

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672

5677 HOUSE HEALTH, EDUCATION & SOCIAL SERVICES 8

Department of Education
Fiscal Note Analysis 4/4/90

HB 501: Alaska high school achievement scholarships

Travel: \$6.4

* One State Board Subcommittee meeting for application review (3 members @ \$470) \$1.4

* One State Board of Education meeting for award of scholarships (9 members plus 1 staff assistant @ \$500) \$5.0

Contractual: \$25.0

* RSA with Alaska Postsecondary Education Commission for administration of scholarship program:

FY91	\$24.0
FY92	\$19.3
FY93	\$35.6
FY94	\$35.6
FY95	\$35.6
FY96	\$35.6

* Photocopying, telephone and postage for distribution of packets and coordination with State Board members: \$1.0

This fiscal analysis assumes that the administration of the scholarship program will be handled by the Postsecondary Commission and funded through a Reimbursable Services Agreement (RSA) with the Department of Education (see contractual costs, above). Attached is the corollary fiscal note from the Alaska Postsecondary Education Commission itemizing these administrative costs.

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: Alaska High School Achievement
Scholarships
 Sponsor: Representative Koponen
 Requestor: House HESS

Agency Affected: Alaska Postsecondary Commission
 BRU: _____

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	16.2	16.2	32.5	32.5	32.5	32.5
TRAVEL						
CONTRACTUAL	2.7	2.7	2.7	2.7	2.7	2.7
SUPPLIES	.4	.4	.4	.4	.4	.4
EQUIPMENT	4.7					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	24.0	19.3	35.6	35.6	35.6	35.6

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER I A Repts.	24.0	19.3	35.6	35.6	35.6	35.6
TOTAL	24.0	19.3	35.6	35.6	35.6	35.6

POSITIONS:

FULL-TIME			1	1	1	1
PART-TIME	1	1				
TEMPORARY						

ANALYSIS (Attach a separate page if necessary) This program will potentially have 162 awards annually, each renewable for up to four years. Staffing for FY 91 and FY 92 will be one half-time Clerk position (Range 10) and increase to one full-time Clerk in FY 93 to cover administrative and accounting functions. Equipment costs are a one-time expenditure for staff supplies. Contractual and Supplies include production of forms and documents as well as disbursement costs.

Prepared by: Kevin Hannon Phone: 465-2800
 Division: Postsecondary Education Commission Date: 4/4/90

Approved by Commissioner: Jane Maynard Date: 4/4/90
 Agency: Postsecondary Commission

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

STATE OF ALASKA
THE LEGISLATURE

POUCHY - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. HESS

3-29-98

HPB

506

SS [unclear] [unclear]
ineau, Alaska

EB 27 1990

DEPARTMENT OF PUBLIC SAFETY

CRIMINAL INVESTIGATION BUREAU

ALCOHOL REWARDS AND ENFORCEMENT (ARE)

GRANT PROGRAM

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ALCOHOL REWARDS AND ENFORCEMENT (ARE) GRANT PROGRAM

I. INTRODUCTION

Purpose: The purpose of the Alcohol Rewards and Enforcement (ARE) Grant Program is to establish a method to heighten community participation in the enforcement of local option laws. The grant funds will enable communities to encourage "individual" citizens within the community to become involved in the enforcement of local option laws by offering monetary incentives for their direct involvement and/or for information they provide which results in apprehension, conviction and/or seizure of illegally sold or possessed alcohol.

Goal: The goal of the Alcohol Rewards and Enforcement Grant Program is to reduce criminal activity, serious injuries/accidents and deaths which are directly related to alcohol abuse.

Background: The enforcement efforts against illegally sold or possessed alcohol in local option communities has steadily increased. More and more emphasis towards "bootlegging" investigations has resulted in the realization of a need for increased involvement of community members in the Alcohol Enforcement Program. To accomplish the above goal, there has to be a method of providing funds for alcohol enforcement projects, whenever necessary and appropriate, in a manner that conceals the identity of the citizen participant from becoming generally known.

Traditionally, funding to support rural alcohol enforcement has come from the Statewide Drug Enforcement Program of the Department of Public Safety, Alaska State Troopers, since enforcement efforts against "bootlegging" are nearly the same as those in drug enforcement and basically require the same types of resources including cash to purchase illegally sold or possessed items, as well as funds to pay for information and provide incentives for community involvement. The Fifteenth Alaska State Legislature, however, has included additional funding within the Alaska State Troopers for reward project grants for clandestine undercover operations to support the Alcohol Enforcement Program. The total remaining program funds available for grants is \$100,000.00.

ALCOHOL REWARDS AND ENFORCEMENT (ARE) GRANT PROGRAM

II. DEFINITIONS :

Applicant: The specific eligible community government applying for these specific funds as defined in AS 18.65.085.

Board of Directors: That group of responsible community members selected by the governing body to advise and assist the Project Administrator with regards to payment of rewards, etc.

Cooperative/Concerned Citizen: A citizen who provides information on alcohol related criminal activity to the Alcohol Information Hotline or to a law enforcement officer, whether or not for a reward, except when that citizen is hired under contract as a police informant.

Governing Body: That local governmental body (council or assembly) authorized to act for and represent the people within a given community.

Grant Funds: The amount of the grant applied for (matching funds excluded).

Police Informant: A citizen hired under contract by a law enforcement official to provide information on alcohol related criminal activity.

Program Director: The Department of Public Safety's representative to oversee the specific grant program.

Project Administrator: That person designated by the Applicant's governing body and given the authority to act for the Applicant by preparing the grant application and administering the grant funds once received.

Regional Board of Directors: A joint project advisory board consisting of members from each participating community, with each member designated by the governing body of his/her community to serve on the regional board for the purpose of electing a Project Administrator to represent the joint community project and of serving the Project Administrator as a member of that advisory group.

Total Project Funds: The combined total of grant funds, matching funds and volunteer services committed to support the Alcohol Rewards and Enforcement Project.

ALCOHOL REWARDS AND ENFORCEMENT (ARE) GRANT PROGRAM

III. SAMPLE GRANT PROJECT

The governing body of the community would appoint a Project Administrator to prepare the grant application and, once approved, to administer the grant funds, oversee the grant project, respond to the Department of Public Safety Program Director, and provide the required grant reports. The governing body would also bring together those parties involved in enforcement issues as well as those responsible members of the community who wish to support the fight against alcohol abuse. Members from the news media, local businesses, schools, volunteer help groups, etc. would be sought out and encouraged to become part of the planning and execution of the community's grant project.

From those responsible community members interested in supporting the grant project, the governing body would select a Board of Directors to act as the advising body to the Project Administrator for the one year duration of the grant. The creation of this board is extremely important to the community, because this board would be dealing with confidential information that is critical to the well being of the community or communities represented by its members. In addition, the board would be responsible for the expenditure of grant funds, because part of its duties would include determining the amount of money paid for information as well as making the actual payments to the cooperative/concerned citizens.

The Project Administrator, with the assistance of the Board of Directors, would establish within City Hall an Alcohol Information Hotline, a telephone answering service with a volunteer assigned the duties of answering this specific telephone. This telephone number would be advertised as the number to call for reporting alcohol violations and would be answered between the hours of 10:00 A.M. and 6:00 P.M. After hours, a telephone recorder would advise callers to notify the local police, State Troopers, VPSO or VPO if it's an emergency and, if not an emergency, to call the Alcohol Information Hotline the next day.

The volunteer would be responsible for recording information as relayed by the cooperative/concerned citizen on a standard form and would attempt to gain as much information as possible by questioning the caller. The caller would be assigned a code number for use during any future calls or contact with the Alcohol Information Hotline. By having a code number, the caller could remain anonymous during his/her participation in the reward project.

A permanent confidential file would be maintained on all incoming information including the assignment of code numbers, and this information would be available only to the Board of Directors, the Project Administrator and the Grantor upon request for audit purposes. A copy of the information form would be forwarded to the proper law enforcement authority for initiation of an investigation.

Upon completion of the case investigation, the final results would be forwarded to the Board of Directors on a standard form indicating what information the caller provided and what action was taken by law enforcement.

When an enforcement action benefits the community and is a result of information provided by a citizen, the law enforcement officer would, upon completion of the case investigation including criminal apprehension and successful prosecution, suggest an amount to the Board of Directors for an award payment. The board would review all the information and either agree with the law enforcement officer's recommendation or set a more appropriate amount. The board would then arrange for the reward payment to be made to the cooperative/concerned citizen.

The payment would be made to the cooperative/concerned citizen in cash and in a manner most conducive to the confidential nature of the situation. The exchange might be in person by a board member in a public place prearranged with the cooperative/concerned citizen through the hotline, or the funds might be mailed or left in a specific place named by the cooperative/concerned citizen. In the latter case, however, a witness would need to accompany the board member, and the cooperative/concerned citizen would be advised that payment could not be guaranteed under that method of delivery. When hand delivered, the cooperative/concerned citizen would sign a standard receipt form with his/her code number in the presence of a witness.

ALCOHOL REWARDS AND ENFORCEMENT (ARE) GRANT PROGRAM

IV. GRANT ELIGIBILITY

1. Communities Eligible: Any municipality or established village having adopted a local option law/ordinance providing for the local option prohibitions under AS 04.11.490 - AS 04.11.500 is eligible to apply for grant funds, as long as the community has existing law enforcement powers and capabilities within the community such as VPSO, VPO or local police. Note: A copy of the local option ordinance must accompany the grant application.
2. Joint Community Applications: Grant applications may come from more than one community, provided these communities have devised a joint-effort project. This type of application would require that a single Project Administrator be designated and given the authority to act for the whole.

Example: The area in and around Kotzebue Alaska might form a reward project to include the communities of Kotzebue, Selawik, Klana, Ambler, Kivalina, Noorvik, Buckland, Kobuk and Deering. The Kotzebue Police Department would house the project. A Regional Board of Directors would be set up with a member from Kotzebue, Noorvik and Klana. A Project Administrator selected by the Regional Board of Directors would be responsible for administration of the project.

A joint community project might well ask for more than \$10,000.00 in grant funds, based on the fact that a single project would be formed to service all agreeing communities. The total amount of grant funds available to a joint community project cannot exceed \$10,000.00 for each eligible community in the project. Note: Each community involved would be required to agree, in writing, to support the Project Administrator in meeting the requirements of the grant. A copy of each agreement would be required as part of the Alcohol Rewards and Enforcement Project (AREP) Grant Application.

