

See A# 2005-98(S)

Submitted by: Mayor Begich and Assemblymembers  
TESCHE, TRAINI, and Shamberg, Jennings  
Prepared by: Department of Assembly  
For reading: July 26, 2005

ANCHORAGE, ALASKA  
AO NO. 2005-98

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING  
2 ANCHORAGE MUNICIPAL CODE BY ADDING A NEW CHAPTER 8.90 REGARDING  
3 THE SALE OF METHAMPHETAMINE PRECURSOR DRUGS WITHIN THE  
4 MUNICIPALITY OF ANCHORAGE  
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6  
7 THE ANCHORAGE ASSEMBLY ORDAINS:  
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9 Section 1: That the Anchorage Municipal Code is amended by adding a new  
10 Chapter 8.90, Sale of Methamphetamine Precursor Drugs, to read as follows:  
11

12 Chapter 8.90

13 SALE OF METHAMPHETAMINE PRECURSOR DRUGS  
14

- 15 8.90.010 Definitions.
- 16 8.90.020 Prohibited Acts.
- 17 8.90.030 Accessibility of methamphetamine precursor drugs.
- 18 8.90.040 Registration of purchases.
- 19 8.90.050 Methamphetamine watch program.
- 20 8.90.060 Violation; penalties.

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23 **8.90.010 Definitions.**

24 For the purposes of this Chapter, the following definitions shall apply:  
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27 A. "*Methamphetamine precursor drugs*" means a drug or product containing  
28 as its sole active ingredient ephedrine, pseudoephedrine,  
29 phenylpropanolamine, or any of their salts, optical isomers, or salts of  
30 optical isomers, not including any compounds, mixtures, or preparations  
31 that are in liquid, liquid capsule, or gel capsule form, and in which  
32 pseudoephedrine is not the only active ingredient.
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34 B. "*Over-the-counter sales*" means a retail sale of a drug or product, but does  
35 not include the sale of a drug or product pursuant to the terms of a valid  
36 prescription.
- 37  
38 C. "*Retailer*" means any person, corporation, partnership or other business  
39 entity conducting business within the Municipality of Anchorage who sells  
40 or furnishes any over-the-counter drug product containing

1                   methamphetamine precursor drugs to any person who is the ultimate user  
2                   or consumer of the product.

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4                   **8.90.020       Prohibited acts.**

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6                   It shall be unlawful within the Municipality of Anchorage for any retailer or  
7                   employee thereof knowingly to sell, transfer, or to otherwise furnish in single  
8                   transaction without registration:

- 9  
10                  A.       More than three (3) packages of one or more over-the-counter products  
11                   that is known to contain methamphetamine precursor drugs, or  
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13                  B.       A single package of any over-the-counter product that is known to contain  
14                   more than three (3) grams of methamphetamine precursor drugs.

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16                  **8.90.030       Accessibility of methamphetamine precursor drugs.**

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

- 20  
21                  A.       behind a checkout counter where the public is not permitted; or  
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23                  B.       inside a locked display case.

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25                  **8.90.040       Registration of purchases.**

- 26  
27                  A.       Any retailer that sells or delivers, or attempts to sell or deliver, to a person  
28                   any product containing methamphetamine precursor drugs as the sole  
29                   active ingredient, shall require such person to show proper identification  
30                   and to sign a register for a purchase of more than three (3) packages or  
31                   more than three (3) grams.  
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33                  B.       The register described in this section shall be created by any retailer that  
34                   sells a product or products described in this section and shall require a  
35                   least the following information:  
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37                   1.       The name and specific quantity of methamphetamine precursor  
38                   drugs purchased;  
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40                   2.       The signature of the purchaser;  
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42                   3.       The name and residential or mailing address of the purchaser, other  
43                   than a post office box number;  
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- 4. The number of the purchaser's motor vehicle operator's license or other legal Alaska identification at the time of purchase;
- 5. The date of such purchase; and
- 6. The signature of an employee of the retail establishment as witness to the purchase and identification of the purchaser.

