BILL NO. 2869 ORDINANCE NO. _____

SPONSOR _____

AN ORDINANCE AMENDING CHAPTER 221 OF THE MUNICIPAL CODE OF THE CITY OF PACIFIC, ENTITLED "REGULATION OF EPHEDRINE AND RELATED PRODUCTS," TO CREATE A NEW SECTION 221.035 EXEMPTING TAMPER-RESISTANT PSEUDOEPHEDRINE

WHEREAS, Chapter 221 of the Municipal Code of Ordinances currently requires a prescription for access to all ephedrine or related products as those terms are defined in Chapter 221;

WHEREAS, independent laboratory testing has confirmed that a certain compound containing pseudoephedrine cannot be effectively converted to methamphetamine;

WHEREAS, products containing such altered, tamper-resistant pseudoephedrine have been approved for the market by the Federal Drug Administration;

WHEREAS, the Chief of Police recommends an exemption for proven tamper-resistant products from the prescription requirement contained within Chapter 221;

WHEREAS, the Board of Aldermen desires to amend Chapter 221 regulating ephedrine and related products to create a new section exempting tamper-resistance ephedrine products; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PACIFIC, MISSOURI, AS FOLLOWS:

Section One. Chapter 221 of the Municipal Code of the City of Pacific, Missouri, entitled "Regulation of Ephedrine and Related Products" is hereby amended by adding a new Section 221.035 to read as follows:

SECTION 221.035: EXEMPTION

Upon written exemption granted by the Chief of Police and maintained in City records in response to a written application of a retailer or manufacturer, any product containing any compound, mixture, or preparation containing any detectable quantity of ephedrine or related products to which it is proven by the manufacturer that it is not feasible to convert the active ingredients of such product into methamphetamine or its salts or precursors, shall be exempt from this Chapter. For purposes of this subdivision, "proven" includes but is not limited to the fact that the compound, mixture, or preparation releases not more than two percent (2%), if any, of the active ingredient used for conversion into methamphetamine or its salts or precursors. It is the responsibility of the retailer

or manufacturer to provide clear and convincing evidence to "prove" the specific product the manufacturer is seeking exemption for is a tamper-resistant product not feasible to be converted into methamphetamine.

No exception may be granted for any product containing ephedrine or pseudoephedrine which is a Schedule V drug pursuant to Missouri law.

The Chief of Police may review and coordinate with local law enforcement agencies with regard to the analysis of a product's feasibility for use in the manufacture of methamphetamine or its salts or precursors. The Chief of Police is authorized to coordinate with such other state and/or federal agencies which he/she deems appropriate regarding such analysis. Upon notification from any local law enforcement agency or determination by the Chief of Police that there is probable cause to believe that a product exempted under this paragraph is feasible for the conversion of the active ingredient into methamphetamine or its salts or precursors, the Chief of Police may immediately revoke the exemption for the product on a temporary basis and thereafter consider further evidence in order to determine whether exemption should be revoked permanently with Board of Aldermen approval.

Section Two. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

This Bill was passed and approved this 20th day of November, 2012, by the Board of Aldermen of the City of Pacific, Missouri, after having been read by title or in full two times prior to passage.

Presiding Officer	Herbert C. Adams, Mayor

ATTEST:

City Clerk	City Clerk