

ORDINANCE NO. 993

AN ORDINANCE OF THE CITY OF WINSLOW, ARIZONA,
AMENDING THE WINSLOW MUNICIPAL CODE BY ADDING
THERETO SECTION 9.08.115 RELATING TO THE SALE OF
PRODUCTS CONTAINING PSEUDOEPHEDRINE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WINSLOW, ARIZONA, as follows:

WHEREAS, the illicit manufacture of methamphetamine, commonly referred to as being manufactured in “meth labs,” is a serious and continuing problem in the City of Winslow; 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 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, 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 WINSLOW, as follows:

The Winslow Municipal Code is hereby amended to include Section 9.08.115, as follows:

9.08.115 Regulations Relating to Sale, Manner of Sale, Reporting and Penalties Relating to Products Containing Pseudoephedrine

A. Definitions. In this chapter, 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, 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.

2. "Retail establishment" means any place of business that offers any pseudoephedrine product for sale.

B. 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 owner, manager or a designated employee of the establishment.

C. 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.

D. No owner, manager or employee of a retail establishment shall sell more than one container of pseudoephedrine product at any one time to any one purchaser.

E. The information required to be obtained by subsection C 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 owner, manager or other designated employee of the retail establishment, and shall be provided within thirty (30) days of any individual purchase to the Winslow Police Department.

F. A violation of any of the provisions of this section is a Class 1 misdemeanor and punishable pursuant to state law as such.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF WINSLOW,

ARIZONA, this _____ day of _____, 2006.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney