

ORDINANCE NO. 2005-12

AN ORDINANCE OF THE CITY OF SEDONA, ARIZONA, AMENDING CITY CODE CHAPTER 10 (OFFENSES) BY ADDING ARTICLE 10-4 (REGULATION OF PSEUDO-EPHEDRINE PRODUCTS), PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF ANY ORDINANCE OR PART OF ORDINANCES OR CODE PROVISIONS IN CONFLICT THEREWITH.

WHEREAS, the use of pseudo-ephedrine products in a tablet or powdered form to manufacture illicit drugs has increased; and

WHEREAS, the manufacture of illicit drugs within the City of Sedona poses a direct and serious threat to the safety and health of the community; and

WHEREAS, proper security and monitoring of pseudo-ephedrine sales can significantly disrupt the manufacture of illicit drugs; and

WHEREAS, the City Council has determined that it is in the best interest of the citizens of the City to monitor the sale of pseudo-ephedrine products in a tablet or powdered form to limit its use for the manufacturing of illicit drugs.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA:

Section 1: Amendment of Chapter 10 to Add 10-4 (Regulation of Pseudo-Ephedrine Products).

Chapter 10 (Offenses) of the Code of the City of Sedona, Arizona, is hereby amended by adding the following provisions as Article 10-4 for the regulation of pseudo-ephedrine products:

Article 10- 4 Sale of Pseudo-Ephedrine Products

Section 10-4-1 Definitions:

For purposes of this article, the following words or phrases shall mean:

- a. "Pharmacist" means a person licensed by the state in the art, practice, or profession of preparing, preserving, compounding, and dispensing medical drugs.
- b. "Licensed Pharmacy Technician" is a person licensed by the state to assist a pharmacist.
- c. "Pseudo-ephedrine" is a drug commonly used in decongestants and can be illegally processed to make methamphetamine. Ephedrine, norpseudoephedrine, and phenylpropanolamine shall be included in this definition as pseudo-ephedrine products.

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

Section 10-4-2 Security of Pseudo-Ephedrine Products.

Any establishment that pseudo-ephedrine products in a tablet or powdered form must hold such products in an area that is not accessible to the public and where such products are continually monitored to prevent theft or unauthorized or uncontrolled purchases

Section 10-4-3 Sale by Pharmacist or Licensed Pharmacy Technician.

It shall be required that any compound, mixture or preparation that contains detectable quantities of pseudo-ephedrine in a tablet or powdered form be sold by a pharmacist or licensed pharmacy technician.

Section 10-4-4 Quantity that May be Sold.

It shall be prohibited for a retailer selling more than a total of 9 grams in tablet or powdered form of ephedrine, pseudo-ephedrine, norpseudoephedrine or phenylpropanolamine to a person within a thirty (30) day period. Provided however, this limit shall not apply to any quantity of such tablet or powdered form of ephedrine, pseudo-ephedrine, norpseudoephedrine or phenylpropanolamine dispensed pursuant to a valid prescription.

Section 10-4-5 Purchaser identification Requirements.

It shall be required that any person purchasing pseudo-ephedrine products in a tablet or powdered form present proper identification and sign a log that shows the date of the transaction, the name of the purchaser, and the amount of the compound requested.

Section 10-4-6 Confidentiality of Identification Information.

The purchaser log will be retained by retailer for a period of six (6) months, unless otherwise directed by law enforcement, and will be considered a confidential document that will only be available to the pharmacist, licensed pharmacy technician, law enforcement, or by order of a court.

Section 10-4-7 Requirement to Report Suspicious Sale.

The retailer and pharmacy employees will be required to report to the police department by telephone any attempt by a purchaser to purchase larger quantities than allowable by this Ordinance or any other suspicious activity or purchases that may be related to the manufacture or possession of illegal drugs.

Section 2: Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended 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 remainder of this Ordinance.

Section 3: Repeal

All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

PASSED AND ADOPTED by the Mayor and City Council of the City of Sedona, Arizona this 27th day of September, 2005.

Pud Colquitt, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney