

TESTIMONY

Before the House Committee on Health and Human Services

Concerning H. B. 2337

By John L. Kiefhaber, Executive Director

KANSAS PHARMACISTS ASSOCIATION

Chairman Morrison and members of the Committee:

The 1,300 professional pharmacists of the Kansas Pharmacists Association (KPhA) appreciate the opportunity to be heard by the Committee concerning **House Bill 2337: An Act ... creating the crime of illegal importation of prescription drugs ...**”

Probably better than an other health care professional, your pharmacist understands that prescription drug patients are desperate to find affordable prescription drugs. Over the years we have seen a steady increase in the number of drugs that are available to treat our illnesses, and a steady increase in prices for many of the most important of those drugs. We are not facing a new problem with drug prices, but we are facing a critical problem of fair and reasonable access to affordable prescription drugs in this country.

The professional pharmacist remains the key to effective drug therapy and counseling for patients concerning possible drug interactions, dosing adjustments and side effects. Without proper drug therapy management provided by the community pharmacists and the hospital pharmacists throughout the State patients could not achieve the full beneficial results promised by modern-day prescription drugs. Without proper drug therapy management the prescription drug consumer, and the Kansas Medicaid program, would not see substantial savings now afforded by pharmacist intervention with generic drug substitutions.

In reviewing H. B. 2337, KPhA pharmacists stand with the State Board of Pharmacy in opposing the illegal importation and reimportation of unapproved prescription drugs to Kansas consumers and in supporting this bill. Right now in the United States the importation or reimportation of prescription drugs from foreign countries generally violates one or more provisions of the federal Food, Drug and Cosmetic Act. This includes 21 USC 355 prohibiting introduction of non-FDA approved medications into interstate commerce, 21 USC 353 (b) (2) prohibiting dispensing a drug without proper labeling, 21 USC 331 (a) (d) (i) prohibiting marketing misbranded, adulterated or counterfeit drugs, and 21 USC 381 (d) (1) prohibiting reimporting drugs from foreign markets except for the drug manufacturer. In addition, 21 USC 1331 specifically prohibits the causing of any

violations of the aforementioned statute. It appears to KPhA that some unlicensed operations in Kansas may be engaging in, promoting and encouraging the illegal importation of prescription drugs into this state.

But this bill isn't just about stopping illegal operations. One of the primary concerns here is that improperly distributed drugs are bypassing the traditional pharmacist in his or her role as counselor and educator of the patient. The pharmacist cannot use his or her history records for the patient's medications, which are critical for identifying the potential for adverse effects of a new or continuing prescription medication, if safe and legal distribution system has been bypassed. KPhA believes that the issues here are of paramount concern to Kansas consumers. The cost of medications is what is fuelling the crisis we are facing – but protecting the health and safety of Kansas citizens cannot be bypassed in a misguided attempt to reduce that cost. Instead, members of the Kansas Pharmacists Association have been working for months with the Governor's office and legislative leaders to find legal and safe ways to assist the uninsured and working poor in our state to get and keep access to the prescription medications they need. We are not there yet, but hope to find better ways to open access to all Kansans in the future.

We request that the Committee report H. B. 2337 out favorably so that we will have a state-level protection against the illegal importation of prescription drugs into Kansas.

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