

CITY OF WEST LIBERTY

AN ORDINANCE BANNING THE OPERATION OF PAIN CLINICS IN WEST LIBERTY,
KENTUCKY

ORDINANCE NO. 05242010-01

Whereas, the West Liberty City Council is aware of widespread abuse of narcotic pain medication in West Liberty, Kentucky and surrounding cities and of the wholesale distribution of the lives of individuals abusing narcotic pain medication, as well as their family members and loved ones, and

Whereas, the West Liberty City Council is further aware of the increase of crime caused by and related to said abuse of narcotic pain medications, and the resulting burden on the local governments and the taxpayers supporting local governments, as said local governments attempt to address the resulting issues including but not limited to:

- a) Increased Violent Crime
- b) Increased Theft
- c) Increased number of bad checks to local merchants
- d) Increased Number of Cases of Abuse and Neglect of Children, and
- e) The need for Treatment facilities for those abusing narcotic pain medication and the cost of said facilities, and

Whereas, the West Liberty City Council desires to establish a basis and an Ordinance whereby government officials may act to prevent the wholesale distribution of prescription pain medication by individuals other than duly accredited medical doctors and their legitimate business organizations such as hospitals and clinics associated with hospitals and other legitimate medical organizations; and

Therefore; it is hereby ordained by the West Liberty City Council as follows:

SECTION 1:

- A) Any pain clinic doing business in West Liberty, Kentucky shall be unlawful and shall be considered a public nuisance, subject to closure and injunctive limitations by any court of competent jurisdiction,

- B) The operation of any such pain clinic referred to above shall be a Class A Misdemeanor punishable by up to one (1) year in jail, and/or a fine of five hundred dollars (500.00) for each day in operation.
- C) A pain Clinic as used in this Ordinance shall be defined as follows: A business engaging in the distribution of narcotic pain medication which;
- 1) Is not affiliated with a local hospital doing business within a one hundred (100) mile radius.
 - 2) A business that generates more than 50% of its revenue from the meeting with patients and prescribing narcotic pain medication for said patients, and
 - 3) A business that appears to have a disproportionate amount of patients receiving pain medication as opposed to receiving other medical services,
- D) The Office of the City Attorney shall be authorized to initiate actions in the Morgan County Circuit Court seeking injunctive relief on behalf of the public for any pain clinics which engage or attempt to engage in the operation of pain clinics and the improper distribution or narcotic pain medication as set forth above.
- E) In making the determination as to whether or not any such business is believed to be unlawfully operating a pain clinic as defined herein, the City Attorney's Office may consider the criteria outlined in letter c above and may also consider any and all other information which the City Attorney's Office believes and deems relevant regarding the issue of whether any such business has or is in fact attempting to operate an improper pain clinic, including but not limited to the following:
- 1) Whether the business at issue has a disproportionately high amount of payment for its services in cash,
 - 2) Whether the business in question provides prescription narcotic pain medication for a disproportionately large number of residents not living in the immediate Morgan County area,
 - 3) The affiliation or lack of affiliation at issue with organizations or individuals providing other recognized methods of legitimate medical treatment for sick or injured individuals, and
 - 4) Such other information as may be deemed relevant by any court of competent jurisdiction.

FIRST READING: 04-26-2010

SECOND READING: 05-24-2010

APPROVED THIS 24TH DAY OF MAY, 2010.

Signed By: Jim Rupe, Mayor

Attest By: Sally Barker, City Clerk