

# MICROFILM DIVIDER

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ROLL NUMBER

DESCRIPTION

1256

2007 HOUSE HUMAN SERVICES

HB 1256

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1256

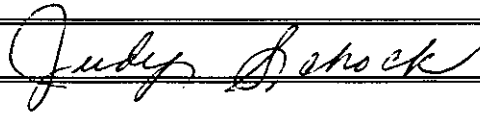
House Human Services Committee

Check here for Conference Committee

Hearing Date: January 15, 2007

Recorder Job Number: 1059

Committee Clerk Signature



Minutes:

**Chairman Price:** Open HB 1256.

**Representative Weisz, District 14:** This is a simple bill. This is a bill creating a drug registry that will allow people to donate unused drugs for people who can not afford them. The bill will also say what qualifies. This will be handled through the Board of Pharmacy. There is an appropriation of \$22,000. I have been assured it is a one time appropriation. Currently it is on a first come first serve bases.

**Senator Randy Christmann, District 33:** Many people do not have Insurance or Medicare part 3, so this will be a way to help others. I am also here in support of the bill. My Mother recently died, but I was amazed at what the physicians could do for her with drugs to make her life better while she was here. Many people do not have insurance, or the Medicare coverage they need for the drugs, and can not afford the drugs she was able to.

**Ken Tupa, Lobbyist for Great West Division of the American Cancer Society:** See attached testimony along with purposed amendments. Only containers not opened and non expired may be dispensed. I would like to see the physicians play a big roll in this, they would feel that a particular patient may be a candidate for this program, and take a look in the depository to see if the drug is available.

**Howard Anderson, Executive Director of the ND State Board of Pharmacy:** See attached testimony. We included all drugs, not just cancer drugs. The intention is we create this registry. A pharmacist decides to participate, they register with us, and say, I am going to be a recipient of these drugs. They then follow our guide lines about keeping them stored and keeping records. Practitioners may participate too. The cancer society has a list and they can make this known and where to be able to get them, A legend drug is one that is prescription. We need pharmacists and physicians to participate.

**Deborah Knuth, ND Director of Government Relations for the American Cancer Society:** See attached testimony. Some people can not afford the cost of cancer drugs, and so many people decide to just not take them. Even with insurance and their drugs are \$6,000.00, they still need to pay \$4,000 out of pocket. Not many people can afford to do this.

**Ellen Schafer, oncology nurse:** When my mother died from cancer. Many drugs were prescribed while she fought her illness, and never used. We could not return any and they were flushed down the toilet. Some one could have used them. On behalf of my Mom please support the bill.

**Joel Gilbertson:** We support this bill, and programs.

**John Frank, citizen:** My parents died from lung cancer. I watched them die with much pain. The current system forces us to dispose of unused drugs. We took a super value bag half full of drugs never opened. We need to donate the unused drugs to those who can not afford them.

**Maynard Bronstein, Medical oncologist:** We have many patients with left over drugs. We encourage your consideration of the bill.

**Chairman Price:** Any others in favor of the bill or opposing the bill. If not we will close HB 1256.

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1256

House Human Services Committee

Check here for Conference Committee

Hearing Date: January 15, 2007

Recorder Job Number: 1134

Committee Clerk Signature

*Judy Schock*

Minutes:

**Chairman Price:** Let's open HB 1256. Again we have proposed amendments.

**Representative Weisz** motion to move amendments, second by **Representative Damschen**, all in favor no nays.

**Chairman Price:** Any other amendments? There was discussion and question on the fact of prioritizing and distribution. Hopefully that won't be a problem and we get enough drugs.

Representative Kaldor move a do pass as amended rereferred to Appropriations.

