

Submitted by: Assemblymembers SULLIVAN, Bauer, Shamberg, Ossiander, Jennings, Stout, Tesche, Traini and Mayor Begich

Prepared by: Assembly Staff

For reading: October 11, 2005

CLERK'S OFFICE

APPROVED

Date: 10-11-05

ANCHORAGE, ALASKA

AO NO. 2005-98(S)

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**
5

6
7 **THE ANCHORAGE ASSEMBLY ORDAINS:**
8

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
- | | | |
|----|----------|---|
| 16 | 8.90.010 | Definitions. |
| 17 | 8.90.020 | Prohibited Acts. |
| 18 | 8.90.030 | Accessibility of methamphetamine precursor drugs. |
| 19 | 8.90.040 | Registration of purchases. |
| 20 | 8.90.050 | Violation; penalties. |
- 21

22 **8.90.010 Definitions.**
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24 For the purposes of this Chapter, the following definitions shall apply:
25

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

3
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 to knowingly to sell, transfer, or to otherwise furnish in a single
8 transaction any product or combination of products containing more than nine (9)
9 grams of methamphetamine precursor drugs, except as provided in section
10 8.90.040.

11
12 **8.90.030 Accessibility of methamphetamine precursor drugs.**

13
14 A business establishment that offers over-the-counter sales of methamphetamine
15 precursor drugs shall make reasonable efforts to deter the theft or improper sale
16 of products used in the illicit manufacture of methamphetamine by providing
17 personnel training and by ensuring that all packages of the drugs are displayed
18 and offered for sale only:

- 19
20 A. behind a checkout counter where the public is not permitted; or
21
22 B. inside a locked display case.

23
24 **8.90.040 Registration of purchases for resale.**

- 25
26 A. Any retailer that sells or delivers to a person for the purpose of resale
27 through another licensed retailer any product containing methamphetamine
28 precursor drugs as the sole active ingredient shall require such person to
29 show proper identification and to sign a register for a purchase of more
30 than nine (9) grams of such products.
31
32 B. The register described in this section shall be created by any retailer that
33 sells a product or products described in this section and shall require the
34 following information:
35
36 1. The name and specific quantity of methamphetamine precursor
37 drugs purchased;
38
39 2. The signature of the purchaser;
40
41 3. The retail business name and mailing address of the purchaser,
42 other than a post office box number;
43
44 4. The number of the purchaser's motor vehicle operator's license or
45 other legal identification at the time of purchase;

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- 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 identification" means a valid motor vehicle operator's license or other official and valid identification of the purchaser issued by a governmental agency that contains a photograph of the purchaser.
- D. Upon written request of any law enforcement agency, 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 Anchorage Police Department.

8.90.050 Violations; penalties.

- A. Violation of any provision of this section, upon conviction, shall be punished by a fine of not more than \$5,000 or imprisonment for not more than six months, or both such fine and imprisonment.

Section 2: That this ordinance shall take effect on January 1, 2006.

PASSED AND APPROVED by the Anchorage Assembly this 11th day of October, 2005.

Anna L. Fairclough
Chair

ATTEST:

Andrea S. Gruenke
Municipal Clerk



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
NO. AM 768-2005

Meeting Date: October 11, 2005

1 **From:** Assemblymembers Sullivan and Bauer
2 **Subject:** **AO 2005-98(S) – Sale of Methamphetamine Precursors**

3
4 AO 2005(S) has been prepared with changes incorporating comments received during
5 the public hearing on the original version of AO 2005-98, the information received from
6 the Anchorage Police Department during the Public Safety Committee work session
7 held on September 23, and conversations with various retailers. The key changes
8 include:

- 9
- 10 • Increasing the limit of any one purchase of methamphetamine precursor
11 drugs to nine grams;
 - 12 • Prohibiting sale of more than nine grams except to legitimate businesses for
13 purposes of resale;
 - 14 • Clarification of the type of identification required to purchase more than nine
15 grams;
 - 16 • Elimination of the methamphetamine watch program and the involvement of
17 the Office of Emergency Management. The watch program is probably better
18 established by resolution and should have a cost estimate and funding
19 source prior to implementation;
 - 20 • The S version establishes specific penalties, while the previous version
21 simply referred to 8.75 of the municipal code which does not prescribe
22 penalties for this type of violation.

23
24 Enactment of AO 2005-98(S) is recommended.

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26 Respectfully submitted: Dan Sullivan, Assemblymember
27 Paul Bauer, Assemblymember
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Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
Agenda Document Control Sheet

AO 2005-98(S)

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT		DATE PREPARED
	AMENDING AMC BY ADDING A NEW CHAPTER 8.90 REGARDING THE SALE OF METHAMPHETAMINE PRECURSOR DRUGS WITHIN THE MOA-		10/11/05
		<input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> AIM	
2	DEPARTMENT NAME	DIRECTOR'S NAME	
	Assembly	Anna Fairclough, Chair	
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY	HIS/HER PHONE NUMBER	
	Susan B. Lutz	343-4572	
4	COORDINATED WITH AND REVIEWED BY	INITIALS	DATE
	Mayor Heritage Land Bank Merrill Field Airport Municipal Light & Power Port of Anchorage Solid Waste Services Water & Wastewater Utility Municipal Manager Cultural & Recreational Services Employee Relations Finance, Chief Fiscal Officer Fire Health & Human Services Office of Management and Budget Management Information Services Police Planning, Development & Public Works Development Services Facility Management Planning Project Management & Engineering Street Maintenance Traffic Public Transportation Department Purchasing Municipal Attorney Municipal Clerk Other		
5	Special Instructions/Comments		
	LAI D ON THE TABLE ITEM - 13.A.2. -		
	CONTINUED PUBLIC HEARINGS		
6	ASSEMBLY HEARING DATE REQUESTED	10/11/05	7 PUBLIC HEARING DATE REQUESTED 10/11/05

M.O.A.
 2005 OCT 11 PM 2:40
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