

## **MARANA ORDINANCE NO. 2006.01**

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RELATING TO BUSINESS REGULATIONS; REGULATING THE MANNER OF SALE OF PRODUCTS CONTAINING PSEUDOEPHEDRINE; AMENDING TITLE 9 OF THE MARANA TOWN CODE BY ADDING CHAPTER 9-11; PROVIDING PENALTIES FOR THE VIOLATION OF CHAPTER 9-11; AND DESIGNATING AN EFFECTIVE DATE.

WHEREAS, the illicit manufacture of methamphetamine (meth labs) is a serious and continuing problem in the Town of Marana and the surrounding areas; 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 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 COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. Title 9 of the Marana Town Code is hereby revised by adding Chapter 9-11, as follows:

**Chapter 9-11 SALE OF PRODUCTS CONTAINING PSEUDOEPHEDRINE**

**Section 9-11-1 Definitions**

A. In this chapter:

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 at retail.

**Section 9-11-2 Restrictions**

- A. 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 operator or an employee of the establishment.
- B. The retail establishment employee 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 and date of birth, the quantity of pseudoephedrine product purchased, the transaction date and the initials of the retail establishment employee making the sale.
- C. The information required to be obtained by paragraph B of this section shall be retained by the retail establishment for a period of 90 days, and will be considered a confidential document that will only be available to the operator of the retail establishment and to law enforcement agency officers and officials.

**Section 9-11-3 Penalty**

A violation of this chapter is a class 1 misdemeanor.

SECTION 2. This Ordinance shall become effective on the 17<sup>th</sup> day of February, 2006.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 17<sup>th</sup> day of January, 2006.

ATTEST:

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Jocelyn C. Bronson, Town Clerk

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Mayor Ed Honea

APPROVED AS TO FORM:

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Frank Cassidy, Town Attorney