Representative Schneider I second the motion. 12 yeas, 0 nays 0 absent. Representative

Weisz to carry,

**House Amendments to HB 1256 (70574.0101) - Human Services Committee 01/16/2007**

Page 2, line 18, replace "bears an" with "has reached its"

Page 2, line 19, remove "beyond the date it was donated or dispensed"

**House Amendments to HB 1256 (70574.0101) - Human Services Committee 01/16/2007**

Page 3, line 17, replace "A" with "In the absence of intentional misconduct, a", replace "not liable" with "immune from civil or criminal liability", replace "or" with an underscored comma, and after "injury" insert ", death, or loss to person or property"

Page 3, line 18, remove "donation or" and after "transfer" insert ", donation, dispensing or acceptance"

Renumber accordingly

Date: Y15  
Roll Call Vote #: 1

**2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House HUMAN SERVICES HB 1256 Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken made amendments from Tim Keupa

Motion Made By Rep Weisz Seconded By Rep Damschen

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price – Chairman			Kari L Conrad		
Vonnie Pietsch – Vice Chairman			Lee Kaldor		
Chuck Damschen			Louise Potter		
Patrick R. Hatlestad			Jasper Schneider		
Curt Hofstad					
Todd Porter					
Gerry Uglen					
Robin Weisz					

Total (Yes) "Click here to type Yes Vote" No "Click here to type No Vote"

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

Date: 4/15  
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House HUMAN SERVICES HB 1256 Committee

Check here for Conference Committee

Legislative Council Amendment Number 70574.0100

Action Taken No pass as amendment

Motion Made By Rep Kaldor Seconded By Rep Schneider

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price - Chairman	✓		Kari L Conrad	✓	
Vonnie Pietsch - Vice Chairman	✓		Lee Kaldor	✓	
Chuck Damschen	✓		Louise Potter	✓	
Patrick R. Hatlestad	✓		Jasper Schneider	✓	
Curt Hofstad	✓				
Todd Porter	✓				
Gerry Uglen	✓				
Robin Weisz	✓				

Total (Yes) 12 "Click here to type Yes Vote" No 0 "Click here to type No Vote"

Absent 0

Floor Assignment Rep Weisz

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

CR/APP



REPORT OF STANDING COMMITTEE

HB 1256: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1256 was placed on the Sixth order on the calendar.

Page 2, line 18, replace "bears an" with "has reached its"

Page 2, line 19, remove "beyond the date it was donated or dispensed"

Page 3, line 17, replace "A" with "In the absence of intentional misconduct, a", replace "not liable" with "immune from civil or criminal liability", replace "or" with an underscored comma, and after "injury" insert ", death, or loss to person or property"

Page 3, line 18, remove "donation or" and after "transfer" insert ", donation, dispensing or acceptance"

Renumber accordingly

2007 HOUSE APPROPRIATIONS

HB 1256

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1256

House Appropriations Committee

Check here for Conference Committee

Hearing Date: 1/29/07

Recorder Job Number: 2089

Committee Clerk Signature

*Chanya Voegele*

Minutes:

Chairman Svedjan opened the meeting on House Bill 1256.

Rep. Weisz described the bill and stated its purpose.

**Chairman Svedjan:** As drugs or other things are donated to this fund and as physicians or pharmacists become aware of their availability. They can somehow access them for one of their patients, is there an additional charge? You mentioned a dispensing fee but is there a charge for the drug again?

**Rep. Weisz:** No there is not. The person will donate the drugs, they do not get paid. It will then go into a registry that the pharmacists or doctors look it up and if that particular drug shows he can then get it for free and give it to the patient. The pharmacists would get a dispensing fee and that is the total cost.

**Rep. Kreidt:** Would this also apply to someone that is using a pharmacist that is on medical assistance so there would be a savings on that side?

**Rep. Weisz:** It could but really what this would be intended for is if Medicaid is paying for it already it is not an issue of having to look and see if we can find some drugs. It is intended to help those who either have a very high deductible or maybe don't have insurance and don't qualify for Medicaid. This is an opportunity to access some of these.

**Rep. Kreidt:** In that situation though, we would be looking at a savings to the state.

**Rep. Weisz:** You could be but I doubt it would be utilized at least up front for Medicaid patient because again they are going to get paid and they are qualified so the odds of the doctor, the pharmacist or even the patient saying I cant afford the drug because if it is covered they probably wont go online to look for this.

**Chairman Svedjan:** It is conceivable that it could happen.

**Rep. Metcalf:** I have a question concerning the liability. These medicines are kept in a person's home until they are turned over. They could be contaminated or whatever else. I am sure they are checked very closely but who carries the responsibility if something would happen or if someone would report an illness or something by reason of taking one of these drugs?

