



Kansas Bureau of Investigation

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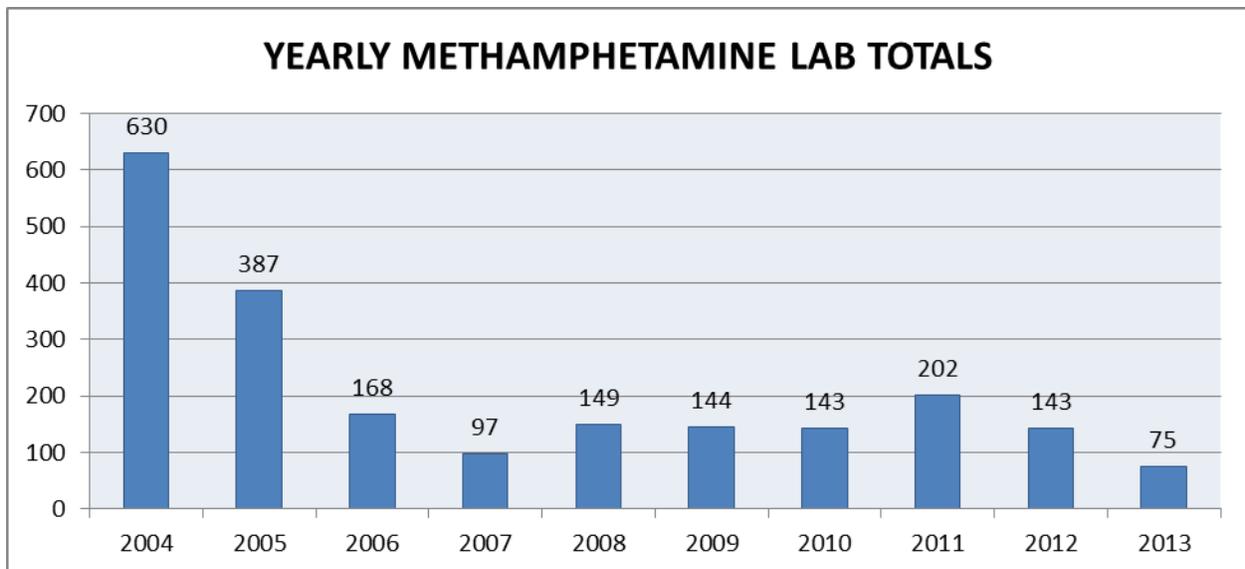
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Methamphetamine Recommendation Report Calendar Year 2013 January 15, 2014 (As required by K.S.A. 75-722)

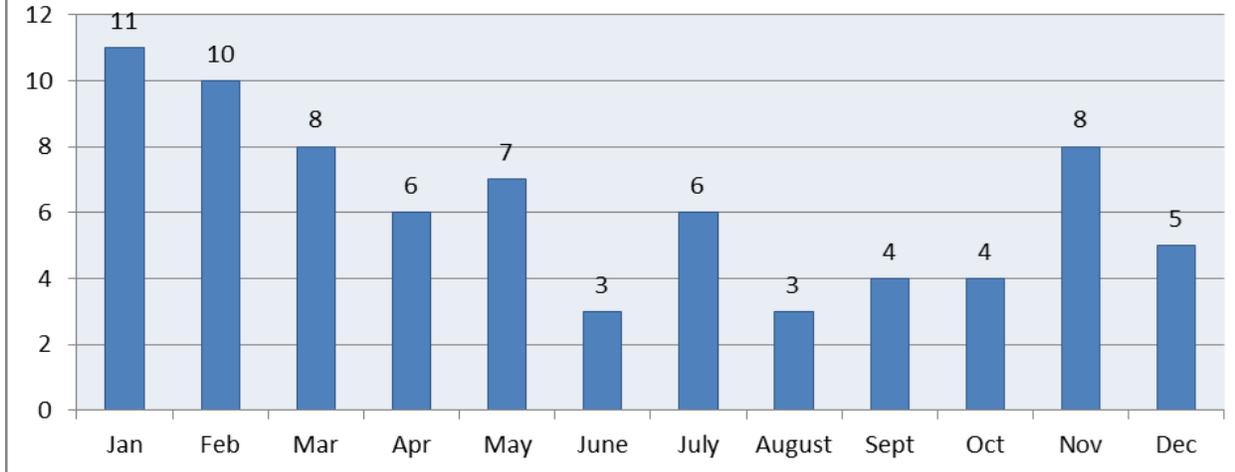
In 2005, the Kansas legislature passed S.B. 27, the Sheriff Matt Samuels Act, to restrict access to the precursor chemicals ephedrine and pseudoephedrine, used to manufacture methamphetamine. Section 4 of the Act, now K.S.A. 75-722, requires the Kansas Bureau of Investigation (KBI) to gather information and consult with local law enforcement agencies regarding trends seen in the manufacture of methamphetamine; and, after consulting with the state board of pharmacy, develop recommendations concerning the control of ephedrine and pseudoephedrine.

Methamphetamine in Kansas

As noted in the graph below, Kansas law enforcement reported 75 meth lab incidents in 2013. This total represents a significant decrease over the reported meth lab seizures from 2012.

