

(Published in the Morning Sun July 25, 2014)

**ORDINANCE NO. G-1204**

An Ordinance creating Section 54-6 of the Pittsburg City Code to regulate the sale of Ephedrine, Pseudoephedrine and Ephedrine and Pseudoephedrine containing products within the City of Pittsburg, Kansas and establishing a penalty for violating the same.

WHEREAS, the State of Kansas, and specifically, Crawford County and the City of Pittsburg, are known by local law enforcement officials to have a high rate of the manufacture, sale and use of the illegal drug known commonly as methamphetamine;

WHEREAS, ephedrine or pseudoephedrine, or ephedrine or pseudoephedrine containing products are necessary precursors for the manufacture of methamphetamine;

WHEREAS, illicit methamphetamine labs are known to be toxic, flammable and explosive and create an imminent danger for police and fire personnel as well as other residents and the general public;

WHEREAS, all other municipalities in Crawford, Labette, Cherokee and Neosho Counties which contain businesses that sale ephedrine or pseudoephedrine containing products have passed similar ordinances regulating the sale of such products and experienced a reduction in local manufacture of methamphetamine;

WHEREAS, the restrictions hereinafter adopted will provide additional support to local and regional law enforcement efforts to reduce the illicit manufacture, sale and use of methamphetamine and that such restrictions are not unduly burdensome to businesses selling, and customers purchasing, products containing ephedrine or pseudoephedrine;

WHEREAS, the Governing Body of the City of Pittsburg finds that it is in the best interests of the citizens of the City of Pittsburg to regulate the sale of ephedrine, pseudoephedrine and ephedrine and pseudoephedrine containing products in the manner set forth herein below.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PITTSBURG, KANSAS, AS FOLLOWS:

Section 1. Pittsburg City Code Section 54-6 is hereby created as follows:

**Section 54-6. Sale of Ephedrine and Pseudoephedrine containing products restricted; Penalties.**

- (a) Findings of fact. The Governing Body finds 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 productions, such as ephedrine containing products and pseudoephedrine containing products, is necessary to protect the citizens of the city, and reduce the illicit manufacture, sale and use of methamphetamine.

(b) Definitions. The following words, terms, and phrases when used in this section shall have the meanings respectively ascribed to them by this subsection:

- (i) Ephedrine means all forms of ephedrine, ephedrine hydrochloride and all combinations of these chemicals and any methamphetamine precursor drug containing these chemicals.
- (ii) Pseudoephedrine means all forms of pseudoephedrine, pseudoephedrine hydrochloride and all combinations of these chemicals and any methamphetamine precursor drug containing these chemicals.
- (iii) Methamphetamine precursor drug means any drug or substance used to manufacture methamphetamine that contains pseudoephedrine or ephedrine.
- (iv) Sell means to knowingly furnish, give away, exchange, transfer, deliver, surrender, or supply regardless of monetary gain.
- (v) Package means any number of pills, tablets, capsules, caplets or individual units of a substance held within a container intended for sale.

(c) Prohibited Acts. It shall be unlawful for any person to sell, deliver, provide or distribute ephedrine, pseudoephedrine, and pseudoephedrine or ephedrine containing products, their salts, their optical isomers or salts of their optical isomers except as specifically set forth in Section (d) of this section.

(d) Exceptions.

- (i) 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.
- (ii) 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.
- (ii) This section regulating ephedrine, pseudoephedrine, and 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.

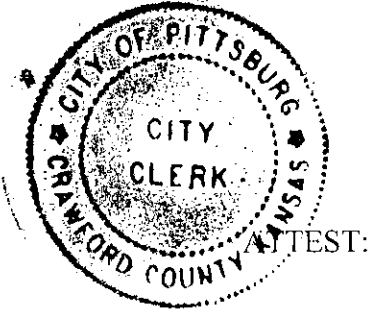
(e) Prima facie evidence. It shall be prima facie proof that a substance is regulated by this section if the substance is contained in its original packaging and is labeled as being or containing ephedrine or pseudoephedrine.

(f) Penalty. Violation of this section is a Class A violation.

(g) 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 2. This Ordinance shall take effect upon its passage and publication in the official City newspaper.

PASSED AND APPROVED this 22<sup>nd</sup> day of July, 2014.



  
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Chuck Munsell, President of the Board

  
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Tammy Nagel, City Clerk