**Rep. Weisz:** The bill is very specific that only sealed and unopened untampered with drugs can be donated. If you had a bottle of pills and you opened the bottle even if you never used the pills if you opened the bottle you cant donate it. That is the key. There is a liability section that says if the doctor and pharmacist does do diligence they would not be held liable for anything.

**Rep. Wald:** If you look at page three under liability that is very broad. Was this heard in another committee?

**Chairman Svedjan:** It was heard in Human Services.

**Rep. Wald:** Was there discussion in regard to the liability section in this bill?

**Rep. Weisz:** Yes there was. The reason this language is, as you say, broad is that there is no requirement that anybody participate in this program and for it to be successful and have any doctor or pharmacist be willing to do this you have to protect them from liability. They don't gain from doing this. They are doing this as a service to their patients and to the system. It was intentionally made broad so that we would get participation. The only way this program will

work is if the pharmacists and doctors participate. Other states have done this but they have set it up different and they have very low participation because nobody wants to go through the hassle. They have very complicated programs and this is broad and it is intended that way because if it is going to work we want doctors and pharmacists to participate.

**Chairman Svedjan:** What are the wishes of the committee?

**A motion was made by Rep. Klein, seconded by Rep. Pollert to DO PASS House Bill 1256. The committee voted 22 Yeas, 0 Nays, 2 Absent and Not Voting. The bill will be carried by Rep. Weisz.**

Date: January 29, 2007  
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1256

House Appropriations Full Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Klein Seconded By Pollert

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan	✓				
Vice Chairman Kempenich	✓				
Representative Wald	✓		Representative Aarsvold	✓	
Representative Monson	✓		Representative Gulleon	✓	
Representative Hawken	✓				
Representative Klein	✓				
Representative Martinson	✓				
Representative Carlson	✓		Representative Glassheim	✓	
Representative Carlisle	✓		Representative Kroeber	✓	
Representative Skarphol	✓		Representative Williams	✓	
Representative Thoreson	✓				
Representative Pollert	✓		Representative Ekstrom	✓	
Representative Bellew	✓		Representative Kerzman	✓	
Representative Kreidt	✓		Representative Metcalf	✓	
Representative Nelson	✓				
Representative Wieland	✓				

Total (Yes) 22 No 0

Absent 2

Floor Assignment Rep. Weing

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

REPORT OF STANDING COMMITTEE (410)  
January 30, 2007 9:46 a.m.

Module No: HR-19-1497  
Carrier: Weisz  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

HB 1256, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)  
recommends **DO PASS** (22 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING).  
Engrossed HB 1256 was placed on the Eleventh order on the calendar.

2007 SENATE HUMAN SERVICES

HB 1256



## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1256

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 2-26-07

Recorder Job Number: 3849, 3890

Committee Clerk Signature

*Mary K Monson*

Minutes:

Chairman Senator J. Lee opened the hearing on HB 1256 relating to the creation of a legend prescription drug and device donation and repository program; and to provide an appropriation.

Senator Randy Christmann (District #33) introduced HB 1256 and gave a little personal perspective on this type of drug sharing (meter 00:50). He felt it was a wonderful opportunity to work together and save some costs for some people in need.

Senator Warner didn't see a definition for legend drug in the definition section and asked him if he could give one.

Sen. Christmann said he couldn't give a definition.

Representative Robin Weisz (District #14) testified that he was the sponsor on HB 1256 which basically sets up a clearing house for donor drugs. This bill will allow people who have unused drugs to donate them to the board of pharmacy so those in need can get them from the pharmacist or physician. He went on to explain how this would work and emphasized that they would have to be unopened and tamper free (meter 03:50). The service is free but the pharmacist would be able to charge up to 250% of the dispensing fee they currently get to handle the transaction. There are protections in the bill for liability. There is a direct

appropriation of \$22,000 that would go to the board of pharmacy to set up the procedure. It is a one time expense.

Senator J. Lee asked him to explain a little about "device".

Rep. Weisz replied that it would be any type of device that would be for dispensing a drug. It would include individual packs. The key for donating would be that they are tamper proof and sealed.

Senator Dever asked if there were changes made in the House.

Rep. Weisz said it was a minor change.

Ken Tupa (American Cancer Society) See attachment #1 in favor of HB 1256.

(Meter 15:04) He talked about the amendments that were made in the house.

Senator Warner asked if the repository was a virtual repository—just a data base of where the stuff is or is it all collated in one common location.

