

ORDINANCE NO. 1 - 2009

AN ORDINANCE AUTHORIZING THE CLARK COUNTY SHERIFF'S DEPARTMENT TO ESTABLISH AND IMPLEMENT AN ELECTRONIC RECORD KEEPING SYSTEM REGARDING CERTAIN PURCHASES OF EPHEDRINE AND COMBINATION PRODUCTS, PSEUDOEPHEDRINE, AND PHENYLPROPANOLAMINE; IMPLEMENTING SAID SYSTEM WITH REQUIRED PARTICIPATION BY ALL PHARMACIES OPERATING WITHIN CLARK COUNTY; AND, DECLARING AN EMERGENCY REGARDING THE IMMEDIATE EFFECTIVENESS OF THIS ORDINANCE.

WHEREAS, this Ordinance is adopted pursuant to the Home Rule authority of this Board of Commissioners of Clark County, Indiana, pursuant to the provisions of IC 36-1-3-6; and,

WHEREAS, in order to protect citizens of Clark County, Indiana, from the harmful effects of methamphetamine labs, current State and Federal law requires that certain transactions involving the sale and distribution of ephedrine, pseudoephedrine, and phenylpropanolamine must be conducted by a licensed pharmacist or a registered pharmacy technician; and,

WHEREAS, current State and Federal law further requires that such transactions must be documented in a written or electronic log, or by receipts of transactions maintained by the selling pharmacy; and,

WHEREAS, in order to more effectively monitor such transactions, and to further provide the Clark County Sheriff's Department and other law enforcement agencies in Clark County with needed tools to fight the problem of illegal methamphetamine production and distribution, this Board of Commissioners of Clark County, Indiana, hereby finds that the establishment of an electronic record keeping system of certain transactions involving the sale and distribution of ephedrine, pseudoephedrine, and phenylpropanolamine by pharmacies operating in Clark County, Indiana, is needed and should be established.

NOW THEREFORE, BE IT ORDAINED by the duly elected Board of Commissioners of Clark County, Indiana, as follows:

SECTION 1: That the Clark County Sheriff's Department is authorized to establish and implement an electronic record keeping system of the transactions involving the distribution of ephedrine, pseudoephedrine, and phenylpropanolamine products by pharmacists or registered pharmacy technicians operating within Clark County, Indiana, which must be recorded and maintained pursuant to all current State and

Federal laws. Said system shall monitor data in compliance with all current, or hereinafter amended or enacted, State and Federal laws, rules, and regulations and be accessible by the Clark County Sheriff's Department at all times.

SECTION 2: That all pharmacies, pharmacists, and registered pharmacy technicians operating in Clark County, Indiana, and that choose to sell over-the-counter products containing ephedrine, pseudoephedrine, and/or phenylpropanolamine, shall be required to establish, implement, utilize, participate in, and continuously maintain said electronic record keeping system commencing not later than thirty (30) days of this Ordinance becoming effective, or be subject to fines of up to Two Thousand Five Hundred Dollars per day for each day until compliance with the requirements of this Ordinance is fully achieved.

SECTION 3: That pharmacies participating in the public sale of over-the-counter products containing ephedrine, pseudoephedrine, and/or phenylpropanolamine must participate in the electronic record keeping system implemented by the Clark County Sheriff's Department by using the system to directly enter their transaction data regarding any and all products containing ephedrine, pseudoephedrine, and/or phenylpropanolamine at the point of sale.

SECTION 4: That all prior ordinances or resolutions, or parts of such prior ordinances or resolutions, adopted by this Board of Commissioners of Clark County that are in conflict with the provisions of this Ordinance are hereby repealed to the extent of the conflict.

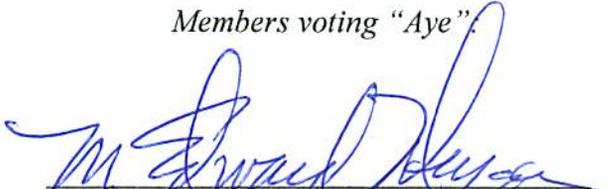
SECTION 5: That the provisions of this Ordinance are hereby declared to be severable, and if any section, phrase, or provision of this Ordinance shall hereinafter be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions of this Ordinance.

SECTION 6: It is hereby found and determined that the immediate passage of this Ordinance is necessary to efficiently and effectively deal with the monitoring of transactions involving the distribution of ephedrine, pseudoephedrine, and/or phenylpropanolamine products by pharmacies within Clark County, and to preserve the public health, safety and welfare;

NOW, THEREFORE, BE IT FURTHER ORDAINED that an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately from and after its adoption, excepting the penalties established herein, which penalties shall take effect upon publication of notice of the adoption of this Ordinance in the manner required by applicable Indiana law.

So Ordained this 22nd day of JANUARY, 2009.

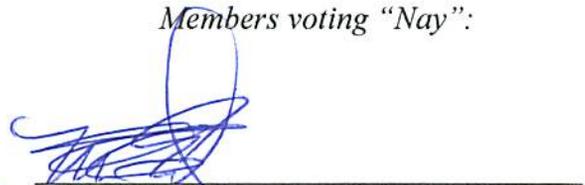
Members voting "Aye":

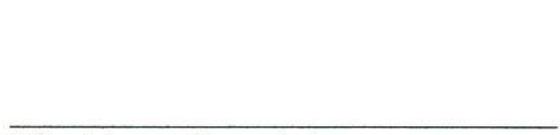

M. Edward Meyer, Commissioner


Mike Moore, Commissioner


Les Young, Commissioner

Members voting "Nay":


M. Edward Meyer, Commissioner


Mike Moore, Commissioner


Les Young, Commissioner

Attested by:


Keith Groth, Auditor of Clark County