

TITLE XI: BUSINESS REGULATIONS

Chapter

110. RETAIL PERMITS

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Section

110.01 Limitation on sale of pharmaceuticals

110.99 Penalty

§ 110.01 LIMITATION ON SALE OF PHARMACEUTICALS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CUSTOMER. Any person who purchases or acquires products from any retail store.

EPHEDRINE. Any drug, substance or compound, whether legal or illegal, that contains ephedrine, pseudoephedrine, ephedrine hydrochloride, pseudoephedrine hydrochloride, pseudoephedrine sulfate or phenylpropanolamine.

PACKAGE. Any bottle, box, blister pack or other container in which products containing ephedrine are sold.

PERMITTEE. Person who has obtained a permit to sell ephedrine to customers.

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

RETAIL STORE. Any single geographic location of any business, company, corporation, person, employee or associate that sells ephedrine to any customer. It does not include any wholesaler engaged in a wholesale transaction.

SELL. Furnish, give away, exchange, transfer, deliver, surrender, distribute or supply, whether or not for monetary gain or other consideration.

WHOLESALER. One whose business is the selling of goods in gross to retail stores for purposes of resale.

(B) *Permits.*

(1) It shall be unlawful for any person to operate a retail store in the county who does not possess a valid permit issued by the County Sheriff's Office. The permit shall be posted in the establishment in a place conspicuous to the public.

(2) No permit is required for a prescription written by a licensed physician and/or a pharmacist providing the drugs for a prescription.

(3) An applicant may apply for a permit by submitting a completed application form to the County Sheriff's Office.

(4) All permits issued by the County Sheriff's Office shall contain:

(a) Name of the retail store;

(b) Name of the person to whom the permit is granted;

(c) Address of the retail store for which the permit is issued; and

(d) Inclusive dates the permit is valid, if other than for a calendar year.

(5) A permit issued to a retail store shall not be sold, assigned or transferred.

(C) *Limitations on the sale or purchase of ephedrine products.*

(1) Each permittee shall require from his, her or its customer identification showing he or she is of legal age (18 years), a picture form of identification and current address. All information obtained on the customer shall be recorded in an appropriate manner, and a copy of the report shall be forwarded to the County Sheriff's Office at the end of each calendar month by the permittee.

(2) It is unlawful for any person or permittee during a single transaction to sell to a customer more than two packages of products containing ephedrine.

(3) It is unlawful for any customer to purchase or acquire more than two packages of products containing ephedrine within a seven-day period.

(D) *Exclusions.* This section excludes any prescription written by a licensed physician and a pharmacist providing the drugs for a prescription. (Ord. 2005-4-4-20, passed 4-20-2005) Penalty, see § 110.99

§ 110.99 PENALTY.

(A) Each offense shall be considered a separate offense and subject to a fine. Each 24 hours that a violation occurs will be considered a separate offense and can be cited as one.

(B) Whoever violates any provisions of § 110.01 shall be fined not more than \$2,500. Each day the violation is committed or permitted to continue shall constitute a separate offense.

(C) Should any person fail to obtain a permit, the person shall be charged a \$250 penalty. (Ord. 2005-4-4-20, passed 4-20-2005)