Mr. Tupa said it is not one central repository. The participants can be practitioners or pharmacies across the state but the tool that will make this work is that they can post the drugs/devices that are donated to the web site (meter 17:20).

Senator Warner indicated concern with continuity with supply or continuum of treatment.

He also asked how this relates to the insurance program.

Mr. Tupa said this is a separate program and didn't see that it would relate to the program for free drugs that the insurance commissioner would have information on. He wasn't sure how to answer the concern about continuity of prescription drugs and care (meter 19:20).

The program is on a first come first serve basis because of expiration dates on certain drugs.

The process of accessing these donated drugs was discussed (meter 21:16).

A tax incentive for donating large dollar amounts of drugs was also discussed with questions on how other states address it.

Howard Anderson (Executive Director, ND Board of Pharmacy) testified in support of HB 1256.

(Attachment #2) There is no fiscal note. The goal was to make a program that was fairly simple and included all drugs and had a website available so the patients and practitioners could access where the drugs are. There would be a form for the patient to sign so they are notified that the drugs are donated and that they are willing to accept that. Those people who donate the drugs will also sign a form so there is a tracking mechanism.

Senator Warner asked if there is an issue with refrigeration of drugs and exposure to heat when out of the pharmacist's possession.

Mr. Anderson replied that there is. The physician, the practitioner, or the pharmacy receiving those drugs is going to have to be responsible.

Senator Warner asked if there is an existing website that provides security both for the entry and access of information.

Mr. Anderson said there is a public access website now. This is intended to be a public access website only to access the information of availability. Entries will be made by the board of pharmacy based on the forms they receive from the practitioner or pharmacy that took the drugs in.

Dave Peske (ND Medical Association) testified in support of HB 1256.

There was no opposing or neutral testimony.

The hearing on HB 1256 was closed.

#### **JOB #3890**

Chairman Senator J. Lee opened HB 1256 for discussion.

Attachment #3 included e-mails with answers to questions about the definition for "legend drugs" and tax incentives for donating large dollar amounts of drugs. These topics were discussed by the committee.

Also discussed was used equipment such as wheel chairs and walkers. IPAT deals with used equipment. Medicare won't pay for used equipment.

Senator Heckaman moved a Do Pass on HB 1256 and rerefer to appropriations.

The motion was seconded by Senator Pomeroy.

Roll call vote 6-0-0. Motion carried. Carrier is Senator Heckaman.



**REPORT OF STANDING COMMITTEE**

HB 1256, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** and **BE REREFERRED** to the Appropriations Committee (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1256 was rereferred to the Appropriations Committee.

2007 SENATE APPROPRIATIONS

HB 1256

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1256

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 03-09-07

Recorder Job Number: 4748

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the hearing on HB 1256.

Senator Randel D. Christmann, District 33, Hazen, introduced HB 1256 indicating he signed on to the bill after he experienced a long illness of his mother. He often thinks about families who pay big ticket prices for medications when they don't have insurance coverage. This bill is a great way in certain instances to help people with their medications.

Ken Tupa, American Cancer Society, presented written testimony in support of HB 1256 indicating this bill would create a prescription drug and device donation and repository in North Dakota. He indicated unused prescription drugs are often discarded and the American Cancer Society is often contacted about donating unused drugs for use by other patients. This would be medications that are individually wrapped. He then indicated that once this program is established, this will be a cooperative effort. The person would contact a pharmacy to donate the drug, the pharmacy would then post that med to the public web site, which tells where the particular drug is. The liability protections are also in place.

Senator Tallackson asked that more detail be provided like how the repository would know the medications were not touched by hands of the diseased person. The response was they need to be individually wrapped.



Senator Bowman indicated that after his last heart attack he had a full bottle of medication that had never been used or opened.

Howard Anderson, Executive Director, Board of Pharmacy testified in support of HB 1256.

He indicated the idea is that these meds are individual unit doses. There will be a form tracking who donated the drugs, who received the drugs and the individual receiving the drug will sign a form indicated they know the drugs are donated.

Senator Roberson asked if the industry is moving toward individually packaged drugs. The response was yes and currently the more expensive are prepackaged. This particular program does not include controlled substance drugs.