ALCOHOL REWARDS AND ENFORCEMENT (ARE) GRANT PROGRAM

V. GRANT APPLICATION EVALUATION AND APPROVAL PROCEDURES:

1. Completion: Your AREP Grant Application must be complete and must include all information required/requested by the "AREP Grant Application Mandates" section of this document and "AREP Grant Application Instructions."
2. Submission: Submit your completed grant application to:

Alaska State Troopers
Criminal Investigation Bureau
Attention: Grant Program Coordinator
5700 East Tudor Road
Anchorage, Alaska 99507
3. Review: Applications will be reviewed for completion, and any applicant whose application is incomplete will be contacted and offered assistance in completing the grant application.
4. Evaluation: Once an application is determined complete, it will be evaluated, with points awarded, and ranked against all applications received statewide. Note: The points used for evaluating each section of the application are indicated in the appropriate section of the application.
5. Final Decision: Applications will then be submitted to a Grant Review Committee who will, at the direction of the Commissioner of Public Safety, make the final decision on grant awards. This committee will include a person from the Rural Enforcement Program, the VPSO program, the Drug and Alcohol Enforcement Program, Community and Regional Affairs, and the Alaska State Troopers' Director's Office.

ALCOHOL REWARDS AND ENFORCEMENT (ARE) GRANT PROGRAM

VI. AREP GRANT APPLICATION MANDATES:

1. Each community involved in the project must have existing law enforcement powers and capabilities within the community, and the type of law enforcement (VPSO, VPO or local police) for each community must be specified in the AREP Grant Application.
2. A copy of the local option ordinance must be attached to the AREP Grant Application.
3. Previous grants awarded your community in the last five years must be specified in the AREP Grant Application, including the type of grant, granting agency, grant identification numbers, award amount and current status.
4. The Project Cost Analysis section of the AREP Grant Application must include a proposed operating budget showing how "total project funds" will be spent.
5. The amount of start-up funds requested (not to exceed 25% of the grant amount) must be specified in the Project Cost Analysis section of the AREP Grant Application.
6. A resolution of the governing body authorizing submission of the application, naming a Project Administrator, and agreeing to support the Project Administrator in meeting the requirements of the grant must be attached to the AREP Grant Application.
7. For joint applicants, a joint resolution authorizing the application, naming a Project Administrator and agreeing to support the Project Administrator in meeting the requirements of the grant must be signed by each governing body authorizing submission of the application and attached to the AREP Grant Application.

ALCOHOL REWARDS AND ENFORCEMENT (ARE) GRANT PROGRAM

VII. AREP GRANT ADMINISTRATION MANDATES:

1. Confidential funds that are expended for the purchase of evidence or the payment of police informant services can only be made by an authorized law enforcement official.
2. Confidential funds that are expended for reward payments to cooperative/concerned citizens must be approved in writing by a majority of the Board of Directors and the Project Administrator. Payment of the reward must be made to the cooperative/concerned citizen by a member of the board.
3. Any person delegated authority or responsibilities on the behalf of the Project Administrator shall be designated in writing by the Project Administrator. A copy of the letter of authority will be forwarded to:

Program Director
ARE Grant Program
Department of Public Safety
5700 East Tudor Road
Anchorage, AK 99507
4. Monthly statistical reporting will be completed by the Project Administrator on a standard "Monthly Report" form provided by the Department of Public Safety, Criminal Investigation Bureau, and submitted to the Program Director at the above address.

ALCOHOL REWARDS AND ENFORCEMENT (ARE) GRANT PROGRAM

- VIII. DISTRIBUTION OF GRANT FUNDS AWARDED: When a community is awarded a grant, an amount of funds mutually agreed upon but not to exceed 25% of the grant amount, will be provided at the beginning of the contract year. This advance payment will be considered start-up funds and will be charged against the amount of the total grant award.

The remaining funds will be paid to the community on a monthly basis. The Project Administrator designated by the Grantee will provide a billing statement for expenditures within the billing period on forms provided by the Department of Public Safety. Statements are to be mailed to:

The Alaska State Troopers
Attention: Frank Allan - Alcohol Grants
5700 East Tudor Road
Anchorage, Alaska 99507

ALCOHOL REWARDS AND ENFORCEMENT (ARE) GRANT PROGRAM

IX. EXPENDITURES FOR ADMINISTRATION OF THE GRANT: No separate grant award is available for administrative costs. Therefore, administration of the grant can be accomplished as follows:

1. Provided that administrative costs are specified in the Project Cost Analysis section of the AREP Grant Application (see paragraph 2.e. of the AREP Grant Application Instructions), administrative costs NOT TO EXCEED TEN PERCENT (10%) OF THE GRANT AWARD may be paid from grant funds.

EXAMPLE: The community may elect to utilize the authorized ten percent (10%) of grant funds to pay for a part-time administrative position for the purpose of maintaining the necessary financial records and completing the required reports, and/or the community may elect to utilize these authorized funds to pay for office supplies and equipment required for administration of the grant.

2. The community may elect to utilize community volunteer workers to accomplish all or part of the administrative personnel requirements.

EXAMPLE: The community may specify that the grant funds will be used to pay for rewards payments and office supplies and that citizen volunteers of the community will answer a telephone information hotline and record information for the local law enforcement entity responsible for enforcing the alcohol prohibition laws.

3. The community may elect to utilize community matching funds to pay the costs of administering the grant.

EXAMPLE: The community may specify that all of the grant funds will be used for rewards payments and that community matching funds will be used to pay for office space, supplies and a part-time position to administer the project.

It should be noted that communities showing commitment by supporting the Alcohol Rewards and Enforcement Project (AREP) in providing volunteer support and/or community matching funds will receive favorable consideration by the Grants Review and Selection Board.

ALCOHOL REWARDS AND ENFORCEMENT (ARE) GRANT PROGRAM

- X. AUTHORIZED GRANT EXPENDITURES: In accomplishing the purpose and goal as stated in the "Introduction" to "Alcohol Rewards and Enforcement (ARE) Grant Program, grant funds may be expended without revealing the name of the receiver.

Only four (4) categories of AREP grant expenditures are authorized:

CATEGORY 1: Confidential reward funds may be paid by the Board of Directors for specific information from cooperative/concerned citizens.

Example: A cooperative/concerned citizen calls in and provides information that a shipment of alcohol has arrived in the village and states the alcohol is at a specific house and is being sold from that house.

The cooperative/concerned citizen in this case could ultimately be paid a reward for his/her participation if a substantial law enforcement benefit to the community resulted from the information provided. The benefit could be an arrest, conviction or a large alcohol seizure (Refer to the "Established Criteria for AREP Rewards Payments" in the AREP Grant Application Instructions). The cooperative/concerned citizen would only be identified in the fiscal records by an assigned code number, and his/her identity would remain unknown to everyone involved in the project.

CATEGORY 2: Confidential investigative expenses may be incurred by the law enforcement officer for purchase of police informant services.

Example: A citizen from a village comes to the local law enforcement officer and indicates that he/she can purchase illegally sold alcohol from a suspected bootlegger. The citizen is employed under contract as a police informant to go to the bootlegger and purchase a bottle of alcohol at the direction of the law enforcement officer. When the contract has been fulfilled, the police informant is paid an amount of confidential funds by the law enforcement officer. This informant would be known only to that particular law enforcement officer, who would maintain a confidential record of this person as described in paragraph "1" of "Confidential Expenditure Records."

CATEGORY 3: Confidential investigative expenses may be incurred by the law enforcement officer for purchase of evidence.

Example: In the example above where the police informant is paid an amount of confidential funds to go to the bootlegger and purchase a bottle of alcohol, the funds to pay for the "alcohol" would come under this category.

CATEGORY 4: Administrative costs associated with the grant (incurred by the Project Administrator) may not exceed 10% of the grant award.

ALCOHOL REWARDS AND ENFORCEMENT (ARE) GRANT PROGRAM

XI. CONFIDENTIAL EXPENDITURE RECORDS:

1. For all category "2" expenditures paid to police informants to provide a service, the Project Administrator or his/her designee shall maintain confidential files of the true names, assumed names, and the signature of the police informants. A signed receipt by the recipient of the funds will be maintained within the confidential files, the place where the above mentioned pertinent information concerning the police informant is kept.
2. For all category "3" expenditures for purchase of evidence, the Project Administrator or his/her designee shall maintain records showing the person who authorized the confidential fund expenditure for evidence, the person who expended the funds, the evidence purchased, the amount expended, and the investigative case number associated with the evidence purchased.
3. For reward payments, the Project Administrator or his/her designee shall maintain records of confidential fund expenditures which include the same information as required for category "2" expenditures in paragraph "1" above.
 - a. When the cooperative/concerned citizen is known, a receipt signed by the recipient of the reward will be maintained within the confidential files.
 - b. For category "1" expenditures or confidential reward payments, where an anonymous reporting reward program has been established and payments are made confidentially, the Project Administrator or his/her designee (Board of Directors member only) shall maintain in the records a code number for the cooperative/concerned citizen and a receipt signed by the cooperative/concerned citizen using his/her code number.

