



**RECOMMENDATIONS FOR STATEWIDE
ELECTRONIC LOGGING SYSTEM FOR
METHAMPHETAMINE PRECURSORS**

**A Report prepared for
The Kansas Legislative Senate Committee
On Public Health and Welfare and the
House Committee on Health and Human Services
January 2014**



David R. Schoech, R.Ph, President
Columbus, Kansas

Robert Haneke, Pharm.D, Vice President
Sylvia, Kansas

Chad Ullom, R.Ph., Investigative Member
Topeka, Kansas

Jim Garrelts, Pharm.D, Board Member
Wichita, Kansas

Michael Lonergan, R.Ph, Board Member
Overland Park, Kansas

John Worden, Pharm.D, Board Member
McPherson, Kansas

Cheri Pugh, Consumer Board Member
Wamego, Kansas

Debra Billingsley, JD
Executive Secretary
Kansas State Board of Pharmacy

TABLE OF CONTENTS

Executive Summary.....	2
Introduction.....	3
NPLEx Reporting System.....	6
NPLEx Kansas Statistics.....	8
What's New.....	10
Recommendations.....	10
Appendices.....	11

Executive Summary

In 2009, the Kansas legislature mandated that the Kansas State Board of Pharmacy establish and maintain a program for a statewide electronic logging system for the sale of methamphetamine precursors. The Board of Pharmacy was also required to review the effectiveness of the program and to submit an annual report to the Senate standing committee on Public Health and Welfare and the House standing committee on Health and Human Services. This report is the Board of Pharmacy's review of the effectiveness the National Precursor Log Exchange ("NPLEx") system that is currently used in Kansas. The current Board members are David Schoech, R.Ph, President, Robert Haneke, Pharm.D, Vice President, Chad Ullom, R.Ph, Investigative Member, James Garrelts, Pharm.D, Michael Lonergan, R.Ph, John Worden, Pharm.D, and Cheri Pugh, Consumer Member.

Since 2005 the Kansas State Board of Pharmacy ("Board") has studied statistics on abuse and misuse of legal medications. There has been a prevalent rise in prescription drug and over-the-counter medication abuse across all age groups. The Board has also worked closely with the Kansas Bureau of Investigation (KBI) and has participated in a multi-stakeholder group that discusses drug issues in Kansas. The Board is a member of the National Association of Boards of Pharmacy (NABP) and the National Association of State Controlled Substances Authorities (NASCSA). These organizations provide information on trends related to the abuse of drugs and provide model drug laws that can be used in Kansas. A major area of concern associated with illicit drug use is the manufacture and use of methamphetamine. Methamphetamine is produced from ephedrine or pseudoephedrine – the leading ingredients in the nation's \$3 billion plus cold medication market.

The federal Combat Methamphetamine Epidemic Act of 2005 ("CMEA"), as well as the Kansas law, required pharmacies that sell pseudoephedrine and ephedrine products to capture customer data at the point of sale. If a sale exceeds 3.6 grams per day and 9 grams in thirty (30) days, the sale must be denied. Originally, the logs were to be maintained either on paper or electronically, but the pharmacies could not logistically share data with each other using these methods. This was problematic for law enforcement because they would have to go to each pharmacy to obtain logbook information.

In April of 2011, Kansas became the ninth state to join NPLEx. NPLEx stands for National Precursor Log Exchange. NPLEx is a real-time electronic methamphetamine precursor tracking service. It is free of charge to any state that wishes to use it. Over 20,000 retailers in the United States currently use the NPLEx system and several more states have passed laws to join the system. In general, the consensus of the Board is to continue using the NPLEx as a tool to combat the production of methamphetamine. Stakeholders are generally supportive of the recommendation and most prefer this option since it reduces the burden on prescribers, patients, dispensers, and law enforcement. The following recommendations are a result of a continuing collaboration of the multi-stakeholders related to drug abuse and misuse.

Introduction

Methamphetamine is a powerful central nervous system stimulant and pressor substance with actions similar to amphetamine. It is a synthetic or manmade drug that has a high potential for abuse and dependence. Methamphetamine users feel a short yet intense “rush” when the drug is initially administered. Long term use of methamphetamine can cause addiction, anxiety, insomnia, mood disturbances, and violent behavior. Additionally, psychotic symptoms such as paranoia, hallucinations, and delusions can occur. It severely affects the user’s mind and body, ruins lives, and endangers communities and the environment. It is illegally produced and sold in pill form, capsules, powder and chunks. It can be smoked, snorted, orally ingested, or injected. Methamphetamine is made with common ingredients that might be inactive or marginally inactive such as asthma and cold medications that contain ephedrine or pseudoephedrine, red phosphorous (fertilizer), hydrochloric acid (cleaning solutions), drain cleaner, battery acid, lye, lantern fuel, and antifreeze. However, when these inactive products are combined with another chemical the result is a new product. These inactive products are called precursors. The Board of Pharmacy focused their review on the sale of precursors sold from the pharmacy, specifically pseudoephedrine (PSE) and ephedrine products.

