

county work
no chg
Office of County Recorder
County of Crow Wing, MN }

I hereby certify that the within instrument was filed
in this office for record on the 1 day of Dec
A.D. 2004 at 2:00 o'clock P.M.
and was duly recorded as Doc. No. 0677478

By *[Signature]* County Recorder
[Signature] Deputy

RETURN TO Auditor -
THERESE

RESOLUTION

Commissioner Larsen offered the following resolution and moved its adoption:

BE IT RESOLVED the Board of Commissioners of Crow Wing County, Minnesota, adopts the Methamphetamine Precursor Chemical Sales Ordinance (No. 0404), effective January 1, 2005:

Methamphetamine Precursor Chemical Sales

A public health ordinance relating to the sale of Methamphetamine Precursor Drugs in the county, organized and unorganized, as well as in municipalities, as on file in the Office of the County Auditor (hereinafter referred to as "County"), and to provide penalty provisions.

The Crow Wing County Board of Health, acting as the Board of Health for all areas of Crow Wing County, and the Crow Wing County Board of Commissioners Ordains:

Section 100. Purpose. Because the Board of Health and the "County" recognizes the public health and public safety issues related to the manufacture of methamphetamine in Clandestine Methamphetamine Labs results in danger to occupants of the property, children and others exposed within or surrounding the property, neighbors, law enforcement officers, the environment and other visitors to said properties; and the Board of Health and the "County" recognizes that the manufacture of Methamphetamine requires the precursor drugs ephedrine and/or pseudoephedrine, and such possession is recognized by state laws to be in violation of said laws when purchased or possessed in above normal usage quantities.

Therefore, the Crow Wing County Board of Health acting as the County wide Board of Health and the Crow Wing County Board of Commissioners have adopted this ordinance in the best interest of the public.

Section 200. Definitions. Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The term "shall" means mandatory and the term "may" means permissive. The following terms shall have the definitions given to them:

a. "Methamphetamine precursor drug" means: A drug or product containing as its major active ingredient, ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, or optical isomers.

b. "Over-the-counter sale" means: A retail sale of a drug or product but does not include the sale of a drug or product pursuant to the terms of a valid prescription.

Section 300. Prohibited Sales.

- a. A business establishment that offers for sale methamphetamine precursor drugs shall ensure that all packages of the drugs are displayed and offered for sale only:
1. behind a checkout counter, within a pharmacy or other controlled counter where the public is not permitted; or
 2. inside a locked display case accessible only by employees of the business establishment.

Section 400. Penalties. Violations of this ordinance may result in the "County" prosecuting as a misdemeanor, any violation of this ordinance.

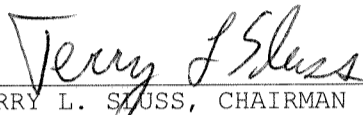
Section 500. Severability and Savings Clause.

If any section or portion of this Ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as an invalidation or effect the validity and enforceability of any other section or provision of this Ordinance.


Section 600. Effective Date.

The County Auditor shall publish the Ordinance in its entirety and the Ordinance shall become effective on the 1st day of January, 2005.

Which resolution being seconded by Commissioner Walters was duly adopted, all members voted "AYE".

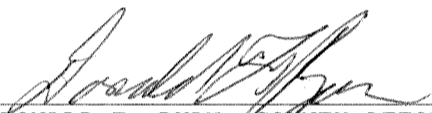

TERRY L. STUSS, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
CROW WING COUNTY, MINNESOTA

ATTEST:


ROY A. LUUKKONEN, COUNTY AUDITOR
CROW WING COUNTY, MINNESOTA

Dated at Brainerd, Minnesota, this 26th day of October 2004.

APPROVED AS TO FORM AND EXECUTION:


DONALD F. RYAN, COUNTY ATTORNEY
CROW WING COUNTY, MINNESOTA

DATED THIS 27 DAY OF NOVEMBER 2004.