**ALCOHOL ENFORCEMENT AND REWARDS PROJECT
MONTHLY REPORT**

PROJECT TITLE: _____

STATE PROJECT I.D.: _____

PROJECT ADMINISTRATOR:

GRANTEE NAME: _____

NAME: _____
TITLE: _____

ADDRESS: _____
CITY: _____ ZIP: _____
PHONE: _____

LEVEL OF GOVERNMENT PARTICIPATING:

Municipality

Established Village

PROJECT REPORTING PERIOD:

FROM _____ TO _____
(Month/Day/Year) (Month/Day/Year)

# OF TIPS AND/OR INFORMATION RECEIVED: _____				
INVESTIGATIONS:	#INITIATED	#COMPLETED	#DISCONTINUED	
_____	_____	_____	#ONGOING	

REWARDS:				
# of Rewards Paid: _____				
Total Amount Paid Out in Rewards: \$ _____				
ALCOHOLIC BEVERAGES SEIZED FROM MARKET:	# BOTTLES	# CANS	# LITERS	
Distilled Spirits _____	_____	_____	_____	
Wine _____	_____	_____	_____	
Malt Beverages _____	_____	_____	_____	
TOTAL	_____	_____	_____	
# OF ALCOHOL ARRESTS AND CITATIONS:	#CITATIONS	#MISDEMEANORS	#FELONIES	
Illegal Alcohol Import _____	_____	_____	_____	
Illegal Alcohol Possession _____	_____	_____	_____	
Sale of Liquor Without a License _____	_____	_____	_____	
Possession of Alcohol for Sale _____	_____	_____	_____	
Other Specific Charges (List Below): _____ _____ _____	_____	_____	_____	
TOTAL	_____	_____	_____	
OFFENDERS CITED AS A RESULT OF PROJECT:	MALE		FEMALE	
1st Time Offenders _____	#ADULT	#JUVENILE	#ADULT	#JUVENILE
Repeat Offenders _____	_____	_____	_____	_____

**ALCOHOL ENFORCEMENT AND REWARDS PROJECT
MONTHLY REPORT**

PROJECT TITLE: _____

STATE PROJECT I.D.: _____

PROJECT REPORTING PERIOD:

FROM _____ TO _____
(Month/Day/Year) (Month/Day/Year)

	MALE		FEMALE	
	#ADULT	#JUVENILE	#ADULT	#JUVENILE
# OF CRIMES RELATED TO ALCOHOL ABUSE:				
Burglaries	_____	_____	_____	_____
Thefts	_____	_____	_____	_____
Assaults (non-sexual)	_____	_____	_____	_____
Sexual Assaults	_____	_____	_____	_____
Criminal Mischief	_____	_____	_____	_____
Others Specific Crimes (List Below):	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
TOTAL CRIMES	_____	_____	_____	_____
# OF DEATHS RELATED TO ALCOHOL ABUSE:				
Accidental deaths	_____	_____	_____	_____
Suicides	_____	_____	_____	_____
Homicides	_____	_____	_____	_____
TOTAL DEATHS	_____	_____	_____	_____
"ATTEMPTED" CRIMES RELATED TO ALCOHOL ABUSE				
Attempted Burglaries	_____	_____	_____	_____
Attempted Thefts	_____	_____	_____	_____
Attempted Assaults (non-sexual)	_____	_____	_____	_____
Attempted Sexual Assaults	_____	_____	_____	_____
Attempted Criminal Mischief	_____	_____	_____	_____
Attempted Suicides	_____	_____	_____	_____
Attempted Homicides	_____	_____	_____	_____
Other Specific Attempted Crimes (List):	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
TOTAL ATTEMPTED CRIMES	_____	_____	_____	_____

PAYMENT FOR SERVICES - POLICE INFORMANT

(PLEASE PRINT)

AGENCY: _____

LOCATION: _____

CASE NUMBER: _____

NAME OF LAW ENFORCEMENT OFFICER: _____

INFORMANT'S IDENTIFICATION NUMBER: _____

INFORMANT'S NAME: _____

AMOUNT BEING PAID: \$ _____

DESCRIBE SERVICE (What was informant paid to do?) _____

Alcohol Purchased: Yes No

Cost: \$ _____ Type: _____ Amount: _____

I hereby certify that the above expenditures are correct to the best of my knowledge.

Signature of Law Enforcement Officer

Date: _____

Signature of Police Informant

Date: _____

COOPERATIVE/CONCERNED CITIZEN TIP QUESTIONNAIRE

CONFIDENTIAL

ASSIGNED COOPERATIVE/CONCERNED CITIZEN CODE NUMBER: _____

1. SUSPECT INFORMATION:

Name - Suspect "A" Address _____

Name - Suspect "B" Address _____

Current location of suspect: _____

Is suspect armed? Yes No

Type of weapon: _____

2. PHYSICAL DESCRIPTION OF SUSPECT:

Suspect "A":
Age _____ Height _____ Weight _____
Hair Color _____ Hair Length _____

Suspect "B":
Age _____ Height _____ Weight _____
Hair Color _____ Hair Length _____

3. OTHER INFORMATION ABOUT THE SUSPECTS:

Suspect "A" _____

Suspect "B" _____

4. FACTS OF THE CRIME:

CONFIDENTIAL

5. LOCATION OF EVIDENCE/CRIME ACTIVITY:

Address: _____
Description of location: _____

6. COOPERATIVE/CONCERNED CITIZEN INFORMATION:

Were there any other witnesses to the crime? Yes No

Who? _____

Do you wish to remain anonymous? Yes No

IF NO: Citizen's Name: _____
Address: _____
Telephone Number: _____

Will you testify? Yes No

7. WHO TOOK THIS INFORMATION?

Name: _____ Date: _____ Time: _____

8. REFERRED TO LAW ENFORCEMENT OFFICER (NAME): _____

Date: _____ Time: _____

9. DISPOSITION: (What was law enforcement able to do with this information?)

REWARD RECOMMENDATION

CASE #: _____

COOPERATIVE/CONCERNED CITIZEN CODE NUMBER: _____

RECOMMENDED AWARD AMOUNT: _____

INFORMATION PROVIDED BY COOPERATIVE/CONCERNED CITIZEN:

INVESTIGATION RESULTS:

ACTION TAKEN BY LAW ENFORCEMENT:

INVESTIGATOR (PRINTED NAME): _____

INVESTIGATOR'S SIGNATURE _____

DATE: _____

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

ALCOHOL REWARDS AND ENFORCEMENT PROJECT (AREP)

GRANT APPLICATION AND INSTRUCTIONS

ALCOHOL REWARDS AND ENFORCEMENT PROJECT (AREP)

GRANT APPLICATION INSTRUCTIONS

1. GENERAL INFORMATION:

- a. Write a descriptive title of your Alcohol Rewards and Enforcement Project.
- b. Enter the estimated date the project will begin.
- c. Name of community where the Alcohol Rewards and Enforcement Project will be located.
- d. Enter the total amount of grant funds requested.

NOTE: The maximum grant funds available upon first application is \$10,000.00.

- e. Name of the specific Applicant(s) applying for the grant. (If more than one Applicant is applying, then all Applicants must be listed).
- f. Mailing address of the Applicant.
- g. Name and title of the Project Administrator, the person appointed by the Applicant to be responsible for administering the grant.
- h. Briefly describe the total monetary cost of the project to the community or communities. This includes any monies to be provided by the community (grant funds excluded) in supporting the project, such as matching funds contributed to the project by the Applicant(s) and/or project funding from other sources such as loans.
- i. Self explanatory.
- j. Describe any alcohol enforcement and/or rewards program currently in force.
- k. Self explanatory.

ALCOHOL REWARDS AND ENFORCEMENT PROJECT (AREP)

GRANT APPLICATION INSTRUCTIONS

2. PROJECT NARRATIVE

The Project Narrative is the section where the Applicant has the opportunity to FULLY explain the project. In this section, you must include WHAT your project is, how it will work, and what its goals and objectives are.

- a. GOALS AND OBJECTIVES: In this section explain the purpose of the project as completely as possible.

EXAMPLE: To simply say "A reward system will be established so that people can report alcohol violations to the VPSO" would not be as informative as saying "A system will be set up in the Bethel Alaska State Troopers' office which will enable people to call a 24-hour toll free number and leave information concerning alcohol violations within their community or other communities. The system will include a method to identify the person providing the information for future reward payments. That identification system will include a number assigned to the caller, so that the caller can check back on the status of a possible reward payment using that assigned number."

- b. PROJECT EVALUATION: Provide information in this section as to how you will evaluate your project and what performance indicators you will use to show your progress and success in meeting your goals and objectives.

EXAMPLE: The following performance indicators will be utilized to measure the success of the Alcohol Rewards and Enforcement Project:

- 1) By 4/15/89 - Will have arrested, prosecuted and convicted four (4) violators of AS 04.11.010 based on information provided by a citizen or the active assistance of a citizen under this project.
- 2) By 3/15/89 - Will have received a minimum of 30 alcohol violation tips.
- 3) By 6/1/89 - Will have awarded 10 persons cash payments for their participation in enforcement activities.

ALCOHOL REWARDS AND ENFORCEMENT PROJECT (AREP)

GRANT APPLICATION INSTRUCTIONS

2. PROJECT NARRATIVE (Continued)

- c. CRITICAL OR UNIQUE PROJECT ELEMENTS: It is in this section that you will need to explain in detail what the critical or unique elements of the project are and how they will be dealt with.

EXAMPLE: Anonymity may be the key in gaining participation in the project. A critical element may be the creation of a system that allows for anonymity in your community, where everyone knows one another. This critical element may be addressed by one of all the following methods:

- 1) The establishment of a secure locked box where the information may be deposited. From that information, the law enforcement person can act as well as identify the information supplier for future reward payment.
- 2) The establishment of a 24-hour call-in number where persons can call into a local area and provide information, receive an identifying code for future reward payment and be advised to use that code during all future contacts.
- 3) The establishment of a confidential file, by number, for those persons who wish to actively work with local law enforcement. They would be known only to that law enforcement officer. They could receive monetary incentives to conduct authorized activities at the direction of law enforcement authorities.

- d. PROJECT IMPLEMENTATION: Explain in this section how the alcohol rewards and enforcement project will be implemented and what the time period is for implementation.

EXAMPLE: Within the first 30 days, the following will be accomplished:

- 1) A Board of Directors will be selected for rewards review.
- 2) Project administrative records will be established.
- 3) Public notification of the project will be accomplished.

ALCOHOL REWARDS AND ENFORCEMENT PROJECT (AREP)

GRANT APPLICATION INSTRUCTIONS

2. PROJECT NARRATIVE: (Continued)

e. PROJECT COST ANALYSIS: Include in this section:

- (1) The amount of start-up funds requested.
- (2) A proposed operating budget showing how the "total project funds" (grant funds awarded plus community matching funds, including voluntary resource contributions) will be spent.
- (3) The proposed operating budget must show how administrative costs will be paid and what, if any, administrative costs will be paid with the 10% maximum allowance from grant funds (see ARE Grant Program, Section IX, "Expenditures for Administration of the Grant").

