

ORDINANCE NUMBER 467

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING TITLE 8, HEALTH AND SAFETY, OF THE MUNICIPAL CODE BY ADDING A NEW CHAPTER 8.40, SALE OF PSEUDO-EPHEDRINE PRODUCTS.

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

WHEREAS, the manufacture of illicit drugs within the City of Cottonwood 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 form to limit its use for the manufacturing of illicit drugs.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, THAT TITLE 8, HEALTH AND SAFETY, OF THE MUNICIPAL CODE OF THE CITY OF COTTONWOOD, IS AMENDED BY ADDING A NEW CHAPTER 8.40 SALE OF PSEUDO-EPHEDRINE PRODUCTS, AS FOLLOWS:

Section 1: That a new Chapter 8.40 Sale of Pseudo-Ephedrine Products is added to Title 8, Health and Safety, as follows:

Chapter 8.40
Sale of Pseudo-Ephedrine Products

Sections:

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| 8.40.010 | Definitions. |
| 8.40.020 | Security of Pseudo-Ephedrine Products. |
| 8.40.030 | Sale by Pharmacist or Licensed Pharmacy Technician. |
| 8.40.040 | Quantity that May be Sold. |

- 8.40.050 Purchaser Identification Requirements.
- 8.40.060 Confidentiality of Identification Information.
- 8.40.070 Requirement to Report Suspicious Sale.

8.40.010 Definitions. For purposes of this chapter, the following words shall have the following meanings:

- 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.

8.40.020 Security of Pseudo-Ephedrine Products. Any establishment that sells pseudo-ephedrine products in a tablet form must hold all 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.

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

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

8.40.050 Purchaser Identification Requirements. It shall be required that any person purchasing pseudo-ephedrine products in a tablet form present proper identification and sign a written log that shows the date of the transaction, the name of

the purchaser, and the amount of the compound requested.

8.40.060 Confidentiality of Identification Information. The purchaser log will be retained by the 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, and law enforcement.

8.40.070 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: Severability: That if any section, subsection, sentence, clause, phrase or portion of this ordinance adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA. THIS 16TH DAY OF AUGUST 2005.

Ruben Jauregui, Mayor

ATTEST:

Marianne Jiménez, City Clerk

Publish: The Verde Independent: August 19 & 24, 2005.