

**COUNCIL BILL NO. 2004-012**

**ORDINANCE NO. 2004-053**

**AN ORDINANCE** amending Chapter 82, Article V, of the Joplin City Code, by enacting a new Section 82-210. Methamphetamine precursor drugs – retail sale limits.; and further enacting a new Section 82-211. Methamphetamine precursor drugs; over-the-counter sales limitations.; dealing generally with limitations on quantity of such drugs available for sale at retail and with the display and over-the-counter sales of such drugs.

WHEREAS, the State of Missouri is experiencing increased levels of the manufacture of methamphetamine; and,

WHEREAS, methamphetamine is a powerful, highly addictive inorganic central nervous system stimulant; and,

WHEREAS, unlike other illegal substances, methamphetamine can be manufactured in dangerous makeshift labs that are often located in our neighborhoods and near our schools; and,

WHEREAS, methphetamines present unique dangers from other illegal narcotic drugs including the low cost to produce, extreme psychological addictiveness, and the propensity to incite violent or paranoid behavior; and,

WHEREAS, environmental damage resulting from the production of methamphetamine includes chemical contamination of the air long after the methamphetamine has been produced, harming children, family members and law enforcement officials; and,

WHEREAS, in 2003, Missouri led the nation by seizing nearly 2,800 methamphetamine producing labs, with southwest Missouri leading in the number of methamphetamine labs seized; and,

WHEREAS, methamphetamine labs seized in Jasper County, including the City of Joplin, accounted for over 5% of the total number of statewide labs seized in 2003; and,

WHEREAS, methamphetamine is seized by undercover narcotics officers in Jasper County twelve times more than other illegal narcotic drugs; and,

WHEREAS, the purchase of large quantities of methamphetamine precursor drugs containing ephedrine, a necessary ingredient in the manufacture of methamphetamine, can be controlled.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That a new Section. 82-210. Methamphetamine precursor drugs – retail sale

limits., be enacted to read as follows:

“Sec. 82-210. Methamphetamine precursor drugs – retail sale limits.

- (a) The retail sale of methamphetamine precursor drugs shall be limited to:
  - (1) Sales in packages containing not more than a total of three grams of one or more methamphetamine precursor drugs, calculated in terms of ephedrine base, pseudoephedrine base and phenylpropanolamine base; and
  - (2) For non-liquid products, sales in blister packs, each blister containing not more than two dosage units, or where the use of blister packs is technically infeasible, sales in unit dose packets or pouches.
- (b) Any person who is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale who violates subsection 1 of this section shall not be penalized pursuant to this section if such person documents that an employee training program was in place to provide the employee with information on the state and federal regulations regarding ephedrine, pseudoephedrine, or phenylpropanolamine.

Any person holding a retail sales license pursuant to chapter 30 of this Code, who knowingly violates subsection (a) of this section is guilty of a misdemeanor punishable pursuant to the provisions of section 1-5 of this Code.”

Section 2. That a new Section. 82-211. . Methamphetamine precursor drugs; over-the-counter sales limitations., be enacted to read as follows:

Sec. 82-211. Methamphetamine precursor drugs; over-the-counter sales limitations.

- (a) No person shall deliver in any single over-the-counter sale more than:
  - (1) Two packages or any number of packages that contain a combined total of no more than six grams of any drug containing a sole active ingredient of ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers; or
  - (2) Three packages of any combination drug containing, as one of its active

ingredients, ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers, or any number of packages of said combination drug that contain a combined total of no more than nine grams of ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers.

(b) All packages of any drug having a sole active ingredient of ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers, shall be displayed and offered for sale only behind a checkout counter where the public is not permitted, or within ten feet and an unobstructed view of an attended checkout counter. This subsection shall not apply to any retailer utilizing an electronic antitheft system that utilizes a product tag and detection alarm which specifically prevents the theft of such drugs from the place of business where such drugs are sold.

(c) This section shall not apply to any product labeled pursuant to federal regulation for use only in children under twelve years of age, or to any products that the state department of health and senior services, upon application of a manufacturer, exempts by rule from this section because the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine, or its salts or precursors or to the sale of any animal feed products containing ephedrine or any naturally occurring or herbal ephedra or extract of ephedra.

(d) Any person who is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale who violates subsection (a) of this section shall not be penalized pursuant to this section if such person documents that an employee training program was in place to provide the employee with information on the state and federal regulations regarding ephedrine, pseudoephedrine, or phenylpropanolamine.

(e) Any person who knowingly or recklessly violates this section is guilty of a misdemeanor punishable pursuant to the provisions of section 1-5 of this Code."

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 15th day of

March, 2004.

Council Bill No. 2004-012 (Continued)

Richard H. Russell, Mayor

ATTEST:

Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

Brian W. Head, City Attorney