

Bill No. 5008

Ordinance No. \_\_\_\_\_

Requested by: Joe Cronin and Mike Elam

Sponsored by: Joe Cronin and Mike Elam

AN ORDINANCE REPEALING CHAPTER 275, OF THE ORDINANCES OF ST. CHARLES COUNTY, MISSOURI (“OSCCMo”), RELATING TO REGULATION OF THE SALE OF EPHEDRINE AND PSEUDOEPHEDRINE RELATED PRODUCTS BY ST. CHARLES COUNTY AS ADOPTED BY ORDINANCE 11-062, AND AS AMENDED BY ORDINANCE 11-079.

WHEREAS, ephedrine and pseudoephedrine are contained in decongestants, but are also precursors used in the manufacture of methamphetamine; and

WHEREAS, the Missouri legislature in 2008 limited purchases of methamphetamine precursors, and 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; and

WHEREAS, at that time, the County determined that the restrictions on sales and the use of the database did little to prevent the illicit purchase of such precursors since purchasers, with great economic incentive and little risk, could travel to the County from remote locations using false identities and fraudulent identification documents to make illicit purchases of the precursors; and

WHEREAS, as a result, the County adopted regulations on the sale of ephedrine and pseudoephedrine products and methamphetamine precursors as they were necessary to

protect the citizens of the County from the health dangers of methamphetamine; and

WHEREAS, specifically, Section 275.001, OSCCMo provides the definitions for certain terms used within this Chapter; and

WHEREAS, Section 275.020, OSCCMo provides that it shall be prohibited to deliver methamphetamine precursors; and

WHEREAS, Section 275.030, OSCCMo provides the exceptions to the prohibition against delivery, including providing for the sale by prescription; and

WHEREAS, Section 275.040, OSCCMo provides that it shall be prima facie proof that a substance is regulated by this Chapter if the substance is contained in its original packaging and is labeled as containing ephedrine, pseudoephedrine or other methamphetamine precursor; and

WHEREAS, Section 275.050, OSCCMo provides that it is mandatory that the theft or loss of ephedrine, pseudoephedrine or other methamphetamine precursors shall be reported to the St. Charles County Police Department within twenty-four (24) hours of discovery; and

WHEREAS, Section 275.060, OSCCMo provides that the County Counselor may seek and obtain injunctive relief against any person who is in violation of this Chapter in the Circuit Court of St. Charles County, Missouri; and

WHEREAS, Section 275.070, OSCCMo provides that a violation of this Chapter shall be punished by a fine or up to one

thousand dollars (\$1,000.00), imprisonment of up to one (1) year, or both such a fine and imprisonment; and

WHEREAS, statistics available from 2010 through 2018 provided by the Missouri State Highway Patrol show a dramatic decrease in Methamphetamine Incidents from the highest number of cases in 2011 (2,114) to the lowest number of cases in 2018 (50) in the entire state of Missouri; and

WHEREAS, pursuant to Section 195.417.9, RSMo., St. Charles County no longer requires regulation on the sale of ephedrine and pseudoephedrine, therefore the County finds that it is advisable and necessary to delete Chapter 275 from the OSCCMo.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY AS FOLLOWS:

Section 1. Chapter 275, OSCCMo, related to the sale of ephedrine and pseudoephedrine is hereby deleted in its entirety.

Section 2. This ordinance shall be in full force and effect from and after the date of its passage and approval.

\_\_\_\_\_  
DATE PASSED

\_\_\_\_\_  
DATE APPROVED BY COUNTY EXECUTIVE

\_\_\_\_\_  
CHAIR OF THE COUNCIL

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COUNTY EXECUTIVE

ATTEST:

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COUNTY REGISTRAR