



ORDINANCE 949

AN ORDINANCE, SETTING LIMITATIONS ON THE SALE OF METHAMPHETAMINE PRECURSOR DRUGS; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF IN CONFLICT HEREWITH.

WHEREAS, methamphetamine is an illegal drug that is produced using legal precursor substances such as pseudoephedrine, which is contained in over-the-counter medicines sold in retail outlets; and

WHEREAS, methamphetamine is produced and distributed in our communities with negative social effects, including harm to children, families, increasing crime and property damage; and

WHEREAS, the production of methamphetamine in illegal labs can cause significant health and safety risks such as the danger of fire, explosion, and environmental hazards from production byproducts; and

WHEREAS, the legislature of the State of Idaho has not enacted any laws to control the sale of methamphetamine precursor drugs; and

WHEREAS, the City Council of the City of Rexburg, Idaho deems it to be in the best interest of the health, safety and welfare of the citizens of the City of Rexburg, Idaho to regulate the sale of methamphetamine precursor drugs within the City of Rexburg, Idaho;

BE IT ORDAINED by the Mayor and Council of the City of Rexburg, County of Madison, State of Idaho:

SECTION I: That the MUNICIPAL CODE OF THE CITY OF REXBURG be amended as follows:

SALE OF METHAMPHETAMINE PRECURSOR DRUGS

SECTION:

- 1: Definitions
- 2: Prohibited Acts
- 3: Accessibility of methamphetamine precursor drugs
- 4: Penalty

1: Definitions: The following definitions shall apply to this Ordinance:

(a) "Methamphetamine precursor drug(s)" shall mean and refer to any substance that is:

(i) a drug or product containing as its sole active ingredient pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers; or

(ii) a combination drug or product containing as one (1) of its active ingredients pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers.

(b) "Over-the-counter sales" shall mean and refer to a retail sale of a drug or product but does not include the sale of a drug or product pursuant to the terms of a valid prescription.

(c) "Retailer" shall mean and refer to any person, corporation, partnership or other business entity conducting business within the Rexburg City Limits who sells or furnishes any over-the-counter drug product containing methamphetamine precursor drugs to any person who is the ultimate user or consumer of the product.

2: Prohibited acts: It shall be unlawful within the incorporated limits of the city for any retailer or employee thereof to knowingly sell, transfer, or to otherwise furnish in any single transaction:

(a) More than three packages of any product that he or she knows to contain more than a total weight of nine (9) grams of methamphetamine precursor drugs.

(b) A methamphetamine precursor drug to a person under the age of 18 years.

(c) The limits established in this section shall not apply to any quantity of methamphetamine precursor drugs dispensed pursuant to a valid prescription.

3: Accessibility of methamphetamine precursor drugs: A business establishment that offers for sale methamphetamine precursor drugs shall ensure that all packages of the drugs are displayed and offered for sale only:

(a) behind a checkout counter where the public is not permitted; or

(b) inside a locked display case; and

(c) all sales shall be conducted with an employee of the retailer and cannot be conducted by a self-service system.

4: Penalty: It shall be unlawful and punishable as a misdemeanor to violate any of the provisions of this Ordinance.

SECTION II: If any provision or section of this Ordinance shall be held to be invalid by a court of competent jurisdiction, then such provision or section shall be considered separately and apart from the remaining provisions or sections of this Ordinance, which shall remain in full force and effect.

SECTION III: This Ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law.

SECTION IV: All ordinances, resolutions, orders and parts thereof in conflict herewith are repealed.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR, this 21st day of December, 2005.

Shawn Larsen, Mayor

(SEAL)

ATTEST:

Blair D. Kay, City Clerk