EXAMPLE OF A PROPOSED OPERATING BUDGET:

<u>COST ANALYSIS - GRANT FUNDS</u>		<u>\$10,000.00</u>
Cooperative/Concerned Citizen	\$ 6,000.00	
Police Informant Services	1,500.00	
Evidence Purchase	<u>1,500.00</u>	
CONTRACTUAL TOTAL	\$ 9,000.00	
Office Supplies	\$ 300.00	
Personnel Services	<u>700.00</u>	
ADMINISTRATIVE TOTAL	\$1,000.00	
<u>COST ANALYSIS - MATCHING FUNDS</u>		<u>\$15,000.00</u>
Police Informant Services	\$ 3,000.00	
Communications	1,800.00	
Office Equipment	<u>200.00</u>	
CONTRACTUAL TOTAL	\$ 6,000.00	
<u>VOLUNTARY RESOURCE CONTRIBUTIONS</u>		
Voluntary Part-time (value of services)	\$ 9,000.00	
ADMINISTRATIVE TOTAL	\$ 9,000.00	
TOTAL PROJECT FUNDS		<u>\$25,000.00</u>

ALCOHOL REWARDS AND ENFORCEMENT PROJECT (AREP)

GRANT APPLICATION INSTRUCTIONS

2. PROJECT NARRATIVE: (Continued)

- f. ESTABLISHED CRITERIA FOR "AREP" REWARDS PAYMENTS: In this section include the "range" of the reward payment amount, who will recommend the amount of a specific reward payment, who will make the final determination of a specific reward amount, and how the reward payment will be delivered.

EXAMPLE: The amount of rewards in all cases will range between \$0.00 and \$500.00, with \$500.00 being the largest reward. The law enforcement officer for a specific case will suggest a reward amount to the person(s) designated to set the final reward payment amount, and that person will arrange for the reward payment. (See the final two paragraphs of Section III, Sample Grant Project of "ARE Grant Program" for an additional example).

- g. PROJECT USE OF CONFIDENTIAL FUNDS: In this section explain in detail the categories of expenditures your project will authorize, under what conditions those expenditures will be authorized, who will authorize each particular category, and how the payment will be made.

EXAMPLE: See section X, "Authorized Grant Expenditures" for examples of information to be included in this section.

- h. PROJECT EXPENDITURE PROCEDURES: In this section explain accounting or record keeping procedures for each category of expenditures authorized under "Project Use of Confidential Funds" above.

EXAMPLE: See section XI, "Confidential Expenditure Records," for examples of the information required in this section.

3. The person authorized by the governing body, Council or Assembly to apply for and administer the grant (Project Administrator) must sign and date this application.

AREP GRANT APPLICATION

COMMUNITY

PROJECT TITLE

1. GENERAL INFORMATION

a. Project Title: _____

b. Estimate Starting Date: _____

c. Project Location: _____

d. Grant Funds Requested: \$ _____

e. Specific Applicant(s) Applying for the Grant:

f. Mailing Address: _____

g. Project Administrator:

Name: _____

Title: _____

h. Total Community Funds Committed (cost of the project to the community):

Explanation	Amount
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL	\$ _____

AREP GRANT APPLICATION

COMMUNITY

PROJECT TITLE

I. GENERAL INFORMATION (Continued)

1. Previous grants awarded in the last five years (specify type of grant, granting agency, grant identification numbers, award amount and current status):

- j. Is an enforcement program or rewards program currently in force in your community which is similar in any way to the Alcohol Rewards and Enforcement Project available under this grant program?

Yes No

If yes, please explain: _____

- k. What type of law enforcement powers and capabilities exist within the community?

<u>TYPE</u>	<u>YES</u>	<u>NO</u>	<u>NUMBER</u>
VPSO	_____	_____	_____
VPO	_____	_____	_____
Police	_____	_____	_____
AST	_____	_____	_____

AREP GRANT APPLICATION

3. AGREEMENT AND CERTIFICATION: The Project Administrator hereby certifies that he/she has been authorized by _____ (the governing body of the Applicant) to file this AREP Grant Application and further certifies that the data contained in this application and its attachments is true and correct to the best of his/her knowledge and belief.

SIGNATURE OF PROJECT ADMINISTRATOR

DATE SIGNED

PRINTED NAME OF PROJECT ADMINISTRATOR

STATE OF ALASKA



LYMAN E. HOFFMAN
CO-CHAIRMAN
HOUSE FINANCE COMMITTEE

P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3706

HOUSE OF REPRESENTATIVES

DISTRICT 25

MEMORANDUM

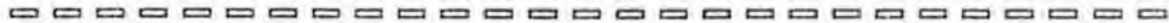
AKTACHAK
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BETHEL
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EIK
GARDNEWS BAY
KASIGLUK
KIPNUK
KONGIGANAK
KWITHLUK
KWIGHLINGOK
MEKORYUK
NAPAKIAK
NAPASKIAK
NEWTOK
SIGITMUTE
NUNAPITUHUK
OSCARVILLE
PLATINUM
QUINSHAGAK
TOKSOOK BAY
TUNTUTULJAK
TUSUNAK

TO: Representative Johnny Ellis
Chairman, House HESS Committee

FROM: Representative Lyman Hoffman *Lyman Hoffman*
Co-Chairman, House Finance Committee

DATE: February 14, 1990

SUBJ: HB 506



I respectfully request a public hearing on House Bill 506, an act allowing nonprofit associations to receive grants from the Department of Public Safety for a reward program to enforce alcoholic beverage control laws.

In the rural regions, the regional non-profits have in place infrastructures to coordinate programs between villages. In difficult alcohol "bootlegger" or drug dealer situations, some villages currently do not have capability to address and implement a successful reward program.

This legislation would complement an already successful reward program and assist in leading to the apprehension and conviction of persons who violate the local option laws.

If there are questions concerning this request, please do not hesitate to contact my office at your earliest opportunity.

Thank you.

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
Title: Reward/grants for alcohol law BRU: Alaska State Troopers
enforcement
Sponsor: Representative Hoffman Component: Detachments
Requestor: House HESS

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact anticipated.

Prepared by: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 02/16/90
 Approved by Commissioner: Arthur English Date: _____
 Agency: Department of Public Safety Page 1 of 1

STATE OF ALASKA
THE LEGISLATURE

POUCH Y. STATE CAPITOL
JUNEAU, ALASKA 99811
907.465-3800

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. HESS 2-20-90

H. HESS 2-28-90

HPB

508

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 9, 1990

FURTHER REFERRALS:

LABOR & COMMERCE

Date of Committee Action: 3/23/90

The HEALTH, EDUCATION, & SOCIAL SERVICES Committee considered: HB 508

HOUSE BILL NO. 508 REGISTRATION OF OUT OF STATE PHARMACIES

"An Act relating to pharmacies located outside of the state."

RECOMMENDATIONS:

- [] be replaced with CSHB 508 (HESS) [] the same title
- [] have attached amendment(s) [] a new title
- [] do pass
- [] do not pass
- [] no recommendation
- [] individual recommendations
- [] additional referral to the _____ Committee

ADOPTS: House (HESS) letter of intent

ATTACHES NEW FISCAL NOTE(S): _____
(Dept)

APPROVES PREVIOUS: _____
(Date/Dept)

- [] fiscal impact _____
- [] zero fiscal note _____
- [] zero with analysis _____

- [] fiscal note(s) _____
- [] zero fiscal note(s) _____
- [] zero fn/analysis _____

SIGNING DO PASS:

[Signature]
[Signature]
[Signature]

SIGNING:
(Check approp. column)

	Do Not Pass	No Rec	Amend
<u>[Signature]</u>		<input checked="" type="checkbox"/>	
<u>[Signature]</u>		<input checked="" type="checkbox"/>	

[Signature]
Chairman's Signature

QUALITY CENTERS

1341 Fairbanks Street

Anchorage, Alaska 99501

Office Number (907) 277-6639

Fax Number (907) 257-8229

TELECOPY TRANSMITTAL COVER SHEET

DATE: 3-24-90

PLEASE DELIVER TO: Tola
Curt Menard's office

THIS TELECOPY IS BEING SENT BY: Bill Larson

NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 4

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL THE CARRS MAIN OFFICE.

MESSAGE: This is a copy of my testimony on HR 508
on Wed March 23, 1990

BILL LARSON
Pharmacy Director

CARRS
QUALITY CENTERS
SHELF STOCK SYSTEMS

1341 Fairbanks Street
Anchorage, Alaska 99501
(907) 277-6639

3. The fact that a mail order pharmacy fills prescriptions for larger quantities, usually 3-6 month supplies, doesn't automatically save money. To get a mail order prescription takes 2-3 weeks to be filled and returned. The usual procedure is to have a 30 day supply filled locally and then the larger quantity filled via mail order. This results in a double dispensing fee and large quantities of drugs being purchased that may be discontinued or changed and ultimately wasted.

Acute medications, antibiotics and pain drugs, etc. need to be filled immediately to begin therapy. The patient can't wait for mail order to deliver his prescriptions and must have them filled locally or risk discomfort, or worse, hospitalization.

I am not convinced that mail order pharmacy significantly reduces prescription prices to patients or third party providers but am concerned that these perceived savings will come from inferior drugs or inadequate patient care.

I support HR 508 and agree with the sponsors that mail order pharmacy should be required to register with the Alaska Board of Pharmacy and be held accountable for their practice of pharmacy. It would insure the quality of all drugs imported into Alaska and insure they were dispensed legally by licensed pharmacists.

In the past 6 months, the FDA (Food and Drug Administration) has come under fire for its practice of rating generically equivalent drugs, test results were questioned, drugs withdrawn and companies forced out of business by these questionable practices. The Alaskan Legislature considers quality generic drugs so important they passed Statute 08.80.295 in 1972 and have amended it 4 times since.

HR 508 would require toll free phone service 40 hours per week on at least 6 days. This requirement is excellent and would provide customers a chance to obtain additional medical information and get questions answered. But this doesn't go far enough. Local pharmacists provide personal consultation during all business hours. At Carrs, a pharmacist is available 24 hours a day, 7 days a week. They are constantly asked questions about their prescriptions received through the mail. Because of the time difference between Alaska and the continental U.S., the bill should specify the hours the line would be operational, for example, from 10 A.M. to 6 P.M. Monday - Saturday and insure that the person they talk to is a pharmacist.

Another problem I have with HR 508 is if out of state mail order pharmacies are required to register with the Alaska Board to mail prescriptions into Alaska, would that also require the occasional or casual pharmacy to register. For example, Carrs has many customers who winter in Palm Springs or Arizona etc. and we mail their prescriptions to them during the winter. Perhaps we could add a definition to the bill to define who must register or define "mail order pharmacy" to exclude occasional mailed prescriptions.