Senator Lindaas indicated he was under the assumption that all drugs are controlled. The response was all prescription drugs are legend drugs or controlled drugs. Controlled drugs are addictive.

Senator Kilzer indicated that on page 1, line 18 you will contract with a third party. Are there any prospects in mind. The response was the Cancer Society found out this was a program not in place. The Cancer Society would be the third party.

Senator Krebsbach asked who would be in control of the drugs, how do people find out about where to turn in the drugs. The response was if the local pharmacy is not participating, the pharmacy would still help individuals and would know who is participating and they can take it in to the pharmacy or physician and it will still get to someone who needs it.

Chairman Holmberg closed the hearing on HB 1256.

The OMB indicated the State Board of Pharmacy is not considered a state agency to receive appropriations and our recommendation would be to put the money in the DHS budget and it would be granted to the State Board of Pharmacy.

The Legislative Council indicated it is unusual for an appropriation to be made to an occupational board. It has been done in the past, though rarely. It would be cleaner to give it to an agency to give it as a grant.

Senator Christmann indicated that perhaps we should work on an amendment to get this through.

Chairman Holmberg indicated there seems to be a consensus the committee wants to vote on the bill, the mechanism is our problem, not the board of pharmacy problem.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1256

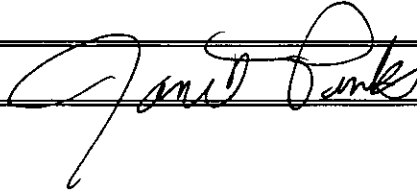
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 03-21-07

Recorder Job Number: 5381

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the hearing on HB 1256 indicating this bill refers to a private organization receiving funds and it was determined it is cleaner to have the funding go through an agency. Then the agency could give it to the occupational board as a grant. The bottom line is the occupational board will receive the grant and it would be logistically cleaner to have this as a grant. The amendment was distributed.

Senator Christmann indicated this is a legend drug and equipment bill and because of the concern about granting to an occupational board, the amendment puts the appropriation from the Board of Pharmacy to the State Health Department and they provide the funds to the Board of Pharmacy.

Senator Christmann moved amendment 0201, Senator Robinson seconded. No discussion was held. An oral vote was taken resulting in a do pass of the amendment.

Senator Robinson moved a DO PASS as Amended, Senator Christmann. No discussion was held. A roll call vote was taken resulting in a do pass with 14 yes, 0 no 0 absent. Senator Holmberg will carry the bill.

Chairman Holmberg closed the hearing on HB 1256.

*AC*  
3-21-07

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1256

Page 4, line 20, replace "board of pharmacy" with "department of health" and after the third "of" insert "providing a grant to the state board of pharmacy for"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Dept. 301 - State Department of Health**

SENATE - This amendment changes the appropriation from the Board of Pharmacy to the State Department of Health and provides that the State Department of Health provide the funds appropriated to the Board of Pharmacy as a grant.

Date: 3/21  
Roll Call Vote #:

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. ~~1286~~ 1256

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DP as amend

Motion Made By Robinson Seco<sup>min</sup>nded By Chris

Senators	Yes	No	Senators	Yes	No
Senator Ray Holmberg, Chrm	✓		Senator Aaron Krauter	✓	
Senator Bill Bowman, V Chrm	✓		Senator Elroy N. Lindaas	✓	
Senator Tony Grindberg, V Chrm	✓		Senator Tim Mathern	✓	
Senator Randel Christmann	✓		Senator Larry J. Robinson	✓	
Senator Tom Fischer	✓		Senator Tom Seymour	✓	
Senator Ralph L. Kilzer	✓		Senator Harvey Tallackson	✓	
Senator Karen K. Krebsbach	✓				
Senator Rich Wardner	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Holmberg Hansen 2

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

**REPORT OF STANDING COMMITTEE**

HB 1256, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1256 was placed on the Sixth order on the calendar.

Page 4, line 20, replace "board of pharmacy" with "department of health" and after the third "of" insert "providing a grant to the state board of pharmacy for"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Dept. 301 - State Department of Health**

SENATE - This amendment changes the appropriation from the Board of Pharmacy to the State Department of Health and provides that the State Department of Health provide the funds appropriated to the Board of Pharmacy as a grant.

2007 HOUSE HUMAN SERVICES

CONFERENCE COMMITTEE

HB 1256

