

ORDINANCE NO. 680

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 130.78 TO TITLE XIII OF THE CODE OF THE TOWN OF PAYSON, REGULATING THE MANNER OF SALE OF PRODUCTS CONTAINING PSEUDOEPHEDRINE.

WHEREAS, the illicit manufacture of methamphetamine (meth labs) is a serious and continuing problem within the State of Arizona and in the Town of Payson; 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, 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 restricting open access to these products and requiring identification of buyers has substantially reduced the number of meth labs discovered in those jurisdictions; and

WHEREAS, the Town of Payson has found that the adoption of this Ordinance Number 680 is necessary and appropriate to protect the health, safety, and welfare of the citizens of the Town of Payson as a lawful exercise of police power vested in the Town by the State of Arizona.

cc american legal  
police  
PO 130024  
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Page 1  
post 3 places

**NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:**

Section 1. That Section 130.78 of Title XIII of the Code of the Town of Payson, be and is hereby added to the Code of the Town of Payson and as added shall read as follows:

**130.78 SALE OF PRODUCTS CONTAINING PSEUDOEPHEDRINE**

(A) Definitions. In this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**PSEUDOEPHEDRINE PRODUCT:** 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.

**RETAIL ESTABLISHMENT:** any place of business that offers any pseudoephedrine product for sale at retail.

(B) The operator of a Retail Establishment shall keep all Pseudoephedrine Products in a manner that is inaccessible to customers without the assistance of the operator or any employee of the Retail Establishment.

(C) A person making a retail sale of a Pseudoephedrine Product shall require a government-issued, photo identification from the purchaser and shall record the purchaser's name, address, quantity of Pseudoephedrine Product purchased, transaction date, and the initials of the seller.

(D) The information required to be obtained by subsection (C) shall be retained by the Retail Establishment for a period of ninety (90) days, and will be considered a confidential document that shall only be available to the operator of the Retail Establishment and to Arizona POST certified peace officers when such information is necessary in the performance of their duties.

Section 2. All violations of Section 130.78 of Title XIII of the Code of the Town of Payson shall be punishable as a Class One Misdemeanor pursuant to Sections 130.99(A) and 10.99 of the Code of the Town of Payson.

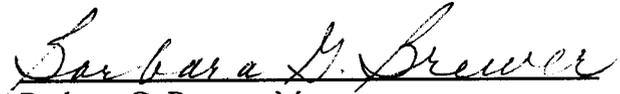
Section 3. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance Number 680 are hereby repealed to the extent of such conflict.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 680 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 of this Ordinance Number 680. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance

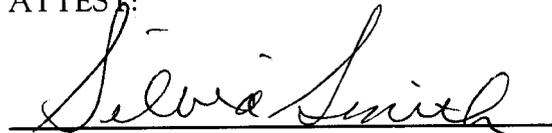
Number 680 and each section, subsection, sentence, clause, phrase or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases or portions would be declared invalid or unconstitutional.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this 12<sup>th</sup> day of January, 2006, by the following vote:

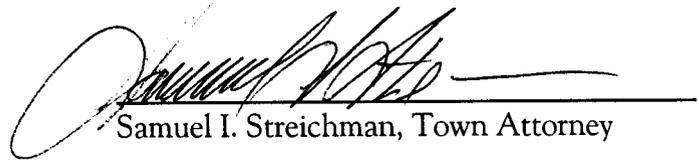
AYES 7 NOES 0 ABSTENTIONS 0 ABSENT 0

  
Barbara G. Brewer, Mayor

ATTEST:

  
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

  
Samuel I. Streichman, Town Attorney