I've gone on long enough and there are others interested in testifying on this Bill, so I'll conclude by saying I think HR 508 is a definite step in the right direction allowing the State to gain a small

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

QUALITY CENTERS

1341 Fairbanks Street

Anchorage, Alaska 99501

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MESSAGE: This is a copy of my testimony on HR 508
on Wed March 23, 1990

BILL LARSON
Pharmacy Director

CARRS
QUALITY CENTERS
SUPER FOOD SUPER DRUG

1341 Fairbanks Street
Anchorage, Alaska 99501
(907) 277-6639

My name is Bill Larson, I'm Pharmacy Director for Carrs Quality Centers, an Alaskan owned chain of 14 supermarkets operating pharmacies in Anchorage, Eagle River, Palmer, Wasilla, Kenai, Seward and Fairbanks. I'm also chairman of the Alaska Board of Pharmacy but my comments today are representing myself and Carrs Quality Centers and not necessarily those of the Board. Mail order pharmacy is a difficult and complex issue and I applaud this committee for undertaking the controversial task of trying to regulate the industry.

The idea of sending prescriptions through the mail raises many questions which affect all Alaskans. The State is always looking at ways to create jobs, promote Alaskan industry and local hire yet the Alaska State employees are being encouraged by Union and State officials to have their prescriptions filled out of state taking jobs from Alaskan pharmacists and dollars away from Alaskan businesses. As you are all aware, the costs of doing business are higher in Alaska because of our unique climate conditions, transportation costs and higher wages due to the higher costs of living. In fact, in most State contracts, Alaskan business is allowed a 5% bid preference, yet when the State employees chose mail order pharmacy, Alaskan pharmacies were not even given the chance to bid on the prescription package, much less given a 5% bid preference.

The reasons cited by mail order pharmacy for lower prices are as follows:

1. Mail order is able to buy drugs more inexpensively because of volume purchasing.
2. Mail order uses more low cost generics.
3. Mail order fills with larger quantities and thereby, reduces the number of claims and dispensing fees paid.

Although these are legitimate claims, the fact remains that mail order is not necessarily cheaper and you don't automatically save money using mail order.

1. Chains, cooperatives and independent buying groups are able to purchase in large volume and are able to negotiate discounts with manufacturers and wholesalers, equivalent to the discounts offered mail order pharmacies.
2. All states now have generic substitution laws which govern the dispensing of generics in the respective states. These laws allow pharmacists to substitute generics for the more expensive Brand name drugs. Many instances of mail order savings of 40-60% are the comparison of mail order generics and local Brand name prescriptions, or really comparing apples and oranges.

3. The fact that a mail order pharmacy fills prescriptions for larger quantities, usually 3-6 month supplies, doesn't automatically save money. To get a mail order prescription takes 2-3 weeks to be filled and returned. The usual procedure is to have a 30 day supply filled locally and then the larger quantity filled via mail order. This results in a double dispensing fee and large quantities of drugs being purchased that may be discontinued or changed and ultimately wasted.

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I've gone on long enough and there are others interested in testifying on this Bill, so I'll conclude by saying I think HR 508 is a definite step in the right direction allowing the State to gain a small

level of control over the mail order industry and insuring the quality of drugs and patient care provided and insuring that everyone plays by the same rules.

Thank you

HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES

P.O. BOX V, JUNEAU 99811
(907) 465-3759



*This version
offered in
LTC by
M Handley*

March 23, 1990

LETTER OF INTENT TO

CSHB 508 (HESS)

It is the intent of the legislature that state contracts for pharmaceutical supplies should be granted to Alaskan pharmacies to the maximum extent permissible under state law. State contracts for health insurance and other health programs, which utilize mail order drug prescription services, shall not be limited to pharmacies registered under AS 08.80.158 to the exclusion of Alaskan pharmacies. All state proposals to supply health care must solicit equivalent mail order drug services from Alaskan pharmacies.

Rep. Johnny Ellis, Chair

HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES



P.O. BOX V, JUNEAU 99811
(907) 465-3759

March 23, 1990

Letter of Intent to
CSHB 508 (HESS)

It is the intent of the legislature that state contracts for health insurance and other health programs which utilize mail order drug prescription services not be limited to pharmacies registered under AS 08.80.158 to the exclusion of Alaskan pharmacies. It is the intent of the legislature that all state proposals to supply health care services be required to solicit equivalent mail order drug services from Alaskan pharmacies.

A handwritten signature in cursive script, appearing to read "J. Ellis".

Rep. Johnny Ellis, Chair

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: An Act relating to pharmacies
located outside of the state.
 Sponsor: Rep. Menard, Donley, Hanley
 Requestor: House HESS

Agency Affected: Commerce & Economic Dev.
 BRU: Occupational Licensing
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE **	0	0	0	0	0	0
------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

HB 508 creates another pharmacy licensing category by registering outside pharmacies that ship, mail or deliver prescription drugs into Alaska. New funds are not required to implement the bill. **Revenues: A registration fee will be charged however, at this time we are unable to estimate revenues until the number of outside pharmacies affected by the bill is known.

Prepared by: Jennifer Strickler, Administrative Officer Phone: 465-2144
 Division: Occupational Licensing Date: March 20, 1990

Approved by Commissioner: Larry Mercurieff Date: 3-20-90
 Agency: Commerce and Economic Development

Distribution (by preparer):

Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)


HB 508: An Act relating to pharmacies located outside of the state.

HB 508 establishes requirements for pharmacies located outside of Alaska to register with the Alaska Board of Pharmacy, if the pharmacy ships, mails, or delivers prescription drugs into the state.

The out-of-state pharmacy will be required to meet certain criteria established in the bill, including 1) registration of the names and locations of pharmacists who dispense prescription drugs to Alaska residents, 2) proof of maintenance of a current license and active pharmacy inspection in the jurisdiction in which the pharmacy is located, 3) compliance with all laws of the licensing authority within the jurisdiction where the pharmacy is located, and 4) proof that the pharmacy may readily retrieve the records of drugs prescribed to Alaska residents.

Currently, Alaska is not able to monitor or identify the out-of-state pharmacies who distribute prescription drugs to residents within the state. HB 508 will allow the Alaska Board of Pharmacy to require registration of outside pharmacies, thus providing some level of oversight -- albeit minimal -- of their activities in Alaska. The current lack of any review of outside pharmacies that mail, ship or deliver prescription drugs in Alaska raises consumer protection concerns.

Pharmacies located in Alaska are regulated by law to protect the health, safety and welfare of Alaskan consumers. Pharmacies located outside the state who service Alaska residents with prescription drugs should be subject to some degree of regulatory oversight. For this reason, the department supports HB 508.



Larry Mersulieff, Commissioner
Department of Commerce and
Economic Development

Date: 3-20-90

LLM/RPB/JS/wfd2162W
32090a

Island Pharmacy

3235 Tongass Avenue
Ketchikan, Alaska 99901
225-6186

February 19, 1990

Representative Curt Menard
P.O. BOX V
Juneau, Ak 99811

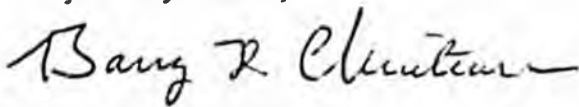
Dear Representative Menard,

Thank you for sending me a copy of the proposed legislation on regulating pharmacies outside the state of Alaska. Additionally, I would like to thank you for taking the time and effort to propose such legislation. In looking over the draft I see no major flaws and it appears to be pretty straight forward. It should be something that any mail order pharmacy should be able to comply with if they wish to do business in Alaska.

If it is possible I would like to be informed of the Bill number when you introduce it into the house so that I may contact the elected officials in my district to urge their support of this viable piece of legislation.

Thank you again for your efforts and Thanks for supporting your family pharmacist.

Very Truly Yours,



Barry D. Christensen
Pharmacist



ALASKA STATE LEGISLATURE

REPRESENTATIVE CURT MENARD

165 E. Parks Hwy.
Wasilla, Alaska 99687
(907) 373-2878

P.O. Box V
Juneau, Alaska 99811
(907) 465-2679



TO: Members of the House Health, Education
and Social Services Committee

FROM: Representative Curt Menard *Curt*

DATE: March 20, 1990

RE: HB 508: "An Act relating to pharmacies located
outside of the state."

A significant consumer protection problem was recently brought to my attention--the growing number of mail order pharmacies doing business in the state who are not fully accountable to their Alaskan customers. To address this problem, and provide some type of reassurance to Alaskan who rely on those services, I have introduced HB 508.

This legislation requires any pharmacy located outside of the state that ships, mails, or delivers prescription drugs into Alaska to register with the Alaska State Board of Pharmacy.

One very important requirement to be met in order to be registered, is the provision requiring the out of state pharmacy to provide a toll free telephone service at least 40 hours per week and at least six days a week. When questions or problems resulting from prescription medication arise, it is imperative that the customer be able to contact the dispensing pharmacist.

This legislation will provide important measures to protect the health, safety and welfare of Alaskan consumers. Your support is greatly appreciated. Thank you.

Representing the
Matanuska-Susitna Borough



Co-Chair
House Resources Committee
Member
Special Committee on Tourism
State Affairs Committee

HOMER PROFESSIONAL PHARMACY, INC.

309 W. FAIRVIEW AVE.
Homer, Alaska 99603



PHONE (907) 235-8393

2/9/90

Representative Cert in encad:

Sir,

I am very much in favor of your proposed bill relating to pharmacies located outside the state of Alaska.

Not only do we need to support those businesses that are located in the state of Alaska, but I almost every day have a patient talk to me with questions about medication filled by a mail order pharmacy which I cannot help them with. Often the tablets are of a different size or color than they are used to and they have no way to verify if it is the correct medication.

I will be glad to assist your effort in any way I can.

Sincerely,
Richard L. Sturley, RPh.

FRANK G. PRATT, R. Ph.
7446 East 20th Avenue
Anchorage, Alaska 99504
(907) 333-8212
5 February 1990

Rep. Curt Menard
P.O. Box V
Juneau, AK 99811

Dear Curt:

I have received and reviewed your draft of proposed legislation to control mail order pharmacies doing business with customers in the State of Alaska.

I commend you on your actions, Curt. It is far past time that this type of legislation was enacted to protect the citizens of Our Great Land.

I have some misgivings about the Board's ability to actively enforce such legislation with the manpower currently available; but, one step at a time!

Very sincerely,

A handwritten signature in cursive script, appearing to read "Frank G. Pratt", written in dark ink.