Manufacturing methamphetamine presents numerous hazards to people, their community, and the environment. There is an extreme potential for fires, explosions, and exposure to toxic fumes. Children are often present when meth is manufactured and they are exposed to the chemicals. Public Service Officials are also often exposed to these harsh hazardous chemicals. Meth can often overwhelm medical services in a community. The contamination present from methamphetamine clandestine labs can affect soil, ground water, air, furniture, and structure materials such as flooring, vents, walls and other porous materials.¹ Dump sites devalue property values and the property owners and state or local governments are responsible for the residual contamination at such sites. There is a toll on social services, health care costs, environmental costs, criminal activity, and prison costs for state and local governments.

For years, methamphetamine was produced outside the United States and imported. However, it can be produced virtually anywhere. Motel rooms, trailer parks, and suburban homes can all be turned into a lab. Labs have been discovered in vehicles, hotel and motel rooms, storage lockers, mobile homes, apartments, parks, houses, campgrounds, rental property, abandoned dumps, restrooms and houseboats. There are numerous web sites on the Internet that give instructions or recipes on how to produce meth. About the only thing that stands in the way of widespread production is limiting the availability of the precursors required to make it.

In the early 70’s pseudoephedrine and ephedrine required a prescription. Ultimately, in 1976, the Food and Drug Administration (FDA) approved dozens of prescription-only products for sale without doctor’s advice, including pseudoephedrine and nine other cough and cold

¹ “Cleaning Up Former Methamphetamine Labs” produced by the Kansas Department of Health and Environment 10/16/09

ingredients. Over the next ten (10) years, U.S. sales of these products grew so fast that they outstripped the production capacity of the world's main producers in Germany and Czechoslovakia.²

Prior to 2005, cold and asthma medications containing ephedrine or pseudoephedrine were sold unrestricted over the counter in Kansas. They could be purchased at any grocery store, convenience store, truck stop, gas station, or other retail shop. The Board of Pharmacy registered these retail locations only if they sold 12 or more different over the counter medications so there was little regulation. Distributors were registered with the Board of Pharmacy as a non-prescription drug distributor. Pseudoephedrine and ephedrine were warehoused along with other over the counter medications such as aspirin.

In 2005, the Kansas legislature enacted a law called the Sheriff Matt Samuels Chemical Control Act (Senate Bill 27). Sheriff Samuels served with the Greenwood County Sheriff's Office for twenty-one (21) years and served as Sheriff for five (5) years. On January 19, 2005, Sheriff Samuels was shot and killed when he attempted to serve an arrest warrant at a suspected methamphetamine lab near Virgil, Kansas. Sheriff Samuel's tragic death emphasized the need to tighten access to cold medicines used to manufacture methamphetamine. Therefore, the legislature restricted the sale to a pharmacy of all single and combination products that contained any amount of ephedrine or pseudoephedrine that were in a starch tablet form. This did not apply to products that were prescription, gel caps or liquids and those forms continued to be sold in retail over the counter venues. Additionally, the pharmacy that sold tablets was required to keep a paper log of each transaction and to check the purchaser's photo identification for a date of birth. The purchaser had to be 18 years of age or older. The purchaser was also required to sign the logbook. The law limited purchasers to three (3) boxes within a seven-day period.

Shortly after the state enacted their law, Congress enacted the federal Combat Epidemic Act of 2005 ("CMEA"). It was signed into law on March 9, 2006. This Act added ephedrine, pseudoephedrine and phenylpropanolamine (PPA) to the DEA Chemical I List. The DEA Chemical List placed regulatory controls and criminal sanctions both domestic and internationally to certain bulk chemicals without interrupting access destined for legitimate commerce. This meant that distributors had to obtain a controlled substance registration with the Board of Pharmacy rather than an over the counter drug distributor permit. They also had to segregate these products in their warehouse and keep them in a locked cage area with other dangerous or controlled drugs. Congress further required that the sale of PSE or ephedrine be limited to sales at retail of 3.6 grams/day or 9 grams/month. It required all pharmacy and retail employees who sold these products to participate in training and obtain proof of said training. A consumer purchasing these drugs was required to have the sale recorded in a logbook. The

² "Lobbyists and Loopholes" The Oregonian, Steve Suo, October 24, 2004

federal Act did not restrict retail stores from selling the product so Kansas law was stricter than federal law.

In 2008 the Kansas legislature passed Senate Bill 491 establishing the Methamphetamine Precursor Scheduling Task Force. The task force was to study the impact that scheduling meth precursors would have on consumer access and cost. The Board of Pharmacy convened a multi-stakeholder workgroup that included dispensers, prescribers, law enforcement, distributors and manufacturers. The task force looked at various options for restricting access without inconveniencing the law abiding cold sufferer or increasing medical cost.

The Committee reviewed data from states that required cold medications to be sold with a prescription. At the time of the study, Oregon was the only state that made all products containing PSE or ephedrine a prescription drug. Today, Oregon and Mississippi are the only two states that require a prescription. According to a U.S. Government Accountability Office study the implementation of prescription-only laws by Oregon and Mississippi was followed by a decline in lab incidents. Law enforcement in those states attributed the reduction in large part to the prescription only approach. There has been a reduction in the requests or use of products containing pseudoephedrine but the study did not have data to determine how the approach affected the consumer. There has been no study in those two states related to whether prescription requests had risen or whether the cost to the public had increased in order to obtain a prescription.

