

CASS COUNTY ORDINANCE NO. 2016-01

AN ORDINANCE TO REGULATE THE METHOD AND MANNER OF
SALE OF PSEUDOEPHEDRINE RELATED PRODUCTS BY PHARMACIES
WITHIN CASS COUNTY, INDIANA

WHEREAS, pseudoephedrine is the key ingredient in the illegal manufacture of methamphetamine and without a source for pseudoephedrine, methamphetamine cannot effectively be illegally produced, and

WHEREAS, while there are quantity and time limitations imposed upon the sale of pseudoephedrine by state statute, there is currently no state regulation of the methods or manner of sale for pseudoephedrine, and

WHEREAS, there are now readily available meth-deterrent pseudoephedrine products that provide the decongestant performance of traditional pseudoephedrine products, but significantly disrupt illicit methamphetamine production, and

WHEREAS, the illicit production of methamphetamine in Cass County is a significant public safety issue, has caused significant financial costs to the County, and is a clear and continuing danger to the health, welfare, and safety of Cass County residents, and

WHEREAS, the regulation of the methods and manner of sale of pseudoephedrine as set forth herein has been successful in other jurisdictions in significantly reducing the illicit production of methamphetamine.

NOW, THEREFORE BE IT ORDAINED by the Cass County Board of Commissioners that:

Section 1. "Pharmacist" means an individual who is licensed as a pharmacist in Indiana under Indiana Code 25-26.

Section 2. "Pharmacy" means any facility, department, or other place where prescriptions are filled or compounded and are sold, dispensed, offered, or displayed for sale and which has as its principal purpose the dispensing of drug and health supplies intended for the general health, welfare, and safety of the public, without placing any other activity on a more important level than the practice of pharmacy.

Section 3. Except under a valid prescription, before dispensing a product containing ephedrine or pseudoephedrine, a pharmacist or pharmacy in Cass County shall make a professional determination as to whether or not there is a legitimate medical and pharmaceutical need for the product containing ephedrine or pseudoephedrine.

Section 4. The determination under Section 3 may be based on factors, including without limitation:

- (i) Prior medication-filling history;
- (ii) Patient screening; and
- (iii) Any other tools that provide professional reassurance to the pharmacist that a legitimate medical and pharmaceutical need exists.

Section 5. Section 3 does not prohibit a pharmacist from dispensing a product containing

ephedrine or pseudoephedrine to a person solely because the person:

- (A) Has not utilized the services of the pharmacist frequently; or
- (B) Has not established a pharmacist-patient relationship with the pharmacist before the instance of dispensing.

Section 6. A pharmacist or pharmacy may dispense an ephedrine or pseudoephedrine product with designated methamphetamine deterrent capabilities without complying with the requirements of Section 3 and the dispensing of such product will not constitute a violation of this ordinance.

Section 7. A pharmacist or pharmacy, or both, found to be in violation of this ordinance may be subject to a fine as permitted by I.C. § 36-1-3-8(a)(10).

ALL OF WHICH IS HEREBY ORDAINED THIS 2 DAY OF May, 2016

CASS COUNTY COMMISSIONERS

James L. Sailer
President

[Signature]
Commissioner

[Signature]
Commissioner

ATTEST:

[Signature]
County Auditor