

HOUSE BILL No. 2414

By Representative Trimmer

2-6

9 AN ACT concerning ephedrine; relating to placement behind counters
10 and unlawful sale to minors; penalties.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) Within 30 days of the effective date of this section, all
14 persons who dispense or offer for sale ephedrine products in liquid, cap-
15 sule or gel capsule form in a pharmacy or retail store shall ensure that all
16 such products are located behind a pharmacy or retail counter not ac-
17 cessible to customers.

18 (b) Any person who violates the provisions of subsection (a) shall be
19 guilty of an unclassified misdemeanor punishable by a fine of not more
20 than \$200. Each day the violation occurs shall constitute a new violation
21 subject to a fine.

22 (c) This section shall be part of and supplemental to the criminal
23 code.

24 Sec. 2. (a) It shall be unlawful for a person to knowingly or inten-
25 tionally sell ephedrine in liquid, capsule or gel capsule form to a person
26 under 18 years of age.

27 (b) (1) Any person violating the provisions of subsection (a) shall be
28 guilty of an unclassified misdemeanor punishable by a fine of \$200.

29 (2) It shall be a defense to prosecution under this subsection if: (A)
30 The defendant sold the ephedrine in liquid, capsule or gel capsule form
31 to the person under 18 years of age with reasonable cause to believe the
32 person was of legal age to purchase or receive ephedrine in liquid, capsule
33 or gel capsule form and (B) to purchase or receive the ephedrine in liquid,
34 capsule or gel capsule form, the person under 18 years of age exhibited
35 to the defendant a driver's license, Kansas nondriver's identification card
36 or other official or apparently official document containing a photograph
37 of the person and purporting to establish that the person was of legal age
38 to purchase or receive ephedrine in liquid, capsule or gel capsule form.

39 (3) For purposes of this subsection the person who violates this sub-
40 section shall be the individual directly selling the ephedrine in liquid,
41 capsule or gel capsule form to any person under 18 years of age or the
42 retail dealer or pharmacist who has actual knowledge of such selling by
43 such individual or both.

1 (c) This section shall be part of and supplemental to the criminal
2 code.
3 Sec. 3. This act shall take effect and be in force from and after its
4 publication in the statute book.