In a patient survey by the Asthma and Allergy Foundation of America (AAFA) patients expressed concerns that a prescription-only mandate would create an undue burden on law-abiding patients and significantly increase the cost of their healthcare. The AAFA stated that in 2010 roughly 13% of Kansans were uninsured, including nearly 75,000 children. In 2009, 11% of Kansans reported not seeing a doctor due to cost.³ The AAFA were not in favor of joining Oregon and Mississippi in making these drugs prescription only.

Another option that was reviewed was making PSE a Class III Drug. This would create a new classification of over the counter drugs that would be sold only in a pharmacy. The FDA was reviewing a proposal that would allow pharmacists to dispense drugs for "nonprescription use" that previously would have required a medical provider's prescription. According to the Federal Register "some drug products that would otherwise require a prescription could be approved as nonprescription drug products with some type of pharmacist intervention as their condition of safe use."⁴ The rationale for this new proposal ultimately stemmed from the concern that many people with chronic medical conditions (asthma, migraine headaches, high blood pressure, and high cholesterol) are currently under treated and often ask the pharmacist for advice. People already place a significant level of trust in their local pharmacist and pharmacists

³ Statement of the Asthma and Allergy Foundation of America, Charlotte W. Collins JD, Vice President of Policy and Programs

⁴ Using Innovative Technologies and Other Conditions of Safe Use to Expand Which Drug Products Can Be Considered Nonprescription, Public Hearing FR-2012-02-28

have ranked among the most-trusted professionals consistently since 1979.⁵ At the time of the study the manufacturers and prescriber groups did not agree with pharmacist intervention to ensure appropriate nonprescription use. While pharmacists can prescribe dependently in many states it has not been embraced in Kansas primarily because of medicine defending their scope of practice.

The task force also reviewed establishing an electronic logging system. The paper logs that were used were difficult to maintain, ineffective for law enforcement, and created a compliance challenge for pharmacies operating across multiple states. The Board of Pharmacy initiated two statewide pilot projects that required the sale of all PSE to be logged electronically. The electronic systems could capture and store the data eliminating paper logs. It tracked PSE purchase limits and aggregate limits. It also communicated with other pharmacies allowing them to stay compliant. After the task force completed the pilot projects the task force recommended that the state invest in an electronic logging system. The cost of a statewide electronic logging system for the state would have been approximately \$250,000-\$350,000 a year.

The legislature passed an unfunded mandate in Senate Bill 33 requiring the Board of Pharmacy to create a statewide electronic logging program. The legislation would not let the Board pass any cost on to the pharmacy. This caused a problem for the Board since they had no ability to raise money in order to comply with the legislature's unfunded mandate.

Kansas was not the only state that was looking for an electronic logging system and, like Kansas, most states had no money. The Consumer Healthcare Products Association (CHPA), the national trade association representing many U.S. manufacturers of nonprescription medication teamed up with the National Association of Drug Diversion Investigators (NADDI). NADDI is a non-profit 501(c) (3) organization that facilitates cooperation between law enforcement, healthcare professionals, state regulatory agencies, and pharmaceutical manufacturers in the investigation and prevention of prescription drug abuse and diversion. CHPA offered to fund an electronic logging system through NADDI to all states at no cost. NADDI offered the states access to the National Precursor Log Exchange (NPLeX) which is a real-time electronic logging system of cold medications that is used by law enforcement and pharmacies. NPLeX is operated by Apriss, Inc., a company located in Louisville, Kentucky.

