

ORDINANCE NO. 14,414

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, by adding and enacting a new Article VII to Chapter 70, Offenses and Miscellaneous Provisions relating to the sale of products containing pseudoephedrine in combination with other active ingredients.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, is hereby amended by adding and enacting a new Article VII to Chapter 70, Offenses and Miscellaneous Provisions relating to the sale of products containing pseudoephedrine in combination with other active ingredients, as follows:

**Article VII. Sale of Products Containing Pseudoephedrine  
in Combination With Other Active Ingredients**

- 70-300. Purpose
- 70-301. Definition
- 70-302. Storage and Display of Products Containing Pseudoephedrine in Combination with Other Active Ingredients
- 70-303. Identification of Purchaser Required
- 70-304. Limitations on Quantity Available for Purchase
- 70-305. Violations
- 70-306. Effective Date

**70-300. PURPOSE.**

The illegal manufacture of methamphetamine continues to rise in Polk County and in Central Iowa exposing children and other innocent victims to the caustic manufacturing process and causing those children and other victims incalculable harm. The

manufacture and use of methamphetamine continues to cause an increase in crime and a strain on the resources of Polk County. It is therefore in the public interest to place reasonable conditions on the sale of products necessary to manufacture methamphetamine, products containing pseudoephedrine in combination with other active ingredients.

**70-301. DEFINITION.**

"Seller" means any person and/or business selling, transferring or otherwise passing for consideration to the general public any product containing a detectable amount of pseudoephedrine in combination with other active ingredients.

**70-302. STORAGE AND DISPLAY OF PRODUCTS CONTAINING PSEUDOEPHEDRINE IN COMBINATION WITH OTHER ACTIVE INGREDIENTS.**

All sellers shall display any product containing a detectable amount of pseudoephedrine in combination with other active ingredients behind a store counter, in an area not accessible to customers, or shall display those products in a locked case so that customers wanting access to the product must receive seller assistance.

**70-303. IDENTIFICATION OF PURCHASER REQUIRED**

All sellers shall require any person seeking to purchase products containing a detectable amount of pseudoephedrine in combination with other active ingredients to produce photo identification and to provide name, address and telephone number. Such information shall be kept by the seller for a period of one year in a log that shall be accessible to any law enforcement officer upon request.

**70-304. LIMITATIONS ON QUANTITY AVAILABLE FOR PURCHASE**

A maximum of two (2) pre-packaged units, not to exceed one hundred and ninety-two (192) pills, tablets, capsules or other form of individual dosage units or twenty (20) fluid ounces, may be purchased during a calendar day per customer.

**70-305. VIOLATIONS**

Any seller violating this ordinance shall be guilty of a simple misdemeanor punishable by a fine of up to \$500.00 or thirty (30) days in jail per occurrence.

**70-306. EFFECTIVE DATE**

This Ordinance shall become effective sixty (60) days after publication as required by law.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Douglas P. Philip, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 05-453), passed by the City Council of said City at a meeting held February 28, 2005 signed by the Mayor on February 28, 2005 and published as provided by law in the Business Record on March 14, 2005. Authorized by Publication Order No. 4571.

Diane Rauh, City Clerk