

Chapter 8.08

SALE OF PSEUDOEPHEDRINE PRODUCTS

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8.08.010 Definitions.

For purposes of this chapter, the following words shall have the following meanings:

A. "Pseudoephedrine Product" is a class of sympathomimetic drugs commonly used in over-the-counter, solid dosage form products for the relief of nasal congestion. Pseudoephedrine chloride and any other salt of pseudoephedrine, ephedrine, norpseudoephedrine, and phenylpropanolamine, whether included as the single active ingredient or in combination with other drugs, shall be included in this definition as "pseudoephedrine products." Pseudoephedrine products are also used illegally to make or manufacture methamphetamine and other illicit drugs.

B. "Proper identification" shall mean a recognized government issued photo identification of the adult purchaser including, but not limited to, a current, valid driver's license, other government-issued identification card or passport.

C. "Solid dosage form" means any of the many pharmacy dosage forms like tablets, capsules, caplets, pills, powders, troches, lozenges, cachets, pellets or confections which are solid and which are not in liquid or gaseous form.

8.08.020 Security of pseudoephedrine products.

Any business, retailer or establishment that sells pseudoephedrine products in a tablet or other solid dosage form must store, display and hold all such pseudoephedrine products in an area that is not accessible to the public and where such products are continually monitored by a pharmacist to prevent theft and unauthorized or uncontrolled purchases.

8.08.030 Sale to adult only by adult employee.

Any compound, mixture or preparation in solid dosage form that contains pseudoephedrine products shall be sold or dispensed only to an adult only by an adult employee of the business, retailer or establishment.

8.08.040 Quantity that may be sold.

No business, retailer or establishment shall sell more than a total of six grams (6 Gm.) in any solid dosage form of pseudoephedrine product(s) to a person within any thirty (30) day period, except pseudoephedrine product(s) dispensed pursuant to a valid prescription issued to the patient by a licensed health care practitioner in accordance with Arizona law.

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8.08.050 Purchaser log book; identification requirements.

Every business, retailer or establishment that sells or dispenses pseudoephedrine products shall keep a log book(s) which shall contain entries for all pseudoephedrine products sold or dispensed. No pseudoephedrine product shall be sold or dispensed to a person under eighteen (18) years of age, nor shall pseudoephedrine products be sold or dispensed to any person without recording in a log book:

- A. The name of the pseudoephedrine product sold or dispensed,
- B. The date of sale or dispensing,
- C. The name, address and signature of the purchaser or patient,
- D. The signature of the adult employee selling or dispensing the drug.
- E. The strength and quantity sold.

8.08.060 Confidentiality of identification information.

The purchaser log book will be retained by the business, retailer or other establishment for a period of one (1) year, and will be considered a confidential document that will only be available to the business owner or manager(s), a pharmacist, pharmacy intern, or certified pharmacy technician employed by that business, retailer or establishment, and upon written request shall be available to the Town of Pinetop-Lakeside Police Department officers, Arizona Department of Public Safety officers, Navajo County Sheriff's Department officers, and other law enforcement officers.

8.08.070 Requirement to report suspicious sale.

The business, retailer or establishment and any employee pharmacist, pharmacy intern, or certified pharmacy technician shall be required to report to the police department by telephone any attempt by a person to obtain or purchase pseudoephedrine products in larger quantities than allowed by this chapter, and any other suspicious activity or pseudoephedrine products thefts or purchases that may be related to the manufacture or possession of illegal drugs.

8.08.080 Violations; penalties.

A violation of this chapter shall be a criminal offense and shall be punished as a Class III misdemeanor. See Town Code Chapter 1.16. (Ord. 05-246)