

**ORDINANCE #65802**  
**Board Bill No. 346**  
**Committee Substitute**

An ordinance restricting the manner of sale of certain products containing the ingredient ephedrine or pseudo ephedrine with the City of St. Louis; containing a penalty clause and an emergency clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** Definitions.

For purposes of this ordinance the following definitions shall apply:

A. "Ephedrine" shall mean all forms of ephedrine, pseudo ephedrine, ephedrine hydrochloride, pseudo ephedrine hydrochloride, phenylpropanolamine and all combinations of these chemicals.

B. "Ephedrine product" shall mean any product that contains ephedrine, its salts, isomers or salts of isomers, as its sole active ingredient or in combination with less than therapeutically significant quantities of other active ingredients.

C. "Person" shall mean any individual, corporation, partnership, trust, Limited Liability Company, firm, association or other entity selling an ephedrine product to customers.

D. "Sell" shall mean to knowingly furnish, give away, exchange transfer, deliver, surrender or supply, whether for monetary gain or not.

E. "Package" shall mean any number of pills, tablets, capsules, caplets or individual units of a substance held within a container intended for sale.

F. "Counter" shall mean any obstructive, physical barrier that separates ephedrine products from access by a customer or 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.

**SECTION TWO. Beginning One Hundred and Twenty (120) days from the effective date of this ordinance**, it shall be a violation of this ordinance for any person to display or offer to sell any ephedrine product unless the ephedrine product is placed behind a counter or **contained in a theft proof dispenser which is designed to limit access to multiple ephedrine products**. The provisions of this section shall not apply to the sale of animal feed containing ephedrine.

**SECTION THREE.** Any person who sells ephedrine products and who discovers a theft, disappearance or other loss of an ephedrine product shall report the theft, disappearance or loss in writing to the St. Louis Metropolitan Police Department within three calendar days of such a discovery. Any person who sells ephedrine products shall report to the St. Louis Metropolitan Police Department any difference between the quantity of ephedrine products shipped and the quantity of ephedrine products received by such person within three calendar days of discovery.

**SECTION FOUR.** Any person found to be in violation of the provisions of this ordinance shall be subject to a fine of not more than Five Hundred (\$500) Dollars and a term of imprisonment not to exceed Ninety (90) days or both a fine and imprisonment. Each day a violation of this ordinance exists shall be considered a separate violation. Every act or omission constituting a violation of this ordinance by any agent or employee of any person shall be deemed and held to be the act of such person, and such person shall be punishable in the same manner as if such act or omission had been done or omitted by such person, provided such act or omission was within the scope of employment or the scope of authority of such agent or employee.

**SECTION FIVE.** Emergency clause.

This being an ordinance for the preservation of public peace, health, and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage and approval by the mayor.

**Approved: February 14, 2003**