

the next speaker, I would like to introduce some guests in the Legislature. Today they are guests of Senator Robinson and Senator Schellpeper. We have 34 seniors from the Wisner-Pilger School and their teacher. Would you folks please stand and be welcomed by the Legislature. Thank you for being here. Senator Hall.

SENATOR HALL: Thank you, Mr. President and members, again I rise to just ask another question, if I could, of Senator Wesely,...

SPEAKER BAACK: Senator Wesely.

SENATOR HALL: ...if he would respond. Senator Wesely, the way I read the committee amendments, and to continue with the discussion we were having earlier, that the bill would still limit the types of medications that would be allowed to Schedules III and IV that are in statute, is that correct? Or, are they not? The question is, the concern I have, and if those schedules are spelled out in statute, I guess I don't have near the problem because that means in order for those schedules to be changed they have to come back to the Legislature. If we are going to give people their job descriptions, in essence, for how they are going to practice medicine, then we shouldn't allow for it to be, I guess abdicated, that authority be abdicated to schedules that could be changed through some kind of administrative department. In other words, does the Department of Health set the schedule for purposes of Schedule III and IV that are listed here, or are those schedules something that have to come through the Legislature, are they spelled out in statute? How does that function currently work, and that's where my concern lies.

SENATOR WESELY: Okay, Senator Hall, the schedules are established by the federal government through the FDA, but then we adopt them in statute, as I understand it. So there is a reference in our statute in the committee amendment. You will see Section 28-405 and I believe that is our reference, and then we have from time to time had legislation that adjusts that. As the federal government may change the schedules, the Legislature would change that statute. So that is the process, I understand. I also want to clarify something, if you don't mind. Those schedule restrictions are only under conditions which we are talking about here in terms of pain. There are no restrictions in terms of infections or antiinflammatory drugs