

**TOWN OF FLORENCE  
ORDINANCE NO. 418-06**

**AN ORDINANCE OF THE TOWN OF FLORENCE, ARIZONA AMENDING  
CHAPTER 11 – MISCELLANEOUS PROVISIONS AND OFFENSES BY ADDING  
ARTICLE IV – SALE OF PSEUDOEPHEDRINE PRODUCTS; DEFINITIONS;  
PENALTIES.**

**WHEREAS**, it has been brought to the attention of the Common Council of the Town of Florence, Arizona that the illicit manufacture of methamphetamine has become a problem of statewide concern; and

**WHEREAS**, pseudoephedrine, ephedrine, norpseudoephedrine, and phenylpropanolamine are key ingredients in methamphetamine production, are found in many over-the-counter cold and allergy medications and by purchase or theft are a prime source of the pseudoephedrine used in the illicit manufacture of methamphetamine; and

**WHEREAS**, the Mayor and Council of the Town of Florence would like to establish an ordinance to protect the citizens of our community.

**NOW, THEREFORE, BE IT ORDAINED** that Chapter 11 of the Code of the Town of Florence is hereby amended by adding Article IV – Sale of Pseudoephedrine Products; Definitions; Penalties, as follows:

**ARTICLE IV. SALE OF PSEUDOEPHEDRINE PRODUCTS**

**Sec. 11-65. Definitions.**

(a) In this Article, unless the context otherwise requires:

(1) "Pseudoephedrine Product" means any product containing ephedrine or pseudoephedrine and includes any compound, mixture or preparation that contains any detectable quantity of ephedrine, pseudoephedrine, norpseudoephedrine, phenylpropanolamine or their salts, optical isomers or salts of optical isomers. Product packaging that lists ephedrine, pseudoephedrine, norpseudoephedrine or phenylpropanolamine as an active ingredient shall constitute prima facie evidence that the product is a "Pseudoephedrine Product" and any such product packaging shall be admissible in evidence at a trial or other hearing pertaining to a violation of this Article without further foundation.

(2) "Retail Establishment" means any place of business that offers any pseudoephedrine product for sale at retail.

(3) "Retailer" means the owner, operator or employee of a retail establishment, and includes a licensed pharmacist or licensed pharmacy technician working as an independent contractor to the retail establishment.

**Sec. 11-66. Security of Pseudoephedrine Products.**

A retailer shall keep all pseudoephedrine products within the retail establishment behind a store counter or otherwise in a manner that is inaccessible to customers without the assistance of the retailer. The pseudoephedrine products shall be monitored by the retailer to prevent theft, unauthorized access or unauthorized purchases.

**Sec. 11-68. Quantity that may be sold.**

It shall be unlawful for a retailer to sell more than 9 grams of pseudoephedrine products to a person within a ten (10) day period. Provided, however, that this limit shall not apply to any quantity of pseudoephedrine products sold to a person pursuant to a valid prescription issued to such person.

**Sec. 11-69. Purchaser identification requirements.**

A retailer shall require any person requesting to purchase pseudoephedrine products to present a government issued photo-bearing identification prior to such purchase. The retailer shall record the purchaser's name, birth date, transaction date and quantity of pseudoephedrine products purchased. The information obtained pursuant to this section may be destroyed after 120 days. Such information shall be disclosed by the retailer to a representative of any state or local law enforcement agency upon presentation of valid agency identification at the time of the request. A retailer shall not be held civilly liable for the disclosure of information to a law enforcement agency in accordance with this section.

**Sec. 11-70. Penalties.**

Notwithstanding the provisions of Chapter I, Section 1-5 of this Code, any violation of this section is punishable as a Class I Misdemeanor, including a fine in the amount of \$2500.00 or 180 days in jail or both.

**NOW, THEREFORE BE IT ORDAINED** by the Mayor and Council of the Town of Florence, Arizona that Chapter 11 of the Town Code is amended as set forth herein, which shall continue thereafter in full force and effect until further action of the Council.

**PASSED AND ADOPTED** by the Common Council of the Town of Florence, Arizona this 6th day March 2006.

Tom J. Rankin  
Tom J. Rankin, Mayor

ATTEST:

Lisa Garcia  
Lisa Garcia, Town Clerk

APPROVED AS TO FORM:

James E. Mannato  
James E. Mannato