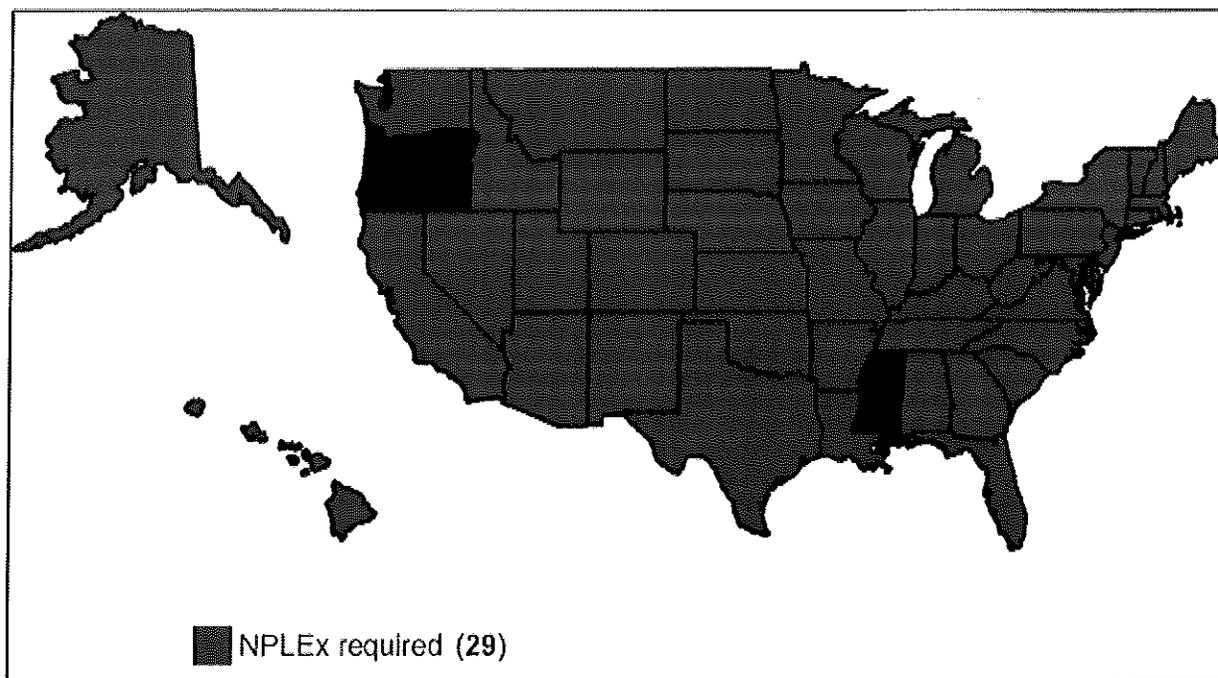
NPLeX Reporting System

The Board of Pharmacy entered into a Memoranda of Understanding with Apriss, Inc. in January of 2011 authorizing the statewide use of the National Precursor Log Exchange (NPLeX). Apriss agreed to provide state-wide electronic sales tracking system and database for retail sales of methamphetamine precursors through NADDI. Apriss, Inc. obtained financial support from the leading manufacturers of medicines containing PSE, ephedrine or phenylpropanolamine sold

⁵ Gallup's November 26-29, 2012 poll on perceived honesty and ethical standards of professions

without a prescription. The supporting manufacturers are Bayer, Johnson and Johnson, Merck, Novartis, Pfizer, Perrigo, and Reckitt Benckiser. It has been offered free of charge on a permanent basis to state governments that pass appropriate legislation and regulations.

The system operates as a state-wide, real-time, stop sale, electronic tracking system for all PSE products sold in the state. NPLeX is entirely web-based, with no servers, software, or hardware. The stop sale functionality will alert pharmacies, by conveying to the point of sale a stop sale or allow sale message. The stop sale functionality has an override feature to allow completion of the sale if the pharmacy thinks that denying the request would create a threat to the pharmacy's safety. Appriss, Inc. provided training, hosting services, fault tolerance and disaster recovery, monitoring and help desk support services, and security. The data is housed at the Appriss, Inc. data center, subject to annual FBI audit, and under tight security policies that include independent security testing and HIPAA compliance. Appriss, Inc. is also the disaster recovery site for the National Law Enforcement Recovery System (NLETS). The system has been aggregated with data from other states to provide multi-state stop-sale functionality. There are currently 29 states requiring NPLeX. There are six states with current bills or potential bills to allow the use of NPLeX. Those states are California, New York, Georgia, South Dakota, New Jersey and Maryland.



Law enforcement in Kansas has access to the NPLeX system. The Board of Pharmacy entered into a Memorandum of Understanding with the Kansas Bureau of Investigation (KBI) defining the roles of law enforcement. KBI acts as a liaison between all State and subdivision law enforcement for training and access to data needed in the system. Law enforcement is permitted to monitor suspicious buying patterns and to "watch" specific individuals who exceed

the legal limits. Law enforcement is immediately notified whenever a pharmacy overrides the system in order to permit an illegal sale. To date, we have not had any pharmacy override a sale because they were threatened with harm.

NPLEx Kansas Statistics

There are approximately 554 pharmacies connected to NPLEx in Kansas which is 18 more than 2013. The Board of Pharmacy has exempted those pharmacies that do not sell PSE products over the counter or who are located in communities that do not allow over the counter sales of these products. The Board gets a monthly report on the number of logins, the number of searches, the number of queries, the number of active watches and the number of active watch hits. We receive a report of the top law enforcement agencies using the system and the name of the officer that is pulling the report. The Board of Pharmacy has at a minimum, quarterly contact with Appriss, Inc. and the KBI. If a patient wants to inquire about their purchase they can go to the NPLEx website or call a toll free number. To date, the Board of Pharmacy has only had minimal requests from patients who have had trouble accessing their cold medications. The pharmacies have been given the toll free number and the website that can be provided to the patient if there are questions about their records. The pharmacy has a separate number that they can call to obtain 24/7 Information Technology assistance. Appriss, Inc. completes their maintenance during regularly scheduled periods and it is usually done during nonpeak times. To date, we have not had any reports of Appriss, Inc. having a failure that prevents the system from providing support to the pharmacies in Kansas.

Denied the purchase of cold and allergy medication?

As you may be aware, beginning in 2005 Federal and State laws began requiring certain cold and allergy medications to be more strictly regulated. Sales of these medications are now monitored to help stop components of these medications from being diverted into the illicit manufacturing of methamphetamine and other dangerous drugs.

If you have attempted to purchase one of these regulated cold and allergy medications and were unable to do so, please follow the instructions below to see a summary of your purchase history along with applicable Federal, State and local laws.

Enter your transaction information:

(Transaction must have occurred in the last 30 days. All fields are required)

Transaction ID

Last Name



Enter the characters you see above

Below are several snapshots of typical reports that the Board of Pharmacy reviews at each Board meeting.

175 Logins - 875 Searches - 411 Report Queries - 418 Active Avg. Watches - 236 Active Watch Hits

NEW USERS THIS MONTH New Users = 4 Total Accounts = 179 Active Users = 68	TOP USAGE AGENCIES 1. Salina Police Department 2. Crawford Co Sheriff's Dept 3. Neosho Co Sheriff's Dept	TOP AGENCIES BY ACTIVE WATCHES 1. Chanute Police Dept. (74) 2. Neosho Co Sheriff's Dept (72) 3. Neodesha Police Department (36)
	TOP USERS BY USAGE 1. Ginny Kroeger, Salina Police Department 2. Jordon Garrison, Crawford Co Sheriff's Dept 3. Douglas Campbell, Iola Police Dept.	

