior regulations would have required pharmacists to get an original signature before we could have dispensed the medication.

Thank you very much, I will be happy to answer any question you might have.

Howard C. Anderson, Jr., R.Ph.



Board of Pharmacy
STATE OF NORTH DAKOTA
EDWARD T. SCHAFER, Governor

COPY

OFFICE OF THE EXECUTIVE DIRECTOR
P.O. Box 1354
Bismarck, North Dakota 58502-1354
Telephone (701) 328-9535
Fax (701) 258-9312

MARVIN M. MALMBERG, M.S., R.Ph.
Fargo, President
PATRICIA M. CHURCHILL, R.Ph.
Bismarck, Senior Member
PATRICIA A. KRAMER, R.Ph.
Bismarck
DAVID J. OLIG, R.Ph.
Fargo
HARVEY J. HANEL, PharmD., R.Ph.
Horace
WILLIAM J. GROSZ, Sc.D., R.Ph.
Wahpeton, Treasurer
HOWARD C. ANDERSON, Jr., R.Ph.
Turtle Lake, Executive Director

July 21, 1999

Mr. Rolf P. Sletten
Executive Secretary/Treasurer
ND Board of Medical Examiners
418 East Broadway Avenue
Bismarck ND 58501

Dear Mr. Sletten:

The Board of Pharmacy has taken administrative action consistent with the issuance of the final rule by Acting Deputy Administrator of the Drug Enforcement Administration (DEA) placing the substance synthetic Dronabinol [(-)- Δ^9 -(trans)-Tetrahydrocannabinol] in sesame oil and encapsulated in gelatin capsules in a product approved by the Food and Drug Administration (FDA) from Schedule II into Schedule III the Controlled Substances Act (CSA), by the Authority of NDCC 19-03.1-02 subsection 4.

The rescheduling of this substance is effective thirty days from the notice published in the Federal Register - July 2, 1999 pages 35928-35930 (Vol 64, No. 127). The North Dakota State Board of Pharmacy places these substances into Schedule III of the North Dakota Uniform Controlled Substances Act.

Sincerely,

Howard C. Anderson, Jr., R.Ph.
Executive Director

HCA/eh

CC David A. Lindell, J.D.
Special Assistant Attorney General