- C. As used in this section, "legal Alaska identification" means a valid motor vehicle operator's license or other official and valid state-issued identification of the purchaser that contains a photograph of the purchaser.
- D. Upon written request of any law enforcement agency or the Municipality's Office of Emergency Management, any retailer shall report electronically or by mail the information collected in (B) of this section for the six-month period preceding the written request.
- E. The register required to be maintained in this section and the information entered thereon is confidential. The retailer may not allow access to the register or release information contained therein except to a law enforcement agency or the Municipality's Office of Emergency Management.

**8.90.050 Methamphetamine watch program.**

- A. The Municipality of Anchorage's Office of Emergency Management shall establish a methamphetamine watch program to:
  - 1. inform retailers of the problems associated with the illicit manufacture and use of methamphetamine in this state;
  - 2. establish procedures and develop forms for retailers and other persons to use in reporting to the respective local law enforcement agency or the Municipality of Anchorage's Office of Emergency Management any incidents of theft, suspicious purchases, or other transactions involving products used in the illicit manufacture of methamphetamine;
  - 3. increase community awareness of methamphetamine;
  - 4. encourage retailers, law enforcement, state and local agencies, and other persons to cooperate in efforts to reduce the diversion of legitimate products for use in the illicit manufacture of methamphetamine; and

5. assist local communities in addressing problems created by the illicit manufacture and use of methamphetamine.

B. Retailer participation in the methamphetamine watch program is voluntary.

1. A retailer participating in the watch program shall make reasonable efforts to deter the theft or improper sale of products used in the illicit manufacture of methamphetamine, including products containing pseudoephedrine by:

a. implementing product management practices that deter theft or suspicious purchases of the products, including placing signs at strategic locations within the retail establishment to inform patrons of the retailer's participation in the program; and

b. providing annual personnel training on products used in the illicit manufacture of methamphetamine and procedures to follow on observing theft or suspicious purchases of those products.

**8.90.060 Violations; penalties.**

A. Violation of any provision of this ordinance shall be deemed a misdemeanor punishable as provided by Chapter 8.75 of the Anchorage Municipal Code.

**Section 2:** That this ordinance shall take effect on October 15, 2005.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Municipal Clerk



**MUNICIPALITY OF ANCHORAGE  
ASSEMBLY MEMORANDUM**

**No. AM 517-2005**

**Meeting Date: July 26, 2005**

1       **From:** Assemblymembers Traini and Tesche  
2       **Subject:** **SALE OF METHAMPHETAMINE PRECURSORS**  
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5 In cooperation with members of the Matanuska-Susitna Borough Assembly, we propose  
6 enactment of an ordinance amending Title 8 by enactment of a new Chapter 8.90  
7 regarding the sale of methamphetamine precursors. Effective October 1, 2005, the new  
8 ordinance would restrict sale of commercial quantities of chemicals used to produce  
9 illegal meth in clandestine laboratories. The ordinance would not, however, restrict or  
10 prohibit sale of commonly accepted over-the-counter cold remedies, such as Sudafed,  
11 if purchased in non-commercial quantities.

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13 Enactment of AO 2005-98 is recommended.  
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16 Respectfully submitted:     Dick Traini, Assemblymember  
17                                     Allan Tesche, Assemblymember  
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**Content Information**

**Content ID :** 003099

**Type:** Ordinance - AO

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY  
AMENDING ANCHORAGE MUNICIPAL CODE BY ADDING A NEW

**Title:** CHAPTER 8.90 REGARDING THE *SALE OF METHAMPHETAMINE*  
PRECURSOR DRUGS WITHIN THE MUNICIPALITY OF  
ANCHORAGE

**Author:** gray-jacksone

**Initiating Dept:** Assembly

**Date Prepared:** 7/22/05 3:02 PM

**Director Name:** Anna Fairclough

**Assembly**

**Meeting Date** 7/26/05

**MM/DD/YY:**

**Public Hearing**

**Date** 8/9/05

**MM/DD/YY:**

**Workflow History**

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
AllOrdinanceWorkflow	7/22/05 3:04 PM	Checkin	gray-jacksone	Public	003099

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CONSENT AGENDA - INTRODUCTION