TRANSACTION SUMMARY STATISTICS (2013)

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	TOTAL
PURCHASES	70,246	59,970	64,791	65,940	64,634	53,617	47,856	57,217	484,271
BLOCKS	736	683	893	1,118	1,157	1,012	851	889	7,339
GRAMS SOLD	147,058	127,847	144,656	152,640	150,294	126,780	111,764	134,182	1,095,221
BOXES SOLD	72,833	62,328	67,227	68,354	67,213	55,813	49,959	59,608	503,335
GRAMS BLOCKED	2,204	2,034	2,766	3,335	3,738	3,064	2,802	2,857	23,000
BOXES BLOCKED	934	818	1,107	1,364	1,414	1,145	1,069	1,070	8,921
AVG GRAMS PER BOX BLOCKED	2.36	2.49	2.50	2.59	2.64	2.68	2.62	2.67	2.58

PHARMACY PARTICIPATION STATISTICS (AUG 2013)

Enable Pharmacies	551
Pharmacies Submitting a Transaction	515
Pharmacies Logging in Without a Transaction	0
Inactive Pharmacies	36
Pharmacy Participation for AUG	93.47%

What's New

Prescription products that contain pseudoephedrine are exempt from tracking through the NPLEx system. Therefore, the Board of Pharmacy has proposed an amendment to K.A.R. 68-21-7 whereby any prescription drug containing any detectable amount of pseudoephedrine would be a drug of concern and subject to reporting to the KTRACS prescription drug monitoring system. This regulation is to be scheduled for public hearing in early 2014.

Effective October 1, 2013 the NPLEx system was upgraded to give additional tools to law enforcement. It now allows for proximity searches and has additional tools that track groupings of individuals who are operating illegally around the state and making single purchases in order to avoid detection. This enhancement should help law enforcement with the detection of smurfing.

Four locations in Southeast Kansas have now passed local ordinances that would prevent a pharmacy from selling cold medications without a prescription. This would indicate that when one location prevents the sale of these products that the purchasers move to the surrounding areas. The cities or towns with a local ordinance are Chanute (See Appendix A); Parsons (See Appendix B); and Arma (Unavailable). Cherokee County (See Appendix C) has also passed a similar ordinance. The purchasers of these products would either have to have a prescription or go to another town to make an over the counter purchase. Law enforcement will still be able to use the NPLEx for tracking purposes.

Recommendations

Law enforcement in the Southeast part of the state supports a ban of these products for over the counter purchases. The Board of Pharmacy believes that the drug laws in the state should be uniform so that all patients know where they can purchase medicine. It can be dangerous for a patient to travel under the assumption that they can obtain medications the same way in every area of the state.

The Board has continued to monitor the NPLEx from the perspective of providing pertinent information to law enforcement while providing access of PSE products to the patient. The pharmacies have adjusted to using the NPLEx system as well as the patients. The Board's collaboration with law enforcement continues to indicate that NPLEx is a valuable tool in detecting criminal activity. Even the cities and counties that have exempted themselves from the NPLEx reporting are still using the information for law enforcement purposes. The Board does not have any plans to request any legislative change during 2014.

APPENDICES

Chanute City Ordinance.....Appendix A
Parsons City Ordinance.....Appendix B
Cherokee County Ordinance.....Appendix C

(Published in The Chanute Tribune March 13, 2013.)

ORDINANCE NO. 2600

(Chanute Municipal Code New Chapter 8.34)

AN ORDINANCE DEALING GENERALLY WITH THE SALE OF METHAMPHETAMINE PRECURSOR DRUGS; REGULATING GENERALLY THE SALE OF EPHEDRINE, PSEUDOEPHEDRINE, AND EPHEDRINE OR PSEUDOEPHEDRINE CONTAINING PRODUCTS WITHIN THE CITY OF CHANUTE, KANSAS AND ESTABLISHING A PENALTY FOR VIOLATING THE SAME.

WHEREAS, the State of Kansas, and specifically, Neosho County and the City of Chanute, have become known to drug enforcement officials for the high incidence of the illicit manufacture, sale and use of the illegal drug known as methamphetamine; and,

WHEREAS, ephedrine or pseudoephedrine are necessary for the manufacture of methamphetamine; and,

WHEREAS, the Commission of the City of Chanute finds that illicit methamphetamine labs are known to be toxic, flammable and explosive and create an imminent danger for police and fire personnel as well as residents, neighbors, and the public generally; and,

WHEREAS, the Commission of the City of Chanute finds that the restrictions hereinafter adopted will provide additional support to law enforcement efforts to reduce the current methamphetamine epidemic and that such restrictions will not unduly burden businesses selling, and customers purchasing, such products; and,

WHEREAS, the Commission of the City of Chanute finds that it is in the best interests of the citizens of the City of Chanute to regulate the sale of ephedrine, pseudoephedrine and pseudoephedrine containing products.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CHANUTE, KANSAS, AS FOLLOWS:

Section 1. Findings.

