

## PROPOSED PSEUDOEPHEDRINE ORDINANCE

### PURPOSE:

The Council of the City of Holdenville has found (1) the manufacture, transportation, possession and sale of methamphetamine and the byproducts and wastes of methamphetamine production are inherently dangerous and injurious to the public health, safety and welfare of the citizens of the city. Regulation of the sale of the chemical precursors to methamphetamine production, such as ephedrine products and pseudoephedrine products, is necessary to protect the citizens of the city.

### SECTION 1:

Prohibition of sale/distribution of methamphetamine precursor drugs.

It shall be illegal for any person to sell, deliver, or distribute any ephedrine, pseudoephedrine, their salts their optical isomers, or salts of their optical isomers, without a valid prescription issued by a duly licensed physician or supervised physician's assistant and filled by an Oklahoma licensed pharmacist or pharmacy technician.

Nothing in this section shall prohibit the distribution of ephedrine, pseudoephedrine, their salts their optical isomers, or salts of their optical isomers by an Oklahoma licensed physician or physician's assistant within the physician's office, or any clinic, nursing home or other properly licensed healthcare facility upon the orders of said authority.

No prescription issued pursuant to this section shall be filled or refilled more than six (6) months after the date such prescription was issued, and no such prescription authorized to be refilled may be refilled more than five (5) times.

### SECTION 2:

This section shall not apply to any ephedrine, pseudoephedrine compounds, mixtures, or preparations which are in liquid, liquid capsule or gel capsule form.

### SECTION 3:

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

1 Likely any attack on the constitutionality of a statute such as this will be subjected to rational basis review by the courts. It is my opinion that such an attack could be overcome where a council has made findings based upon evidence/authority/argument they've considered necessitating this type of action. This is the reason I think a clearly stated purpose is important to the survival of an effort to further regulate pseudo.

SECTION 4 :

Any person convicted of violating any of the provisions of this section shall be punished by a fine not to exceed \$500.00 and costs, or imprisonment not to exceed ninety (90) days, or both such fine and costs and imprisonment. A separate offense shall be deemed committed for each delivery, sale or distribution transaction.

SECTION 5:

This ordinance shall take effect and be in full force thirty (30) days after the date of its passage and approval.