

ORDINANCE NO. 4518

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AMENDING TITLE V OF THE PRESCOTT CITY CODE BY ADDING A NEW CHAPTER 13 THERETO REGULATING THE SALE OF PRODUCTS CONTAINING PSEUDOEPHEDRINE

WHEREAS, the illicit manufacture of methamphetamine (meth labs) is a serious and continuing problem in this City and adjacent communities; and

WHEREAS, due to the flammable and toxic nature of the chemicals used in methamphetamine production, fires, explosions and hazardous materials contamination are common occurrences associated with meth labs; and

WHEREAS, meth labs are found in houses, apartments, hotel and motel rooms, trailers, in both residential and commercial areas, exposing law enforcement personnel, other first responders, the children of the persons operating the meth labs and any other persons in physical proximity to extremely dangerous conditions; and

WHEREAS, pseudoephedrine, ephedrine, norpseudoephedrine and phenylpropanolamine are key ingredients in methamphetamine production, and are found in many over-the-counter cold and allergy medications, these over-the-counter medications, by purchase or theft, being the prime source of pseudoephedrine in methamphetamine production, and

WHEREAS, recently enacted state legislation only restricts access to products containing pseudoephedrine as the only active ingredient; and

WHEREAS, the extraction of pseudoephedrine, ephedrine, norpseudoephedrine and phenylpropanolamine from these over-the-counter products is not materially different or more difficult in products containing pseudoephedrine, ephedrine, norpseudoephedrine and phenylpropanolamine with other active ingredients as from products containing pseudoephedrine, ephedrine, norpseudoephedrine and phenylpropanolamine as the only active ingredients; and

WHEREAS, other jurisdictions in the country have found that the restriction of open access to these products and requiring identification of buyers has substantially reduced the number of meth labs discovered in those jurisdictions.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

SECTION 1. That Title V of the City Code of the City of Prescott entitled "Police Regulations" is hereby amended by adding a new Chapter 13 thereto entitled "Regulation of the Sale of Products Containing Pseudoephedrine", to read as follows:

"CHAPTER 13

REGULATION OF THE SALE OF PRODUCTS CONTAINING PSEUDOEPHEDRINE

SECTION:

- 5-13-1: Definitions
- 5-13-2: Duties of Retail Establishments
- 5-13-3: Penalty

5-13-1: DEFINITIONS: In this Chapter, unless the context otherwise requires:

- A. "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, or 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.
- B. "Retail establishment" means any place of business that offers any pseudoephedrine product for sale at retail

5-13-2: DUTIES OF RETAIL ESTABLISHMENTS:

- A. The operator of a retail establishment shall keep all products containing pseudoephedrine behind a store counter or otherwise in a manner that is inaccessible to customers without the assistance of the operator or an employee of the establishment.
- B. A person making a retail sale of a product containing pseudoephedrine shall require a government-issued, photo identification from the purchaser and shall record the purchaser's name, date of birth, quantity of pseudoephedrine product purchased, transaction date and the initials of the seller.
- C. The information required to be obtained by subsection B of this section will be retained by the retail establishment for a period of ninety (90) days, and will be considered a confidential document that will only be available to the operator of the retail establishment, to the City of Prescott Police Department officers, Arizona Department of Public Safety officers, Yavapai County Sheriff's Department officers, and other law enforcement officers.

5-13-3: PENALTY: Any person who violates any provision of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section 1-3-1 of the Prescott City Code.”

PASSED AND ADOPTED by the Mayor and Council of the City of Prescott, Arizona on this 20th day of December, 2005.

ROWLE P. SIMMONS, Mayor

ATTEST:

APPROVED AS TO FORM:

ELIZABETH A. BURKE, City Clerk

JOHN R. MOFFITT, City Attorney