The Commission of the City of Chanute has found the manufacture, transportation, possession and sale of methamphetamine to be inherently dangerous and that the chemical precursors of methamphetamine and the byproducts and wastes of methamphetamine production are inherently dangerous and injurious to the public health, safety and welfare of the citizens of the city. Regulation of the sale of the chemical precursors to methamphetamine production, such as ephedrine products and pseudoephedrine products, is necessary to protect the citizens of the city.

Section 2. Definitions.

For the purposes of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

(a) Ephedrine. All forms of ephedrine, ephedrine hydrochloride and all combinations of these chemicals and any methamphetamine precursor drug containing these chemicals.

(b) Pseudoephedrine. All forms of pseudoephedrine, pseudoephedrine hydrochloride and all combinations of these chemicals and any methamphetamine precursor drug containing these chemicals.

(c) Methamphetamine precursor drug. Any drug or substance used to manufacture methamphetamine that contains pseudoephedrine or ephedrine.

(d) Person. Any individual, corporation, partnership, trust, limited liability company, firm, association or other entity.

(e) Sell. To knowingly furnish, give away, exchange, transfer, deliver, surrender, or supply, whether for monetary gain or not.

(f) Package. Any number of pills, tablets, capsules, caplets or individual units of a substance held within a container intended for sale.

Section 3. Prohibition of sale of methamphetamine precursor drugs.

It shall be illegal for any person to sell, deliver or distribute ephedrine, pseudoephedrine, and pseudoephedrine or ephedrine containing products, their salts, their optical isomers or salts of their optical isomers except as set forth in the specific exceptions contained in Section 4 of this ordinance.

Section 4. Exceptions.

(a) Ephedrine, pseudoephedrine and pseudoephedrine or ephedrine containing products, their salts, their optical isomers or salts of their optical isomers may be sold by a Kansas licensed pharmacist after being authorized to do so by a prescription from a physician or other healthcare professional licensed by the State of Kansas or any other state to write prescriptions.

(b) Ephedrine, pseudoephedrine and pseudoephedrine or ephedrine containing products, their salts, their optical isomers or salts of their optical isomers may be distributed by a licensed physician within the physician's office, or any clinic, nursing home or other licensed healthcare facility upon the orders of a physician or other

healthcare professional licensed by the State of Kansas or any other state to write prescriptions.

(c) This Section regulating ephedrine, pseudoephedrine or other methamphetamine precursor drugs shall not apply to the sale of animal feed containing ephedrine or dietary supplement products containing naturally occurring or herbal ephedra or extracts of herbal ephedra.

Section 5. Prima facie evidence.

It shall be prima facie proof that a substance is regulated by this Section if the substance is contained in its original packaging and is labeled as being or containing ephedrine or pseudoephedrine.

Section 6. Reporting theft of methamphetamine precursor drugs.

(a) All thefts, shortages, disappearances, miscounts or other losses of ephedrine, pseudoephedrine or other methamphetamine precursor drugs shall be reported to the police department of the City of Chanute within twenty-four (24) hours of discovery.

(b) Any person selling ephedrine, pseudoephedrine or other methamphetamine precursor drugs shall report any difference between the quantity of the aforementioned drugs shipped and the quantity received to the police department of the City of Chanute within twenty-four (24) hours of discovery.

Section 7. Penalty.

Every act or omission constituting a violation of any of the provisions of this ordinance by any agent or employee of any person shall be deemed and held to be a act of such person, and said person shall be punishable in the same manner as if said act or omission had been done or omitted by him/her or it personally, provided such an act or omission was within the scope of employment or the scope of authority of such agent or employee. Each such violation of this ordinance shall be considered a separate offense. Violation of this ordinance shall be punished by a fine of up to \$25.00 and the violation shall reported to the State Board of Pharmacy.

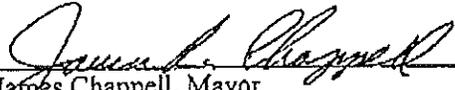
Section 8. Severability.

In the event that any section, sentence clause, phrase or portion of this Ordinance is held to be invalid by a court of competent jurisdiction, the remainder shall continue in full force and effect, to the extent the remainder can be given effect without the valid portion.

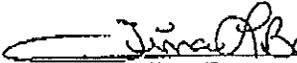
Section 9. Effective Date.

This Ordinance shall take effect upon its publication in the official City newspaper.

PASSED BY THE COMMISSION OF THE CITY OF CHANUTE, KANSAS, this 11 day of March, 2013.

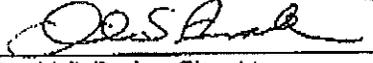

James Chappell, Mayor

ATTEST:


Tina L. Bailey, Deputy City Clerk



APPROVED AS TO FORM:


David S. Brake, City Attorney

(Published in the Parsons Sun, April 7, 2011)

ORDINANCE NO. 6231

AN ORDINANCE DEALING GENERALLY WITH THE SALE OF METHAMPHETAMINE PRECURSOR DRUGS; REGULATING GENERALLY THE SALE OF EPHEDRINE, PSUEDOEPHEDRINE, AND EPHEDRINE OR PSUEDOEPHEDRINE CONTAINING PRODUCTS WITHIN THE CITY OF PARSONS, KANSAS AND ESTABLISHING A PENALTY FOR VIOLATING THE SAME.