Public Employees Retirement System
Teachers Retirement System
Judicial Retirement System
Elected Public Officers Retirement System
National Guard Retirement System
Territorial Retirement System
Retirees Voluntary Dental Vision Audio Plan
Supplemental Benefits System
Group Health/Life Insurance Benefits
Deferred Compensation Plan
Public Employers Social Security Contributions

DEPARTMENT OF ADMINISTRATION

DIVISION OF RETIREMENT & BENEFITS

PLEASE REPLY TO:

P.O. BOX CR
JUNEAU, ALASKA 99811-0203
PHONE: (907)465-4460

701 EAST TUDOR ROAD, SUITE 240
ANCHORAGE, ALASKA 99503-7445
PHONE: (907) 563-5885

Fax# 465-3086

STEVE COWPER, GOVERNOR

March 19, 1990

The Honorable Curt Menard
Alaska House of Representatives
P.O. Box V
Juneau, AK 99811

Dear Representative Menard:

Your staff requested an analysis from this division of the impact HB 508 would have on the health insurance plan for State of Alaska employees.

The health insurance plan that was negotiated last summer by the Alaska State Employees Association (ASEA) includes a provision for prescription drugs to be obtained through the mail. I have reviewed HB 508 and do not see any provisions that would be at cross purposes with the current negotiated agreement with ASEA or increase the cost of health insurance premiums.

The mail order prescription drug plan is provided by National Pharmacies, Inc. through a subcontract with Aetna, our health insurance carrier. I have also discussed the bill's requirements with Aetna and have been informed that National Pharmacies would currently be able to satisfy these requirements.

Sincerely,



Michael B. Coughlin
Deputy Director

MBC/l-sl

cc: Sally Smith
Director
Division of Retirement and Benefits

Lynn Withrow
Aetna Life Insurance
Seattle, WA 98111

Representative Curt Menard

March 19, 1990

Page 2

cc: (continued)

Frank S. Baxter, CPA
Commissioner
Department of Administration

Gary Bader
Deputy Commissioner
Services to State Agencies
Department of Administration

Sioux Plummer
Special Assistant
Department of Administration

RB90-017

STATE OF ALASKA
THE LEGISLATURE

FOUCH V. STATE CAPITOL
JUNEAU ALASKA 99811
907 463 3810

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 6, 1990

SUBJECT: Pharmacy licensing requirements in other
states (Work Order No. 6-2115)

TO: Representative Curt Menard
Attn: Iola

FROM: John B. Gaguine ^{JBG}
Legislative Counsel

Per your request, I have been looking at the pharmacy licensing requirements in some of the other Western states. In all of the statutes I have examined, a pharmacy can be licensed if it complies with the pharmacy laws, which is essentially the same requirement as is found in AS 18.-80.157. (Sometimes there are minor additional requirements, such as the North Dakota requirement that a pharmacy must possess the standard pharmaceutical reference book to get licensed.) However, the majority of the other statutes I looked at regulate pharmaceutical practices considerably more closely than do Alaska's laws and regulations, and all of them regulate at least as closely as Alaska. For your interest I am enclosing some of the statutes of Nevada (since that is the location of the mail-order pharmacy under the revised state employee health care program) and Washington (since Seattle pharmacies can logically be expected to enter the mail-order prescription drug business).

Incidentally, I found that Wyoming has adopted an out-of-state pharmacy law that is also apparently based on the California statute on which I modeled W.O. 6-2018A. North Dakota, on the other hand, takes a different approach, requiring out-of-state pharmacies doing mail-order business in that state to get a license from the North Dakota board. I am enclosing a copy of the North Dakota statute. I think that the approach taken by the California law is better, since I do not think that the Alaska board (or the North Dakota board, for that matter) would be able to effectively

STATE OF ALASKA
THE LEGISLATURE

HOUSE STATE CAPITOL
JUNEAU ALASKA 99801
907 465 1800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 26, 1990

SUBJECT: Out-of-state pharmacies and licensing requirements (Work Order No. 6-2018)

TO: Representative Curt Menard
Attn: Iola Young

FROM: John B. Gaguine *JBG*
Legislative Counsel

You have asked for a bill that would require out-of-state pharmacies doing business within the state (primarily out-of-state pharmacies soliciting and filling mail orders) to meet the requirements of licensing for in-state pharmacies. I am writing this memo to explain that there are essentially no requirements for in-state pharmacies, and that control of out-of-state mail order pharmacies can probably be better achieved through a different bill.

Under AS 08.80, the Board of Pharmacy regulates and licenses both pharmacies and pharmacists. Unlike the stringent requirements for issuance of a pharmacist license, however, there are virtually no requirements for a pharmacy license. AS 08.80.157 provides:

(a) If an applicant furnishes proof satisfactory to the board that the applicant is equipped with land, facilities, and equipment, in fee or leased, necessary to carry on the business described in the application and the applicant complies with this chapter, applicable regulations adopted by the board, and pays fees provided for under AS 08.80.160, the board may issue

(1) a wholesale drug dealer license to an applicant who manufactures or distributes noncontrolled legend drugs to licensed retail pharmacists, dentists, physicians, surgeons, or veterinarians, who may legally purchase noncontrolled legend drugs at a wholesale level, or to government

January 26, 1990

agencies which may legally purchase noncontrolled legend drugs at a wholesale level;

(2) a wholesale drug dealer license to a qualified applicant who is in compliance with the Federal Controlled Substance Act of 1969 as amended;

(3) a license to a retail pharmacy.

(b) A license under this section may not be issued to a person who has been convicted of a wilful violation of a federal law or a law of any state relating to a drug or controlled substance, or who is addicted to a drug or controlled substance. A license may not be issued to a corporation with a managing officer who has been convicted of a wilful violation of a federal law or a law of any state relating to a drug or controlled substance, or who is addicted to a drug or controlled substance.

The specific requirements listed in subsection (a) - land, facilities, and equipment - obviously would be met by any out-of-state pharmacy capable of filling orders in Alaska. The "no conviction" provision of (b) is likely equally meaningless, as such a provision is likely found in virtually all state licensing acts. (I examined the pharmacy licensing statutes of several states, and they all had such a provision.) The other provisions in AS 08.80 concerning pharmacies, rather than pharmacists, are so vague as to be useless in regulating out-of-state pharmacies; see, e.g., AS 08.80.230 (pharmacy must have proper sanitary appliances and maintain orderly and sanitary premises). Most important, the Board of Pharmacy, which could issue regulations giving some meaning to these vague provisions, has to date not done so, likely because there have been major problems with duty pharmacies.

I would suggest instead an approach along the line of California's, which requires the out-of-state pharmacy to submit proof of compliance with the licensing laws of the pharmacy's state of residence, and also allows the California board to request information. I am enclosing

Representative Curt Menard
Page 3
January 26, 1990

copies of the relevant California statutes. If this approach appeals to you, I can draft a bill based on those statutes (but likely far simpler). Or I can draft a bill along the lines of your request, that an out-of-state pharmacy must meet Alaska qualifications, in the hope that the Board of Pharmacy will someday issue the necessary regulations.

JBG:gc
G13/071

Enclosure

EMENS, HURD, KEGLER & RITTER Co., L.P.A.

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March 3, 1990

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S. NOEL MELVIN
JOSEPH M. MILLIOUS

The Honorable Johnny Ellis, Chairperson
House Health Educator & Social Services Committee
Alaska State Legislature
State Capitol Building, Room 106
Juneau, Alaska 99801

Jim

Re: State of Alaska Pharmacy Legislation - House Bill No. 508

Dear Chairman Ellis:

I am writing this letter to you in my capacity as Regulatory Counsel for Medco Containment Services, Inc. ("Medco"), to include each of its regionally located mail service pharmacies, all of which provide safe, cost-effective prescription drug therapy to the members and beneficiaries of major corporations, unions and retiree groups, to include many that are Alaska residents. Medco respectfully submits that House Bill No. 508, to the extent it would condition licensure upon compliance, by a non-resident pharmacy, with reasonable standards of disclosure to the Alaska Board of Pharmacy and those statutory provisions presently incorporated in the bill, is a responsible exercise of a state's power to regulate given the various constitutional protections afforded businesses which are engaged in interstate commerce. For these reasons, Medco supports House Bill No. 508.

The regulation of out-of-state drug outlets, and particularly mail service pharmacies, has been the subject of frequent, and often emotional, debate over the last several years. There can be little doubt that the debate has been fueled by the rapid growth of mail service pharmacy. Medco, along with those pharmacies operated by the Veterans Administration and the AARP Pharmacy Service, have been at the forefront of this growth. The lines of debate are well-drawn: some sectors of the retail pharmacy community seek licensure restrictive in nature for the singular purpose of precluding the operation of a mail service pharmacy on an interstate basis and thereby eliminating a competitive force in the marketplace. Licensure of this nature is often argued in the guise of health and safety concerns,

EMENS, HURD, KEGLER & RITTER CO., L.P.A.

ATTORNEYS AND COUNSELORS AT LAW

The Honorable Johnny Ellis, Chairperson

March 3, 1990

Page 2

concerns which are not supported by an informed knowledge of mail service pharmacy and particularly when mail service pharmacy is evaluated in the context of total pharmacy practice. On the other hand, those engaged in the practice of mail service pharmacy, when denied the opportunity for meaningful, objective dialogue, have correctly relied upon the various constitutional arguments which preclude such restrictive licensure. These constitutional arguments are several, but revolve primarily around the Commerce Clause of the Constitution of the United States of America. The constitutional arguments become all the more meaningful in light of the extensive state and federal regulation applicable to the practice of pharmacy, to include mail service pharmacy. Moreover, in addition to licensure as a community or retail pharmacy in the state where the pharmacy is located and licensure at the federal level, mail service pharmacies have established an historical record, in terms of the public health and safety, which simply does not support the need for restrictive licensure.

On the contrary, those reports which have been published by responsible, objective reviewers over the years have found no documented, credible evidence which compromises the health and safety record of mail service pharmacy or otherwise justifies restrictive licensure. In addition to favorable reports from the Federal Trade Commission, the American Medical Association, and various state legislative studies, a December, 1989 report issued by the State of Maine is particularly relevant to House Bill No. 508. Specifically, the Joint Standing Committee on Business Legislation of the Legislature of the State of Maine conducted hearings to review, among other issues, the safety impact of mail service pharmacy. In adopting Cost Containment for Prescription Drugs (December, 1989), the Committee concluded, in pertinent part as follows:

The Committee found no evidence that there was any difference in safety between having a prescription filled by mail and through an in-state pharmacy.

