

## CHAPTER 13

### EPHEDRINE CONTROL

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#### **6-13-1: DEFINITIONS:**

**COUNTER:** Any obstructive, physical barrier that separates ephedrine products from access by a customer of the general public, and which makes such products available to a customer or the general public only through or by the act of an employee of the seller.

**EPHEDRINE:** All forms of ephedrine, pseudoephedrine, ephedrine hydrochloride, pseudoephedrine hydrochloride, phenylpropanolamine and all combinations of these chemicals.

**EPHEDRINE PRODUCT:** Any product that contains ephedrine, its salts, isomers, or sales of isomers, as its sole active ingredient or in combination with less than therapeutically significant quantities of other active ingredients.

**PACKAGE:** Any number of pills, tablets, capsules, caplets or individual units of a substance held within a container intended for sale.

**PERSON:** Any individual, corporation, partnership, trust, limited liability company, firm, association or other entity selling an ephedrine product to customers.

**SELL:** To knowingly furnish, give away, exchange, transfer, deliver, surrender or supply, whether for monetary gain or not.

#### **6-13-2: RESTRICTIONS ON PUBLIC ACCESS TO EPHEDRINE PRODUCTS:**

It shall be unlawful for any person to display or offer to sell any ephedrine product unless the ephedrine product is placed behind a counter.

#### **6-13-3: EXCEPTION:**

The prohibition contained in Section 2. shall not apply to: The same of animal feed containing ephedrine.

**6-13-4: REPORTING THEFT OR EXCESSIVE PURCHASES OF EPHEDRINE PRODUCTS:**

A. Any person who sells ephedrine products and who discovers a theft, disappearance or other loss of ephedrine product shall report the theft, disappearance or loss in writing to the East Alton Police Department within three (3) calendar days of such discovery.

B. Any person who sells ephedrine products shall report to the East Alton Police Department any difference between the quantity of ephedrine products shipped and the quantity of ephedrine products received within three (3) calendar days of discovery.

C. Any person who sells three or more ephedrine products to one individual during one or successive transactions shall notify the East Alton Police Department upon the departure of the purchaser from the store, and must then provide the police with any and all information leading to the identity of the purchaser.

**6-13-5: PENALTY AND INJUNCTIVE RELIEF:**

A. Each day a violation of Section 1. exists shall be considered a separate offense.

B. The Village Attorney may institute any action for injunctive relief to enforce the provision of this Section 1.

C. Every act or omission constituting a violation of any of the provisions of this chapter by any agent or employee of any person shall be deemed and held to be the act of such person, and said person shall be punishable in the same manner as if said act or omission had been done or omitted by him or it personally, provided such act or omission was within the scope of employment or the scope of authority of such agent or employee.

D. Any person who shall violate or fail to comply with any of the provisions of this chapter shall be subject to penalty as provided in Title One Chapter Four of this code.

**6-13-6: EFFECTIVE DATE:**

This Ordinance shall be in full force and take effect from and after its passage, approval and publication as required by law.

**6-13-7: SAVINGS CLAUSE:**

Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

**6-13-8: SEVERABILITY CLAUSE:**

If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Trustees that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which has been invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the Village and shall thereafter be binding.