

**ORDINANCE NO. 06-03**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF COOLIDGE, ARIZONA, RELATING TO THE SALE OF PRODUCTS CONTAINING PSEUDO-EPHEDRINE; REGULATING THE MANNER OF SALE; AMENDING CHAPTER 11 OF THE COOLIDGE CITY CODE BY ADDING SECTION 11-1-26 "SALE OF PRODUCTS CONTAINING PSEUDO-EPHEDRINE"; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND DESIGNATING AN EFFECTIVE DATE.**

**WHEREAS.** the Mayor and Common Council of the City of Coolidge make the following legislative findings:

1. The illicit manufacture of methamphetamine (meth labs) poses a direct and serious threat to the health and safety of this City;
2. The danger from methamphetamine labs comes from the possibility of fires, explosions and hazardous materials contamination due to the flammable and toxic characteristics of the chemicals used in methamphetamine production;
3. 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;
3. Pseudo ephedrine, 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 can easily be obtained by purchase or theft.
5. Recently enacted state legislation only restricts access to products containing pseudo ephedrine as the only active ingredient; and
6. The extraction process for isolating 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 pseudo-ephedrine, ephedrine, norpseudoephedrine and phenylpropanolamine as the only active ingredients; and
7. 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 MAYOR AND COMMON COUNCIL OF THE CITY OF COOLIDGE AS FOLLOWS:**

**SECTION 1.** CHAPTER 11 of the Coolidge City Code is amended by adding the following Section 11-1-20:

**SECTION 11-1-26 – SALE OF PRODUCTS CONTAINING PSEUDO-EPHEDRINE**

**A. DEFINITIONS.**

In this article, unless the context otherwise requires:

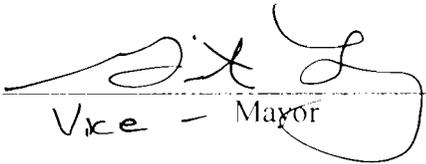
1. **"PSUEDO-EPHEDRINE PRODUCT"** means any product containing ephedrine or pseudo-ephedrine and includes any compound, mixture or preparation that contain any detectable quantity of ephedrine, pseudo-ephedrine, norpseudoephedrine, or phenylpropanolamine or their salts, optical isomers or salts of optical isomers. Product packaging that lists ephedrine, pseudo-ephedrine, norpseudoephedrine, or phenylpropanolamine as an active ingredient shall constitute prima facie evidence that the product is a pseudo-ephedrine product.
2. **"RETAIL ESTABLISHMENT"** means any place of business that offers any pseudo-ephedrine product for sale at retail.
13. The operator of a retail establishment shall keep all products containing pseudo-ephedrine 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.
- C. It shall be prohibited for a retailer to sell 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. 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.
- l). A person making a retail sale of a product containing pseudo-ephedrine shall require a government-issued, photo identification from the purchaser and shall record the purchaser's name, date of birth, quantity of pseudo-ephedrine product purchased, transaction date and the initials of the seller.
- l.). The information required to be obtained by subsection D) 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, and shall be available to the City of Coolidge police department officers, Arizona Department of Public Safety officers, Pinal County Sheriff's Department officers, and other law enforcement officers.



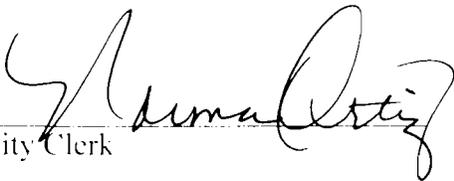
F. A violation of this Section is a class 1 misdemeanor

**SECTION 2. Effective date.** The effective date of this Ordinance is thirty (30) days after its passage by the City Council of the City of Coolidge.

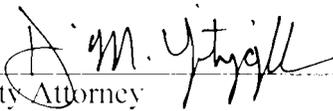
**PASSED AND ADOPTED** by the Mayor and City Council of the City of Coolidge, Arizona this 23<sup>rd</sup> day of January, 2006.

  
Vice - Mayor

ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
City Attorney