To the extent a state would have the power to regulate in this area, House Bill No. 508 closely parallels the form of a California statute now adopted in a number of other states. Commonly known as the California Disclosure Legislation, this statute, supported during the legislative process by Medco and the AARP Pharmacy Service, regulates mail service pharmacy in a manner consistent with constitutional and professional practice standards. Therefore, Medco respectfully urges you to support House Bill No. 508.

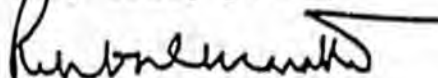
EMENS, HURD, KEGLER & RITTER Co., L.P.A.

ATTORNEYS AND COUNSELORS AT LAW

The Honorable Johnny Ellis, Chairperson
March 3, 1990
Page 3

If you have any questions relative to this matter, or desire further information, please do not hesitate to contact me.

Very truly yours,



Robert D. Marotta

RDM/trj

Attachment - California Disclosure Legislation

cc: House Health Education & Social Services Committee, Members

Gordon S. Harrison, Director
Legislative Research Agency
Alaska State Legislature

Medco Containment Services, Inc.

Senate Bill No. 2213

CHAPTER 1424

An act to amend Section 4084.6 of, to add Sections 4050.1 and 4383 to, and to add and repeal Section 4350.6 of, the Business and Professions Code, relating to pharmacy, and making an appropriation therefor.

[Approved by Governor September 26, 1988. Filed with Secretary of State September 27, 1988.]

LEGISLATIVE COUNSEL'S DIGEST

SB 2213, Craven. Pharmacy.

Under existing law, it is unlawful for any person to, among other things, sell or dispense any prescription of a medical practitioner unless the person is a registered pharmacist under specified provisions of the Business and Professions Code. The law requires an out-of-state pharmacy which conducts the business of selling or distributing drugs in this state to be licensed by the Board of Pharmacy.

This bill would require any pharmacy, as specified, located outside this state which ships, mail, or delivers any controlled substances or dangerous drugs or devices into this state to register with the board, disclose specified information to the board, and meet other conditions.

The bill would authorize the board to deny, revoke, or suspend a nonresident pharmacy registration for failure to comply with specified provisions of California law and, until January 1, 1992, for conduct which causes serious bodily or psychological injury to a resident of this state if the regulatory agency in the state where the pharmacy is located fails to initiate an investigation into the matter within 45 days of being notified by the board.

The bill also would prohibit specified advertisements with regard to unregistered, nonresident pharmacies.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Pharmacy Board Contingent Fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

A violation of those provisions of the Business and Professions Code constitutes a misdemeanor.

This bill would impose a state-mandated local program by creating or revising a crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this

dispensed.

(b) Any pharmacy subject to this section shall, during its regular hours of operation, but not less than six days per week, and for a minimum of 40 hours per week, provide a toll-free telephone service to facilitate communication between patients in this state and a pharmacist at the pharmacy who has access to the patient's records. This toll-free number shall be disclosed on a label affixed to each container of drugs dispensed to patients in this state.

(c) The registration fee shall be the fee specified in subdivision (a) of Section 4416.

(d) The registration requirements of this section and Sections 4350.6 and 4383, shall apply only to a nonresident pharmacy which only ships, mails, or delivers controlled substances and dangerous drugs and devices into this state pursuant to a prescription.

SEC. 3. Section 4084.6 of the Business and Professions Code is amended to read:

4084.6. No out-of-state manufacturer, wholesaler, or pharmacy doing business in this state who has not obtained a certificate, license, permit, registration, or exemption from the board and who sells or distributes drugs in this state through any person or media other than a wholesaler who has obtained a certificate, license, permit, registration, or exemption pursuant to the provisions of this chapter or through a selling or distribution outlet which is licensed as a wholesaler pursuant to the provisions of this chapter, shall conduct the business of selling or distributing drugs in this state without obtaining an out-of-state drug distributor's license from the board or registering as a nonresident pharmacy.

Applications for an out-of-state drug distributor's license or a nonresident pharmacy registration, under this section shall be made on a form furnished by the board. The board may require such information as the board deems is reasonably necessary to carry out the purposes of the section.

The board may deny, revoke, or suspend such out-of-state distributor's license for any violation of this chapter or for any violation of Division 21 (commencing with Section 26001) of the Health and Safety Code. The license or nonresident pharmacy registration shall be renewed annually on or before the first day of January of each year.

The Legislature, by enacting this section, does not intend a license or nonresident pharmacy registration issued to any out-of-state manufacturer, wholesaler, or pharmacy pursuant to this section to change or affect the tax liability imposed by Chapter 3 (commencing with Section 23501) of Part 11 of Division 2 of the Revenue and Taxation Code on any out-of-state manufacturer, wholesaler, or pharmacy.

The Legislature, by enacting this section, does not intend a license or nonresident pharmacy registration, issued to any out-of-state manufacturer, wholesaler, or pharmacy pursuant to this section to

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

Senate Bill No. 2213

CHAPTER 1424

An act to amend Section 4084.6 of, to add Sections 4050.1 and 4383 to, and to add and repeal Section 4350.6 of, the Business and Professions Code, relating to pharmacy, and making an appropriation therefor.

[Approved by Governor September 26, 1988. Filed with Secretary of State September 27, 1988.]

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SB 2213, Craven. Pharmacy.

Under existing law, it is unlawful for any person to, among other things, sell or dispense any prescription of a medical practitioner unless the person is a registered pharmacist under specified provisions of the Business and Professions Code. The law requires an out-of-state pharmacy which conducts the business of selling or distributing drugs in this state to be licensed by the Board of Pharmacy.

This bill would require any pharmacy, as specified, located outside this state which ships, mails, or delivers any controlled substances or dangerous drugs or devices into this state to register with the board, disclose specified information to the board, and meet other conditions.

The bill would authorize the board to deny, revoke, or suspend a nonresident pharmacy registration for failure to comply with specified provisions of California law and, until January 1, 1992, for conduct which causes serious bodily or psychological injury to a resident of this state if the regulatory agency in the state where the pharmacy is located fails to initiate an investigation into the matter within 45 days of being notified by the board.

The bill also would prohibit specified advertisements with regard to unregistered, nonresident pharmacies.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Pharmacy Board Contingent Fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

A violation of those provisions of the Business and Professions Code constitutes a misdemeanor.

This bill would impose a state-mandated local program by creating or revising a crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this

act for a specified reason.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares that the practice of pharmacy is a dynamic, patient-oriented health service that applies a scientific body of knowledge to improve and promote patient health by means of appropriate drug use and drug related therapy.

(b) The Legislature recognizes that with the proliferation of alternate methods of health delivery, there has arisen among third-party payers and insurance companies the desire to control the cost and utilization of pharmacy services through a variety of mechanisms, including the use of mail order pharmacies located outside the State of California.

(c) As a result, the Legislature finds and declares that to continue to protect the California consumer-patient, all out-of-state pharmacies that provide service to California residents shall be registered with the board, disclose specific information about their services, and provide pharmacy services at a high level of protection and competence.

SEC. 2. Section 4050.1 is added to the Business and Professions Code, to read:

4050.1. (a) Any pharmacy located outside this state which ships, mails, or delivers, in any manner, controlled substances or dangerous drugs or devices into this state shall be considered a nonresident pharmacy, shall be registered with the board, and shall disclose to the board all of the following:

(1) The location, names and titles of all principal corporate officers and all pharmacists who are dispensing controlled substances or dangerous drugs or devices to residents of this state. A report containing this information shall be made on an annual basis and within 30 days after any change of office, corporate officer, or pharmacist.

(2) That it complies with all lawful directions and requests for information from the regulatory or licensing agency of the state in which it is licensed as well as with all requests for information made by the board pursuant to this section. The nonresident pharmacy shall maintain, at all times, a valid unexpired license, permit, or registration to conduct the pharmacy in compliance with the laws of the state in which it is a resident. As a prerequisite to registering with the board, the nonresident pharmacy shall submit a copy of the most recent inspection report resulting from an inspection conducted by the regulatory or licensing agency of the state in which it is located.

(3) That it maintains its records of controlled substances or dangerous drugs or devices dispensed to patients in this state so that the records are readily retrievable from the records of other drugs

dispensed.

(b) Any pharmacy subject to this section shall, during its regular hours of operation, but not less than six days per week, and for a minimum of 40 hours per week, provide a toll-free telephone service to facilitate communication between patients in this state and a pharmacist at the pharmacy who has access to the patient's records. This toll-free number shall be disclosed on a label affixed to each container of drugs dispensed to patients in this state.

(c) The registration fee shall be the fee specified in subdivision (a) of Section 4416.

(d) The registration requirements of this section and Sections 4350.6 and 4383, shall apply only to a nonresident pharmacy which only ships, mails, or delivers controlled substances and dangerous drugs and devices into this state pursuant to a prescription.

SEC. 3. Section 4084.6 of the Business and Professions Code is amended to read:

4084.6. No out-of-state manufacturer, wholesaler, or pharmacy doing business in this state who has not obtained a certificate, license, permit, registration, or exemption from the board and who sells or distributes drugs in this state through any person or media other than a wholesaler who has obtained a certificate, license, permit, registration, or exemption pursuant to the provisions of this chapter or through a selling or distribution outlet which is licensed as a wholesaler pursuant to the provisions of this chapter, shall conduct the business of selling or distributing drugs in this state without obtaining an out-of-state drug distributor's license from the board or registering as a nonresident pharmacy.

Applications for an out-of-state drug distributor's license or a nonresident pharmacy registration, under this section shall be made on a form furnished by the board. The board may require such information as the board deems is reasonably necessary to carry out the purposes of the section.

The board may deny, revoke, or suspend such out-of-state distributor's license for any violation of this chapter or for any violation of Division 21 (commencing with Section 26001) of the Health and Safety Code. The license or nonresident pharmacy registration shall be renewed annually on or before the first day of January of each year.

The Legislature, by enacting this section, does not intend a license or nonresident pharmacy registration issued to any out-of-state manufacturer, wholesaler, or pharmacy pursuant to this section to change or affect the tax liability imposed by Chapter 3 (commencing with Section 23501) of Part 11 of Division 2 of the Revenue and Taxation Code on any out-of-state manufacturer, wholesaler, or pharmacy.

The Legislature, by enacting this section, does not intend a license or nonresident pharmacy registration, issued to any out-of-state manufacturer, wholesaler, or pharmacy pursuant to this section to

serve as any evidence that such out-of-state manufacturer, wholesaler, or pharmacy is doing business within this state.

