

ORDINANCE No. 1397.08.18

AN ORDINANCE AMENDING TITLE 8 OF THE CASA GRANDE CITY CODE BY ADDING CHAPTER 8.28 RELATING TO THE SALE OF PRODUCTS CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE; REGULATING THE MANNER OF SALE; REQUIRING IDENTIFICATION OF PURCHASERS; ESTABLISHING A MINIMUM AGE REQUIREMENT; REQUIRING THAT PURCHASES BE REPORTED TO THE CHIEF OF POLICE; AND ESTABLISHING A PENALTY FOR VIOLATIONS THEREOF.

WHEREAS, the illicit manufacture of methamphetamine (meth labs) is a serious and continuing problem in the State of Arizona; 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, businesses, and 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 and ephedrine 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, other jurisdictions in the country have found that the restriction of open access to these products and requiring identification of purchasers has substantially reduced the number of methamphetamine laboratories discovered in those jurisdictions;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Casa Grande as follows:

**SECTION 1.** That Chapter 8.28 Sale of Ephedrine and Pseudoephedrine Products is added to Title 8, Health and Safety as follows:

**Chapter 8.28**

**Sale of Ephedrine and Pseudoephedrine Products**

**Sections:**

- 8.28.010      Definitions**
- 8.28.020      Security of Ephedrine and Pseudoephedrine Products**
- 8.28.030      Sale by Pharmacist or Licensed Pharmacy Technician**
- 8.28.040      Purchaser Identification Requirements**
- 8.28.050      Minimum Age Requirement**
- 8.28.060      Duty to Maintain Log**
- 8.28.070      Duty to Submit Log to the Chief of Police**
- 8.28.080      Violation - Penalty**

**8.28.010      Definitions**

“Licensed Pharmacy Technician” is a person licensed by the state to assist a pharmacist.

“Pharmacist” means a person licensed by the state in the art, practice, or profession of preparing, preserving, compounding, and dispensing medical drugs.

“Proper Photo Identification” shall mean a recognized government issued photo identification of purchaser, including, but not limited to, a driver’s license, identification card, tribal identification card or passport.

“Retail Establishment” means any place of business that offers any pseudoephedrine product for sale.

For purposes of this Chapter, a product containing ephedrine or pseudoephedrine includes any compound, mixture or preparation that contains any detectable quantity of ephedrine or pseudoephedrine or its salts, optical isomers or salts of optical isomers. Product packaging that lists ephedrine or pseudoephedrine as an active ingredient shall constitute *prima facie* evidence that it is a product containing ephedrine or pseudoephedrine.

#### **8.28.020 Security of Pseudoephedrine Products**

The operator of a retail establishment shall keep all products containing ephedrine or pseudoephedrine behind the pharmacy counter or otherwise in a manner that is inaccessible to customers without the assistance of a Pharmacist or a Licensed Pharmacy Technician.

#### **8.28.030 Sale by Pharmacist or Licensed Pharmacy Technician**

It shall be required that any compound, mixture or preparation that contains detectable quantities of ephedrine or pseudoephedrine be sold by a Pharmacist or a Licensed Pharmacy Technician.

#### **8.28.040 Purchaser Identification Requirements**

Pharmacists and Licensed Pharmacy Technicians selling products containing ephedrine or pseudoephedrine shall require proper photo identification from the purchaser.

#### **8.28.050 Minimum Age Requirement**

It shall be unlawful to sell products containing ephedrine or pseudoephedrine to persons under the age of eighteen and it shall be unlawful for persons under the age of eighteen to purchase or attempt to purchase products containing ephedrine or pseudoephedrine.

#### **8.28.060 Duty to Maintain Log**

- A. Pharmacists and Licensed Pharmacy Technicians shall record in a log, the purchaser's name, date of birth, address, and quantity of ephedrine or pseudoephedrine product purchased. The Pharmacist or the Licensed Pharmacy Technician shall initial the log and the purchaser shall sign the log.
- B. The log will be considered a confidential document and shall only be available to the retailer, City of Casa Grande Police Department Officers, Arizona Department of Public Safety Officers, Pinal Sheriff's Department Deputies, and other Law Enforcement Officers.
- C. The log requirements set forth in this Section does not apply to ephedrine or pseudoephedrine dispensed pursuant to a valid prescription.

**8.28.070 Duty to submit the log to the Chief of Police**

By the tenth day of each month, any person required to maintain a log in Section 8.28.060 shall submit the log containing the previous month's sales to the Chief of Police.

**8.28.080 Violation - Penalty**

- A. A violation of any provision of this Chapter is a Class 1 misdemeanor.
- B. Each day a violation of this Chapter continues shall constitute a separate violation.
- C. Each violation of any requirement of this Chapter constitutes a separate offense.

**SECTION 2.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

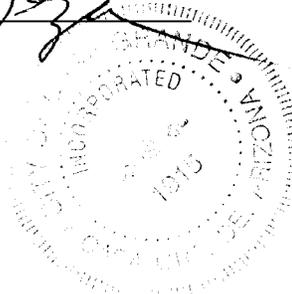
**SECTION 3.** The effective date of this Ordinance shall be May 17, 2006.

PASSED AND ADOPTED by the Mayor and Council of the City of Casa Grande, Arizona, this 17th day of April, 2006

  
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Mayor

ATTEST:

  
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City Clerk



APPROVED AS TO FORM:

  
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Assistant City Attorney