

ORDINANCE № 004-2005

AN ORDINANCE REGULATING THE DISPLAY, SALE,  
AND REGISTRATION OF METHAMPHETAMINE  
PRECURSORS; AND ESTABLISHING CRIMINAL  
PENALTIES FOR VIOLATION.

BE IT ORDAINED by the governing body, that is the County Commission of the County of Roosevelt, in the State of New Mexico:

Section 1. Recitals. Law enforcement officials in the Ninth Judicial District have requested that the County adopt an ordinance to regulate the display, sale and registration of methamphetamine precursor drugs. These drugs are required for the manufacture of methamphetamine, are generally available in small quantities to treat a variety of illnesses, but are typically not utilized in large quantities for lawful purposes. Further, the production of methamphetamine is carried out in such a way that it presents a danger to those who manufacture the drug, any persons or homes nearby and to the general public. This ordinance would, if adopted, require restrictions on the display of precursor drugs, require registration in some of sales of precursor drugs and create criminal penalties for violations of the requirements of the ordinance.

**Display, Sale, and Registration of Methamphetamine Precursors**

**Definitions.**

The following definitions shall apply to this section:

1. Methamphetamine Precursor Drugs – include any drug or product contained as its sole common active ingredient such as ephedrine, pseudoephedrine, or phenylpropanolamine; or any combination drug or product containing as one or its active ingredients ephedrine, pseudoephedrine, or phenylpropanolamine. This term does not include any compounds, mixtures,



or preparations that are in liquid, liquid capsule, or gel capsule form and in which pseudoephedrine is not only the active ingredient.

2. Over the counter sales – means a retail sale of a drug or product but does not include the sale of a drug or product dispensed pursuant to the terms of a valid prescription.

3. Retailer – is any person, corporation, partnership or other business entity conducting business within the County of Roosevelt that sells or furnishes any over the counter drug product containing methamphetamine precursor drugs to any person who is the ultimate user or consumer of the product.

#### **Quantity.**

No retailer or employee thereof, shall knowingly sell, transfer or otherwise furnish in a single transaction more than three (3) packages, not to exceed a total of one hundred (100) tablets of one or more products that contain methamphetamine precursor drugs, unless sold pursuant to a valid prescription.

#### **Display Restrictions.**

All retailers that offer methamphetamine precursor drugs for sale shall ensure that all packages of the drug are displayed or offered for sale only:

- A. Behind the checkout counter where the public is prohibited; or,
- B. Inside a locked display case.

#### **Required Identification.**

All retailers that sell or deliver, or attempt to sell or deliver methamphetamine precursor drugs to a person that does not possess a valid prescription, whether as a sole active ingredient or in combination product, shall require the purchaser to show proper identification, to include a photo identification with the person's name, date of birth, and current address.

#### **Registration Forms.**

A. All retail establishments that sell non-prescription methamphetamine precursor drugs shall keep a registration form of its sales. Retailers may obtain an approved registration form from the Ninth Judicial District Attorney's office, or may create a registration form, which shall contain the following information:

1. Name and specific quantity of methamphetamine precursor drugs purchased.
2. The name of the purchaser.
3. The current address of the purchaser.
4. The driver's license number or other photo identification card number of the purchaser.
5. The date of purchase.
6. Certification by the retailer.

B. The registration forms shall be maintained by folder or other container that will prevent observation by customers of the retailer. All registration forms required by this section shall be completed accurately and be made available by 12:00 noon of the day following the sales transactions. The registration form shall be maintained by the retailer, in a secured location, which shall be delivered to a local law enforcement officer upon request. For purposes of this section, a local law enforcement officer means the Roosevelt County Sheriff, his designee, any certified officer of the Roosevelt County Sheriff Department, or any certified officer assigned to the Region V Drug Task Force. Registration forms not delivered to a local law enforcement officer within ninety (90) days of the sale or delivery, will be destroyed by the retailer by shredding or other means that will completely destroy or obliterate the information contained within the form. Local law enforcement agencies shall maintain the registration forms for a period not to exceed six months from date of sale or delivery unless required by public law, after which they shall completely destroy or obliterate the information contained within the form.

C. The registration forms may be used only for drug enforcement (investigating, arresting and prosecuting violations of drug laws) or for investigating criminal violations.

D. It is unlawful for any person to provide false information or a false form of identification to a retailer for the purpose of purchasing methamphetamine precursor drugs.

E. It is unlawful for any retailer, or any employee of a retailer, to falsify, alter or modify any purchaser information in respect to the registration from required by this section.

**Penalty.**

Any violation of this ordinance constitutes a misdemeanor punishable pursuant to New Mexico Law.

**Annual Review.**

The County Commission shall annually, at its first meeting in September of each calendar year, review this Ordinance and determine whether, based on subsequent events and passage of state or federal laws, this Ordinance should be repealed or amended.

**PASSED, APPROVED AND ADOPTED** by the governing body of the County of Roosevelt this 6<sup>th</sup> day of September, 2005.

**THE COUNTY OF ROOSEVELT  
STATE OF NEW MEXICO**

By: Gene Creighton  
GENE CREIGHTON, CHAIRMAN



E. Janet Collins  
County Clerk