SEC. 4. Section 4350.6 is added to the Business and Professions Code, to read:

4350.6. (a) The board may deny, revoke, or suspend a nonresident pharmacy registration for failure to comply with any requirement of Section 4050.1 or 4383 or for any failure to comply with Section 11164 of the Health and Safety Code.

(b) The board may deny, revoke, or suspend a nonresident pharmacy registration for conduct which causes serious bodily or serious psychological injury to a resident of this state if the board has referred the matter to the regulatory or licensing agency in the state in which the pharmacy is located and the regulatory or licensing agency fails to initiate an investigation within 45 days of the referral. The board shall obtain and maintain a record of referrals pursuant to this subdivision and any action taken thereon and shall report its findings to the Legislature on or before March 31, 1991.

This section shall be operative until January 1, 1992, and as of that date, is repealed unless a later enacted statute deletes or extends the date.

SEC. 5. Section 4350.6 is added to the Business and Professions Code, to read:

4350.6. The board may deny, revoke, or suspend a nonresident pharmacy registration for failure to comply with any requirement of Section 4050.1 or 4383 or for any failure to comply with Section 11164 of the Health and Safety Code.

This section shall become operative on January 1, 1992.

SEC. 6. Section 4383 is added to the Business and Professions Code, to read:

4383. It is unlawful for any nonresident pharmacy which is not registered pursuant to Section 4050.1 to advertise its services in this state, or for any person who is a resident of this state to advertise the pharmacy services of a nonresident pharmacy which has not registered with the board, with the knowledge that the advertisement will or is likely to induce members of the public in this state to use the pharmacy to fill prescriptions.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
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JUNEAU, ALASKA 99811
907-465-3800

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. HESS 3-21-90

H. HESS 3-23-90

Original sponsor(s): REP. MENARD, Donley, Hanley, Collins, Jacko

1 IN THE HOUSE

BY THE HESS COMMITTEE

2 CS FOR HOUSE BILL NO. 508 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to pharmacies located outside of the
7 state."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 08.80 is amended by adding a new section to read:

10 Sec. 08.80.158. REGISTRATION OF PHARMACIES LOCATED OUTSIDE OF
11 STATE. (a) A pharmacy located outside of the state that ships,
12 mails, or delivers prescription drugs into the state shall register
13 with the board.

14 (b) A pharmacy registering with the board under (a) of this
15 section shall furnish to the board annually

16 (1) the location, names, and titles of all principal corpo-
17 rate officers and of all pharmacists who are dispensing prescription
18 drugs to residents of the state;

19 (2) a copy of a current valid license, permit, or registra-
20 tion to conduct operations in the jurisdiction in which it is located,
21 and a copy of the most recent report resulting from an inspection of
22 the pharmacy by the regulatory or licensing agency of the jurisdiction
23 in which the pharmacy is located;

24 (3) a sworn statement indicating that the pharmacy complies
25 with all lawful directions and requests for information from the
26 regulatory or licensing authority of the jurisdiction in which the
27 pharmacy is licensed; and

28 (4) proof satisfactory to the board that the pharmacy
29 maintains its records of prescription drugs dispensed to persons in

1 the state so that the records are readily retrievable from the records
2 of other prescription drugs dispensed by the pharmacy.

3 (c) A pharmacy subject to this section shall, during its regular
4 hours of operation, provide a toll-free telephone service to facili-
5 tate communication between persons in the state and pharmacist at
6 the pharmacy who has access to records concerning the dispensing of
7 prescription drugs to persons in the state. The toll-free number and
8 the hours that the service is available shall be disclosed on a label
9 affixed to each container of drugs dispensed to persons in the state.
10 The telephone service shall be available at least 40 hours a week and
11 at least six days a week.

12 (d) The board may, after a hearing, deny, revoke, or suspend the
13 registration of a pharmacy located outside of the state if the phar-
14 macy fails to comply with the requirements of this section, AS 17.-
15 20.080 - 17.20.135, or AS 17.30.020 - 17.30.080, or if the license,
16 permit, or registration of the pharmacy is denied, revoked, or sus-
17 pended by the licensing or regulatory agency of the jurisdiction in
18 which the pharmacy is located.

19 (e) A pharmacy located outside of the state that is not regis-
20 tered with the board under this section may not ship, mail, or deliver
21 prescription drugs into the state and may not advertise its services
22 in the state.

23 (f) A pharmacy subject to this section shall appoint a regis-
24 tered agent in the state who is empowered to accept, on behalf of the
25 pharmacy, process, notice, and demand required or permitted by law to
26 be served upon the pharmacy. If the pharmacy fails to appoint an
27 agent under this subsection, if the registered agent cannot with
28 reasonable diligence be found at the registered office, or if the
29 registration of the pharmacy is suspended or revoked, the commissioner

1 of commerce and economic development is an agent upon whom process,
2 notice, or demand may be served. Service is made upon the commis-
3 sioner in the same manner as provided for corporations under AS 10.-
4 06.175(b), except that for the purposes of AS 10.06.175(b)(2)(A), the
5 address shall be the last registered address of the pharmacy as shown
6 by the records of the board.

7 * Sec. 2. AS 08.80.160 is amended by adding a new paragraph to read:

8 (14) registration of a pharmacy located outside of the
9 state.

10 * Sec. 3. AS 08.80.480 is amended by adding new paragraphs to read:

11 (19) "pharmacy located outside of the state" means a phar-
12 macy that prepares or mixes prescription drugs outside of the state,
13 regardless of the location at which those drugs may be shipped, mail-
14 ed, or delivered to the consumer;

15 (20) "prescription drug" means a drug other than a nonpre-
16 scription drug.

HB

509



Alaska State Legislature


HOUSE OF REPRESENTATIVES

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

To: Representative Johnny Ellis, Chairman
House HESS Committee

From: Representative Mike Miller 

Re: Scheduling request for HB 509, "An Act prohibiting abortions sought solely because of the gender of the fetus"

Date: 3/7/90

I believe most Americans are shocked to hear that a baby would be aborted simply because it is of the wrong sex; however, this practice does take place and according to numerous publications, the practice is becoming increasingly acceptable in the United States. Although gender selection may not be a large problem now, given the way things go in this country, it could be trendy in five years and routine in ten according to Tabitha Powledge, of the prestigious Hastings Center, Institute of Society, Ethics and the Life Sciences in Hasting-on-Hudson, N.Y.

While nationwide polls indicate a majority of Americans do not support a total ban on abortion, these same surveys show varying degrees of support for restricting abortions under certain circumstances. In a poll conducted by the Gallup Organization for Newsweek Magazine in 1989, 80% of the respondents indicated abortions for the purpose of selecting sex should be illegal. With this in mind, I introduced HB 509 to focus discussion on this topic.

I respectfully request that HB 509 be scheduled for a hearing before the House HESS Committee at the earliest available date. If you have any questions regarding this request, please contact me at x-4976.

Americans and Abortion

For all the heat the issue raises, Americans take a measured view of abortion: a majority endorses the right to end a pregnancy, but only for the most compelling reasons.

Do you think abortions should be:

	LEGAL ANY CIRCUMSTANCES	LEGAL CERTAIN CIRCUMSTANCES	ILLEGAL ALL CIRCUMSTANCES
Current*	27%	50%	18%
1981	23%	52%	21%
1975	21%	54%	22%

Should abortions be legal or not legal in each of the following circumstances?

	LEGAL	ILLEGAL
Woman's life endangered	89%	8%
Rape or incest	81%	16%
Woman's health would be impaired	75%	17%
Chance baby will be born deformed	67%	31%
Mother unmarried	37%	56%
Can't afford child	35%	59%
Parents don't want a child	30%	68%
Parents want different sex	15%	80%

If the Supreme Court should overturn *Roe v. Wade*, would the following be true or false?

	TRUE	FALSE
More women would die because of illegal abortions	75%	19%
There would be more widespread use of birth control	67%	25%
Most of the unwanted babies would be adopted	58%	33%
There would be more mistreated children	56%	34%
Only rich women would be able to get abortions	37%	58%

If state legislatures are permitted to make abortions illegal, would you:

56%	Consider a candidate's position on abortion one of many important factors when voting
17%	Not think it should be a major issue
14%	Always vote for a candidate who opposed abortions
9%	Never vote for a candidate who opposed abortions

For the Newsweek poll, The Roper Organization interviewed a national sample of 764 adults by telephone April 12-13. The margin of error is plus or minus 3 percentage points. Some 14% of all respondents omitted The Newsweek poll. ©1983, Newsweek, Inc.

MAY 30
1985
NEW YORK
TIMES

Selecting a Baby's Sex: Still No Certain Method

By SANDRA BLAKESLEE

FOR most couples, pregnancy is a time of anticipation: Is it a boy or girl, is it healthy, who will it resemble? A small number of couples, however, want to take the mystery out of pregnancy. They want their child to be a particular sex, and they are willing to pay thousands of dollars, listen to anybody or try any method that promises to change the odds of conceiving a boy or girl.

By using special douches, charting body temperatures or having sperm treated before the mother is inseminated, the couple is told, a child of the coveted sex will be born. According to an informal survey of obstetricians, fertility experts and experimental geneticists from around the country, these couples are mostly being fooled by false promises.

No sex preselection method has yet been proven effective according to the rigorous standards of professional medical journals. And those who promote the various techniques say that none are guaranteed.

Techniques that rely on separating sperm "have not been shown to work in humans," said Dr. Kurt Hirschhorn, chairman of pediatrics at the Mt. Sinai Medical Center in Manhattan. Methods that require women to follow set regimens prior to conception do not succeed either, according to the American College of Obstetrics and Gynecology.

But if a sex-selection technique ever is perfected, medical experts say, the ethical and social consequences could be disturbing.

Some experts say efforts to perfect techniques raise troubling concerns.

According to the demographer Dr. Charles Westoff of Princeton University, studies show that most Americans want a boy and a girl in that order.

"If we had a technology available to predetermine the sex ratio of children it would not have any dramatic effect on the sex ratio overall," Dr. Westoff said. "But the order of birth would change dramatically."

The number of male firstborns with little sisters would double, he said. "The implications are anybody's guess," Dr. Westoff said. Birth order is widely believed to affect personality, academic achievement and later success in life.

An effective sex preselection technique would have even greater consequences in countries where the desire to produce male heirs is paramount, Dr. Westoff said. Many families would choose not to have girls, resulting in a rapid over-

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