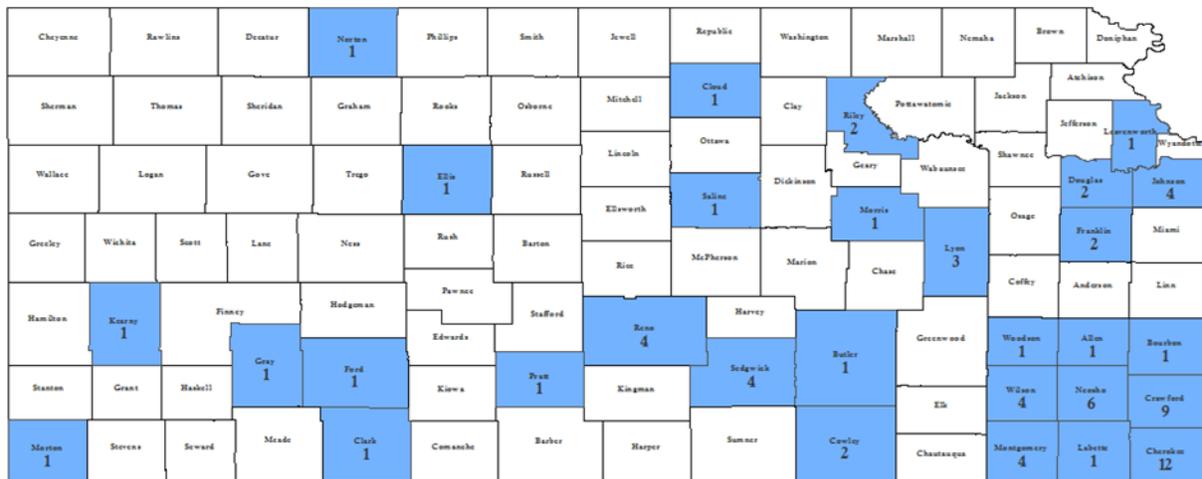


2013 SEIZURES BY MONTH



Kansas Methamphetamine Incidents from January 1, 2013 - December 31, 2013

Incidents Include: Chemical Only, Equipment Only, Dumpsites and Lab Seizures



under the legal limit. Of the 75 meth lab incidents reported by Kansas law enforcement in 2013, 41% were one-pot labs.

Although small-scale methamphetamine manufacturing persists in Kansas, the vast majority of all methamphetamine used in Kansas is imported from Mexico and Central America. Unfortunately, even if local methamphetamine manufacturing were to be eradicated, methamphetamine supplied by Mexican Drug Trafficking Organizations would still be readily available.

The increase of methamphetamine produced in Mexico and Central America has been the greatest contributor to the decrease in small-scale methamphetamine manufacturing incidents in Kansas.

The Drug Enforcement Administration reports an increase of Mexican produced Methamphetamine that is causing a decrease in price of more than 70% along with increased purity levels in the 2013 National Drug Threat Assessment Summary.

One method being used by methamphetamine manufacturing suspects to counter act S.B. 27 is a method called "Smurfing." Smurfing is the practice of an individual or groups purchasing the legally allowable amount of cold medicine containing pseudoephedrine at one store, then continuing with successive purchases at other stores. Some "smurfer's" are able to circumvent electronic tracking systems by purchasing legal limits under numerous identities.

Recent law enforcement intelligence has revealed that persons not directly associated with meth manufacturing are being recruited to purchase pseudoephedrine on behalf of meth manufacturers. These paid "smurfer's" purchase cold medicine at retail cost (generally less than \$10.00 per box) and in turn sells the cold medicine to meth manufacturers for a profit or in exchange for methamphetamine.

Meth Precursor Electronic Logs

In 2009, the Kansas Board of Pharmacy, under statute K.S.A. 65-16,101 was tasked with establishing an electronic precursor log for pharmacies to use in registering the sale of pseudoephedrine, ephedrine or phenylpropanolamine. In April 2011, the Board of Pharmacy implemented the National Precursor Log Exchange (NPLEx) as the States' electronic precursor monitoring program. The KBI is the State Administrator for Kansas law enforcement, serving as the liaison for training and law enforcement access. Kansas has 164 law enforcement officers across the state registered to access the electronic logbook.

The NPLEx system maintains a single database of all pseudoephedrine purchases, providing pharmacists with access to customer purchasing history before proceeding with a sale. A stop sale mechanism notifies the pharmacist if a customer attempts a purchase in excess of the legal limit. Information captured in the electronic system is made available to law enforcement agencies and can be used to generate investigative leads and support prosecutions.

According to NPLEx, during the calendar year of 2013, approximately 733,191 purchases of cold medication containing pseudoephedrine were made. This resulted in 1,653,615 total grams of pseudoephedrine purchased. Pharmacists denied the sale of approximately 36,311 grams of cold medicine containing pseudoephedrine. All of these amounts were higher in 2013 compared to 2012.