WHEREAS, the State of Kansas, and specifically, Labette County and the City of Parsons, have become known to drug enforcement officials for the high incidence of the illicit manufacture, sale and use of the illegal drug known as methamphetamine; and,

WHEREAS, ephedrine or pseudoephedrine are necessary for the manufacture of methamphetamine; and,

WHEREAS, the Commission of the City of Parsons finds that illicit methamphetamine labs are known to be toxic, flammable and explosive and create an imminent danger for police and fire personnel as well as residents, neighbors, and the public generally; and,

WHEREAS, the Commission of the City of Parsons finds that the restrictions hereinafter adopted will provide additional support to law enforcement efforts to reduce the current methamphetamine epidemic and that such restrictions will not unduly burden businesses selling, and customers purchasing, such products; and,

WHEREAS, the Commission of the City of Parsons finds that it is in the best interests of the citizens of the City of Parsons to regulate the sale of ephedrine, pseudoephedrine and pseudoephedrine containing products.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF PARSONS, KANSAS, AS FOLLOWS:

Section 1. Findings.

The Commission of the City of Parsons has found the manufacture, transportation, possession and sale of methamphetamine to be inherently dangerous and that the chemical precursors of methamphetamine and the byproducts and wastes of methamphetamine production are inherently dangerous and injurious to the public health, safety and welfare of the citizens of the city. Regulation of the sale of the chemical precursors to methamphetamine production, such as ephedrine products and pseudoephedrine products, is necessary to protect the citizens of the city.

Section 2. Definitions.

For the purposes of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

(a) Ephedrine. All forms of ephedrine, ephedrine hydrochloride and all combinations of these chemicals and any methamphetamine precursor drug containing these chemicals.

(b) Pseudoephedrine. All forms of pseudoephedrine, pseudoephedrine hydrochloride and all combinations of these chemicals and any methamphetamine precursor drug containing these chemicals.

(c) Methamphetamine precursor drug. Any drug or substance used to manufacture methamphetamine that contains pseudoephedrine or ephedrine.

(d) Person. Any individual, corporation, partnership, trust, limited liability company, firm, association or other entity.

(e) Sell. To knowingly furnish, give away, exchange, transfer, deliver, surrender, or supply, whether for monetary gain or not.

(f) Package. Any number of pills, tablets, capsules, caplets or individual units of a substance held within a container intended for sale.

Section 3. Prohibition of sale of methamphetamine precursor drugs.

It shall be illegal for any person to sell, deliver or distribute ephedrine, pseudoephedrine, and pseudoephedrine or ephedrine containing products, their salts, their optical isomers or salts of their optical isomers except as set forth in the specific exceptions contained in Section 4 of this ordinance.

Section 4. Exceptions.

(a) Ephedrine, pseudoephedrine and pseudoephedrine or ephedrine containing products, their salts, their optical isomers or salts of their optical isomers may be sold by a Kansas licensed pharmacist after being authorized to do so by a written prescription from a physician or other healthcare professional licensed by the State of Kansas or any other state to write prescriptions.

(b) Ephedrine, pseudoephedrine and pseudoephedrine or ephedrine containing products, their salts, their optical isomers or salts of their optical isomers may be distributed by a licensed physician within the physician's office, or any clinic, nursing home or other licensed healthcare facility upon the orders of a physician or other healthcare professional licensed by the State of Kansas or any other state to write prescriptions.

(c) This Section regulating ephedrine, pseudoephedrine or other methamphetamine precursor drugs shall not apply to the sale of animal feed containing ephedrine or dietary supplement products containing naturally occurring or herbal ephedra or extracts of herbal ephedra.

Section 5. Prima facie evidence.

It shall be prima facie proof that a substance is regulated by this Section if the substance is contained in its original packaging and is labeled as being or containing ephedrine or pseudoephedrine.

Section 6. Reporting theft of methamphetamine precursor drugs.

(a) All thefts, shortages, disappearances, miscounts or other losses of ephedrine, pseudoephedrine or other methamphetamine precursor drugs shall be reported to the police department of the City of Parsons within twenty-four (24) hours of discovery.

(b) Any person selling ephedrine, pseudoephedrine or other methamphetamine precursor drugs shall report any difference between the quantity of the aforementioned drugs shipped and the quantity received to the police department of the City of Parsons within twenty-four (24) hours of discovery.

Section 7. Penalty.

Every act or omission constituting a violation of any of the provisions of this ordinance by any agent or employee of any person shall be deemed and held to be a act of such person, and said person shall be punishable in the same manner as if said act or omission had been done or omitted by him/her or it personally, provided such an act or omission was within the scope of employment or the scope of authority of such agent or employee. Each such violation of this ordinance shall be considered a separate offense. Violation of this ordinance shall be considered and punished as a class A misdemeanor.

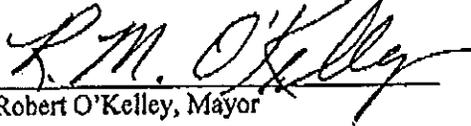
Section 8. Severability.

In the event that any section, sentence clause, phrase or portion of this Ordinance is held to be invalid by a court of competent jurisdiction, the remainder shall continue in full force and effect, to the extent the remainder can be given effect without the valid portion.

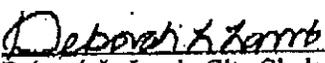
Section 9. Effective Date.

