



## ORDINANCE 2005-A312

### An Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, adding Section 11-1-12, Sale of Pseudo-ephedrine Products, to the Town Code, Chapter 11, Offenses

**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 Town of Camp Verde 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 Town Council has determined that it is in the best interest of the citizens of the Town 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 Common Council of the Town of Camp Verde, Yavapai County, Arizona that Section 11-1-12 is added to the Town Code, Chapter 11, Offenses as follows:

**Section 1:** That a new **Article 11-1-12 Sale of Pseudo-Ephedrine Products** is added to **Chapter 11, Offenses** as follows:

#### **Sale of Pseudo-Ephedrine Products**

1. Definitions: For purposes of this chapter, the following 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.
2. Security of Pseudo-Ephedrine Products. Any establishment that pseudo-ephedrine products in a tablet 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
  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 form be sold by a pharmacist or licensed pharmacy technician.
  4. Quantity that May be Sold. It shall be prohibited for a retailer selling more than a total of 9 grams in tablet form of ephedrine, pseudo-ephedrine, nonpseudoephedrine or phenylpropanolamine to a person within a thirty (30) day period. Provided however, this limit shall not apply to any quantity of such tablet of ephedrine, pseudo-ephedrine, nonpseudoephedrine or phenylpropanolamine dispensed pursuant to a valid prescription.
  5. Purchaser identification Requirements. It shall be required that any person purchasing pseudo-ephedrine products in a tablet 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.
  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.
  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:**

All ordinances or parts of ordinances adopted by the Town of Camp Verde in conflict with the provisions of this ordinance, or any part of the code adopted herein by reference, are hereby repealed, effective as the day this ordinance is effective.

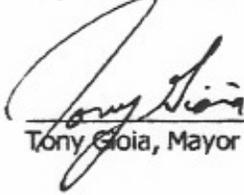
**Section 3:** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**Section 4:**

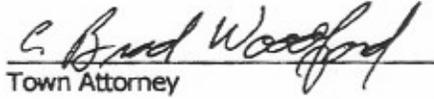
If any section, subsection, sentence, clause, phrase, or portion of this ordinance adopted is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions thereof.

**PASSED AND ADOPTED by a majority vote of the Town Council in an open meeting by the Town Council, Town of Camp Verde, Arizona, on the 7<sup>th</sup> day of September 2005, to be effective when publication and posting, pursuant to ARS 9-813, is completed.**

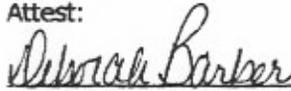
Approved as to Form:

  
Tony Gioia, Mayor

9/7/05

  
Town Attorney

Attest:

  
Deborah Barber, Town Clerk

9-12-05  
Date