

SESSION OF 2007

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 270**

As Amended by House Committee on  
Judiciary

**Brief\***

SB 270, as amended, would amend the Sheriff Matt Samuels Chemical Control Act of 2005 by:

- Requiring the address of the person purchasing, receiving or otherwise acquiring ephedrine or pseudoephedrine be properly recorded by the seller in the log;
- Requiring that the seller verify that the name entered in the log corresponds to the name provided on the identification of the person purchasing, receiving or otherwise acquiring ephedrine or pseudoephedrine;
- Requiring the purchaser or the seller to record the date and time of the sale;
- Requiring the seller to enter the name and quantity of the controlled substance sold;
- Adding a provision making it unlawful for any pharmacy to allow customers to have direct access to any ephedrine or pseudoephedrine and requiring the controlled substance be placed behind the counter or stored in a locked cabinet;
- Making all forms of ephedrine, pseudoephedrine and phenylpropanolamine scheduled as a controlled substance;
- Providing civil immunity to a seller who, in good faith, releases information in a log to any law enforcement

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

officer; and

- Adding a provision making it a class A, nonperson misdemeanor for any person to purchase, receive or otherwise acquire more than 3.6 grams in a single transaction or more than nine grams within any thirty-day period of a controlled substance, which would include any compound, mixture or preparation containing the designated amount (either 3.6 grams or 9 grams) of pseudoephedrine base or ephedrine base.

## **Background**

The proponents of the bill, as introduced, included Kyle Smith, Deputy Director of the Kansas Bureau of Investigation; and Debra Billingsley, Executive Director of the Kansas State Board of Pharmacy. Mr. Smith testified that the bill is an attempt to reconcile the Sheriff Matt Samuels Chemical Control Act of 2005 and the federal provisions contained in the Combating Methamphetamine Epidemic Act of 2005 of the USA Patriot Improvement and Reauthorization Act of 2005 which restricts the sale of precursor chemicals used to make methamphetamine.

There was no testimony in opposition to the bill.

The Senate Committee amended the bill to:

- Delete the two provisions regarding the “self certification” process which duplicates federal functions;
- Delete the exemption allowing a transaction involving a 2 dosage unit blister pack containing a total of no more than 60 milligrams of the controlled substance;
- Delete the provision making it unlawful for a person to sell or distribute in a pharmacy, usually the pharmacist, ephedrine or pseudoephedrine to a customer;

- Delete the provision in the bill allowing a city or a county to pass a more stringent law, ordinance, rule, regulation or resolution than the state law; and
- Add a provision making it a class A, nonperson misdemeanor for any person to purchase, receive or otherwise acquire at retail more than 3.6 grams in a single transaction or more than nine grams within any thirty-day period.

The House Committee amended the bill to do the following:

- Require the seller, as well as the purchaser, to enter into the log the purchaser's address and the date and time of the sale;
- Add the language regarding any compound, mixture or preparation containing a pseudoephedrine base or ephedrine base; and
- Make technical amendments.

There was no fiscal note from the Division of Budget at the time the bill passed out of Committee.