A new option added to the NPLEx system in November of 2013 was a "Proximity Search" option within the system. Law Enforcement can now conduct a "proximity search" of a suspected smurfer. A proximity search of a suspect will compare certain purchase details such as time frame of purchase, store location, type of product and identify additional potential smurfer's based off the information. This option will diminish the amount of time that a law enforcement officer will have to individually search data trying to establish a group of smurfer's.

Methamphetamine Waste Disposal Program (MWDP)

In February 2011, the Drug Enforcement Administration (DEA) announced that funding provided by Congress for state and local law enforcement agencies to clean up meth labs was exhausted. Without the DEA funding, local law enforcement agencies would be responsible for approximately \$3,500 per lab to contract clean-up services. In recognition of the hardship placed on local law enforcement agencies by the DEA announcement, the Kansas Legislature provided the KBI with funding to develop a Meth Waste Disposal Program to ensure continued access to appropriate clean-up services. Through the MWDP, clean-up services have been provided for:

6/24/2011-12/30/2011

111 Lab incidents reported to EPIC

37 MWDP requests

\$117,864.98 State of Kansas dollars spent

33%

1/01/2012-12/30/2012

159 Lab incidents reported to EPIC

81 MWDP requests

\$236,671.40 State of Kansas dollars spent

50%

The problem with the MWDP program is the amount of response time it takes the Hazardous Waste Contractor to respond to each lab location. This lag time has been one of the biggest contributors of the lack of local participation in the MWDP Program.

In 2011 the KBI began researching a program ran by the DEA, after funding was restored by congress called the Authorized Central Storage (ACS) program, where funding from DEA would be given to the KBI to establish temporary storage containers in strategic locations across the state of Kansas. Each container would also have a response truck and trailer associated with it. The KBI has entered into a Letter of Agreement with DEA to establish this program. The placement of the container's will reduce the amount of lag time local law enforcement will have to remain on scene waiting for the contractor to arrive. DEA has agreed to fund a large portion of this program. The KBI has been identified as the agency responsible for managing the day to day operations of the program.

The goal of the KBI is to provide a safe, efficient, and economical way for federal, state, and local law enforcement to dispose of the Hazardous Waste associated with methamphetamine laboratories. It will take several months to have the program operational.

On July 1, 2013, the KBI began implementation of the new ACS program within the State. The implementation consisted of facilitating training to Federal, State, County and City law enforcement partners within the State of Kansas. The KBI currently has three out of four temporary storage containers operational throughout the State. The KBI has launched a test group to respond to requests for collection of waste in an effort to finalize procedures and protocols for the program. The program is expected to be fully operational and self-supportive on March 1, 2014. Since the KBI launched the ACS program the following data has been captured:

1/1/2013-12/30/2013

75 Lab incidents reported to EPIC

49 MWDP

27 of the MWDP request had a total of \$85,411.76 State of Kansas dollars spent prior to launching of the test group for the ACS program

Funding for the remaining 22 MWDP requests will be paid for by the DEA.

National Perspective on Scheduling Pseudoephedrine

Two states, Oregon and Mississippi, have adopted legislation requiring a prescription to obtain cold medicines containing pseudoephedrine and several other states have considered similar legislation. The debate about requiring a prescription to access pseudoephedrine remains a national issue.

Cities and Counties within Kansas have passed ordinances scheduling pseudoephedrine as prescription only

The City of Parsons, the City of Fort Scott and all of Cherokee County have passed ordinances making Ephedrine and Pseudoephedrine a prescription only medication. The counties continue to have the largest number of reported lab incidents in the state, but have seen a decrease in lab incidents overall, since passing the ordinances. There is not enough data to determine if the reduction in incidents is a direct result of the ordinances or a result with the overall reduction that the entire state has seen.

Training and Equipment

Through a COPS grant awarded in FY2009, the KBI coordinated a total of four 40 hour basic certification classes (129 Officer's), one Site Safety Certification class (22 Officer's) and three One Pot Safety handling classes (114 Officer's) across the state, Advanced Clandestine Laboratory Investigation's Class (50 Officer's).

The KBI was able to purchase new fire retardant clothing, storage bags, air monitoring equipment, evidence collection equipment, Self-Contained Breathing Apparatus (SCBA), GPS units, workshop capsules to install on Laboratory Response Vehicles, and overtime funding that the KBI would not have been able to afford without the grant.

Recommendations

The available evidence, as it relates to Kansas, is inconclusive regarding the argument to reschedule pseudoephedrine at this time. The KBI will continue to study the impact of the NPLeX electronic pseudoephedrine tracking system and monitor the outcomes reported in states that have rescheduled pseudoephedrine. The KBI will reevaluate and provide an update in the 2014 legislative report.

The KBI recommends continued funding for the Methamphetamine Waste Disposal Program. This critical program ensures the appropriate removal of the hazardous materials associated with methamphetamine manufacturing, without placing a financial burden on local law enforcement agencies.

The KBI is the lead agency in the ACS program and has had to assign a program manager to oversee the program for the entire State of Kansas. The DEA does not cover all costs associated with this program. There are monthly and yearly costs to include utilities, fuel, maintenance for vehicles and supply expenses to maintain the program.