

BILL NO. 5850

ORDINANCE NO. 2020-0094

AN ORDINANCE AMENDING CHAPTER 58 SECTION 125 OF THE BRANSON MUNICIPAL CODE PERTAINING TO PRESCRIPTIONS FOR METHAMPHETAMINE PRECURSOR DRUGS

WHEREAS, HB 1682 amended Section 195.417, RSMo to add: “[a]ny local ordinances or regulations enacted by any political subdivision of the state prior to August 28, 2020, requiring a prescription for the dispensation, sale, or distribution of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, in an amount within the limits described in subsections 2, 3, and 4 of this section shall be void and of no effect and no such political subdivision shall maintain or enforce such ordinance or regulation.”; and

WHEREAS, on July 13, 2020 Governor Parson signed HB 1682 into law after passage by the Missouri Legislature.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, MISSOURI, THE FOLLOWING:

Section 1: It is the intention of the Board, and it is hereby ordained, that the provisions of this ordinance shall become and be made a part of the Branson Municipal Code, and the sections of this ordinance may be renumbered to accomplish such intention.

Section 2: That *Section 58-125 - Prohibition of sale of methamphetamine precursor drugs* of the Branson Municipal Code is hereby amended to read as follows:

Sec. 58-125. - Prohibition of sale of methamphetamine precursor drugs.

(a) General. It shall be illegal for any person to sell, deliver or distribute ephedrine, pseudoephedrine or any other methamphetamine precursor drugs, except as set forth in the specific exceptions contained in this article.

(b) Exceptions. The below shall be excepted from the provisions of subsection (a) of this section:

(1) Ephedrine, pseudoephedrine or other methamphetamine precursor drugs may be sold by a state-licensed pharmacist ~~[after being authorized to do so by a written prescription from a physician or other healthcare professional licensed by the state to write prescriptions]~~.

(2) Ephedrine, pseudoephedrine or other methamphetamine precursor drugs may be distributed by a licensed physician within the physician's office, clinic, nursing home or other licensed healthcare facility.

(3) This section regulating ephedrine, pseudoephedrine or other methamphetamine precursor drugs shall not apply to the sale of animal feed containing ephedrine or dietary supplement products containing naturally occurring or herbal ephedra or extracts of herbal ephedra.

THIS ORDINANCE WILL BE EFFECTIVE AT 12:01 AM ON AUGUST 28, 2020

- (4) Any compound, mixture, or preparation, which is in liquid or liquid-filled gel capsule form, containing any detectable quantity of ephedrine, pseudoephedrine, methamphetamine precursor drug.
- (c) Prima facie evidence. It shall be prima facie proof that a substance is regulated by this section if the substance is contained in its original packaging and is labeled as being ephedrine, pseudoephedrine or other methamphetamine precursor drugs.
- (d) Reporting theft of methamphetamine precursor drugs.
 - (1) All thefts, shortages, disappearances, miscounts or other losses of ephedrine, pseudoephedrine or other methamphetamine precursor drugs shall be reported to the police department of the city within 24 hours of discovery.
 - (2) Any person selling ephedrine, pseudoephedrine or other methamphetamine precursor drugs shall report any difference between the quantity of the aforementioned drugs shipped and the quantity received to the police department of the city within 24 hours of discovery.
- (e) Injunctive relief. The city may seek injunctive relief against any person who is in violation of this section.

NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED; LANGUAGE WHICH IS [~~BRACKETED, STRICKEN~~] HAS BEEN REMOVED.

Section 3: This ordinance shall be in full force and effect at 12:01am on August 28, 2020 after its passage by the Board of Aldermen and approval by the Mayor

Read, this first time on this 11th day of August, 2020.

Read, this second time, passed and truly agreed to by the Board of Aldermen of the City of Branson, Missouri on this 25th day of August, 2020.

E. Edd Akers
Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa K Westfall
City Clerk

Chris Lebeck #51831
City Attorney