This Ordinance shall be in full force and effect on and after June 1, 2011 and publication in the official City newspaper.

PASSED BY THE COMMISSION OF THE CITY OF PARSONS, KANSAS,
this 4th day of April, 2011.


Robert O'Kelley, Mayor

ATTEST:


Deborah L. Lamb, City Clerk

(Published on the 5th day of June, 2013 in the Official City Newspaper)

ORDINANCE NO. 13-4

Findings.

The City Council of the City of Galena, has found the manufacture, transportation, possession and sale of methamphetamine to be inherently dangerous and that the chemical precursors of methamphetamine and the byproducts and wastes of methamphetamine production are inherently dangerous and injurious to the public health, safety and welfare of the citizens of the city. Regulation of the sale of the chemical precursors to methamphetamine production, such as ephedrine products and pseudoephedrine products, is necessary to protect the citizens of the city.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GALENA, KANSAS that:

Section 1. 11-301 through 11-306 of the City of Galena is hereby amended by adding the following sections to read as follows:

11-301 DEFINITIONS.

For the purposes of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

(a) Ephedrine- All forms of ephedrine, ephedrine hydrochloride and all combinations of these chemicals and any methamphetamine precursor drug containing these chemicals.

(b) Pseudoephedrine - All forms of pseudoephedrine, pseudoephedrine hydrochloride and all combinations of these chemicals and any methamphetamine precursor drug containing these chemicals.

(c) Methamphetamine precursor drug - Any drug or substance used to manufacture methamphetamine that contains pseudoephedrine or ephedrine.

(d) Person - Any individual, corporation, partnership, trust, limited liability company, firm, association or other entity.

(e) Sell - To knowingly furnish, give away, exchange, transfer, deliver, surrender, or supply, whether for monetary gain or not.

(f) Package - Any number of pills, tablets, capsules, caplets or individual units of a substance held within a container intended for sale.

11-302 PROHIBITION OF SALE OF METHAMPHETAMINE PRECURSOR DRUGS.

It shall be illegal for any person to sell, deliver or distribute ephedrine, pseudoephedrine, and pseudoephedrine or ephedrine containing products, their salts, their optical isomers or salts of their optical isomers except as set forth in the specific exceptions contained in Section 11-303 of this Ordinance.

11-303 EXCEPTIONS.

(a) Ephedrine, pseudoephedrine and pseudoephedrine or ephedrine containing products, their salts, their optical isomers or salts of their optical isomers may be sold by a Kansas licensed pharmacist after being authorized to do so by a written prescription from a physician or other healthcare professional licensed by the State Kansas or any other stat to write prescriptions.

(b) Ephedrine, pseudoephedrine and pseudoephedrine or ephedrine containing products, their salts, their optical isomers or salts of their optical isomers may be distributed by a licensed physician within the physician's office, or any clinic, nursing home or other licensed healthcare facility upon the orders of a physician or other healthcare professional licensed by the State of Kansas or any other state to write prescriptions.

(c) This Article regulating ephedrine, pseudoephedrine or other methamphetamine precursor drugs shall not apply to the sale of animal feed

containing ephedrine or dietary supplement products containing naturally occurring or herbal ephedra or extracts of herbal ephedra.

11-304 PRIMA FACIE EVIDENCE.

It shall be prima facie proof that a substance is regulated by this Section if the substance is contained in its original packaging and is labeled as being or containing ephedrine or pseudoephedrine.

11-305 REPORTING THEFT OF METHAMPHETAMINE PRECURSOR DRUGS.

(a) All thefts, shortages, disappearances, miscounts or other losses of ephedrine, pseudoephedrine or other methamphetamine precursor drugs shall be reported to the Galena, Kansas, Police Department, within twenty-four (24) hours of discovery.

(b) Any person selling ephedrine, pseudoephedrine or other methamphetamine precursor drugs shall report any difference between the quantity of the aforementioned drugs shipped and the quantity received to the Galena Police Department within twenty-four (24) hours of discovery.

11-306 PENALTY.

Every act or omission constituting a violation of any of the provisions of this Ordinance by any agency or employee of any person shall be deemed and held to be an act of such person, and said person shall be punishable in the same manner as if said act or omission had been done or omitted by him / her or it personally, provided such an act or omission was within the scope of employment or the scope of authority of such agent or employee. Each such violation of this Ordinance shall be considered a separate offense. Violation of this Ordinance shall be considered and punished as a class A misdemeanor, wherein the defendant shall be subject to a fine not to exceed \$2500.00 or a term of incarceration in the city jail not to exceed one (1) year, or both such fine and incarceration.

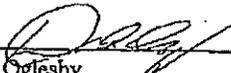
Section 2. Severability. In the event that any section, sentence, clause, phrase or portion of this Ordinance is held to be invalid by a court of competent

jurisdiction, the remainder shall continue in full force and effect, to the extent the remainder can be given effect without the valid portion.

Section 3. This ordinance shall take effect upon one publication in the official city newspaper.

Passed and approved of by the City Council of the City of Galena, Kansas, this 3rd day of June, 2013.

Executed by the Mayor of the City of Galena, Kansas, this 3rd day of June, 2013.



Dale Oglesby
Mayor of Galena, Kansas

Attest:


Flora R. Charles
City Clerk

Prepared by:
Kevin Cure, City Attorney