

**MCDONALD COUNTY ORDINANCE FOR:  
REGULATING THE DELIVERY OF METHAMPHETAMINE PRECURSORS  
WITHIN MCDONALD COUNTY, MISSOURI**

Bill No: 2011-1

Ordinance No: 2011-1

BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF THE COUNTY OF MCDONALD, STATE OF MISSOURI, AS FOLLOWS:

**Section 1: General Provisions**

1.1: The manufacture, transportation, possession, and sale of methamphetamine is inherently dangerous to the health, safety, and welfare of the residents of McDonald County, Missouri; and ephedrine and pseudoephedrine are contained in decongestants that can be sold without a doctor's prescription but are also precursors used in the manufacture of methamphetamine; and the byproducts and waste of methamphetamine production are inherently dangerous and injurious to the public health, safety, and welfare of the residents of McDonald County, Missouri; and although the Missouri legislature in 2008 limited purchases of methamphetamine precursors, and although state regulations took effect in September, 2010, requiring sales of methamphetamine precursors to be entered into a real-time electronic database intended to track such sales, the County has determined that the restrictions on sales and the use of the database do little to prevent the illicit purchase of such precursors; and regulation of the sale of ephedrine and pseudoephedrine products and methamphetamine precursors is necessary to protect the citizens of the McDonald County, Missouri, from such activities described above.

1.2: In the interpretation and application of this Ordinance, all provisions shall be liberally construed in favor of the governing body and deemed neither to limit, supersede, or contravene any other Missouri state statute or regulation regarding the regulation of the delivery of methamphetamine precursors within McDonald County, Missouri.

**Section 2: Definitions**

2.1: Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

2.2: Ephedrine. All forms of ephedrine, ephedrine hydrochloride, and all combinations of these chemicals and any methamphetamine precursor drug containing these chemicals.

2.3: Methamphetamine precursor drug. Any drug or substance as described in Section 195.246, Revised Statutes of Missouri, or Section 195.248, Revised Statutes of Missouri.

2.4: Package. Any number of pills, tablets, capsules, caplets, or individual units of a substance held within a container intended for resale.

2.5: Person. Any individual, corporation, partnership, trust, limited liability company, firm, association, or other entity.

2.6: Pseudoephedrine. All forms of pseudoephedrine, pseudoephedrine hydrochloride, and all combinations of these chemicals and any methamphetamine precursor drug containing these chemicals.

2.7: Sell. To knowingly furnish, give away, exchange, transfer, deliver, surrender, or supply, whether for monetary gain or not.

### **Section 3: Prohibition of Sale of Methamphetamine Precursor Drugs**

3.1: It shall be illegal for any person to sell, deliver, or distribute ephedrine, pseudoephedrine, and pseudoephedrine containing products, their salts, their optical isomers or salts of their optical isomers, or any other methamphetamine precursor drugs except as set forth in the specific exceptions contained in this section.

3.2: Exceptions. The following are exceptions to the prohibition stated above:

A. Ephedrine, pseudoephedrine, and pseudoephedrine containing products, their salts, their optical isomers or salts of their optical isomers, or any other methamphetamine precursor drugs may be sold by a Missouri licensed pharmacist after being authorized to do so by a written prescription from a physician or other healthcare professional licensed by the State of Missouri to write prescriptions.

B. Ephedrine, pseudoephedrine, and pseudoephedrine containing products, their salts, their optical isomers or salts of their optical isomers, or any other methamphetamine precursor drugs may be distributed by a licensed physician within the physician's office, or any clinic, nursing home, or other licensed healthcare facility upon the orders of a physician or other healthcare professional licensed by the State of Missouri to write prescriptions.

C. This section regulating ephedrine, pseudoephedrine, or other methamphetamine precursor drugs shall not apply to the sale of animal feed containing ephedrine or dietary supplement products containing naturally occurring or herbal ephedra or extracts of herbal ephedra.

### **Section 4: Prima Facie Evidence**

4.1: It shall be *prima facie* proof that a substance is regulated by this section if the substance is contained in its original packaging and is labeled as being ephedrine, pseudoephedrine, or other methamphetamine precursor drugs.

### **Section 5: Enforcement and Prosecution**

5.1: The primary enforcement of this Ordinance shall be the responsibility of the McDonald County Sheriff's Department, and the prosecution of violations of this Ordinance shall be the responsibility of the McDonald County Prosecuting Attorney's Office.

### **Section 6: Reporting Theft of Methamphetamine Precursor Drugs**

6.1: All thefts, shortages, disappearances, miscounts, or other losses of ephedrine, pseudoephedrine, or other methamphetamine precursor drugs shall be reported to the McDonald County Sheriff's Department within twenty-four (24) hours of discovery.

6.2: Any person selling ephedrine, pseudoephedrine, or other methamphetamine precursor drugs shall report any difference between the quantity of the aforementioned drugs shipped and the quantity received to the McDonald County Sheriff's Department within twenty-four (24) hours of discovery.

### **Section 7: Penalties**

7.1: Every act or omission constituting a violation of any of the provisions of this Ordinance by any agent or employee of any person shall be deemed and held to be an act of such person, and said person shall be punishable in the same manner as if said act or omission had been done or omitted by him or it personally, provided such an act or omission was within the scope of employment or the scope of authority of such agent or employee. Each such violation of this Ordinance shall be considered a separate offense. Violation of this Ordinance shall be a class A misdemeanor and punishable by a fine of up to one thousand dollars (\$1,000.00), imprisonment of up to one year in county jail, or a combination of fine and imprisonment.

### **Section 8: Injunctive Relief**

8.1: The McDonald County Prosecuting Attorney's Office may seek and obtain injunctive relief against any person who is in violation of this section.

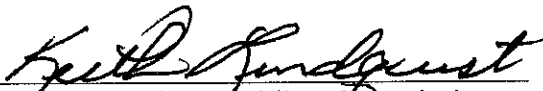
### **Section 9: Severability Clause**

9.1: Should any section, provision, or part of this Ordinance be adjudged invalid or unconstitutional, such adjudication should not affect the validity of the Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

### **Section 10: Interpretation**

10.1: In this Ordinance, a reference to the singular includes the plural and vice versa, and a reference to gender includes all genders.

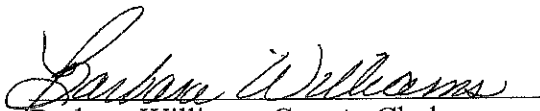
READ TWO TIMES AND PASSED THIS 21 DAY OF 11, 2011.

  
Keith Lindquist, Presiding Commissioner

  
Sam Gaskill, Eastern Commissioner

  
Ronnie Walker, Western Commissioner

ATTEST:

  
Barbara Williams, County Clerk

BE IT REMEMBERED, that on the final passage of this Ordinance the roll call vote for approval was the following persons voting:

“Aye”



“Nay”

