

ORDINANCE NO. C-30-77

AN ORDINANCE TO AMEND CHAPTER 513 OF THE CODE OF ORDINANCES ENTITLED "DRUG ABUSE CONTROL" TO INCLUDE NEW SECTION 513.11 ENTITLED "PERSONS WHO MAY SELL, DELIVER, DISTRIBUTE OR POSSESS DANGEROUS DRUGS"; TO INCLUDE NEW SECTION 513.12 ENTITLED "FALSE REGISTRATION CERTIFICATE"; AND TO INCLUDE SECTION 513.13 ENTITLED "BURDEN OF PROOF".

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WHEREAS, the provisions of this ordinance were approved by the Council of the City of Grove City by Ordinance No. C-10-76; and

WHEREAS, Chapter 513 of the Code of Ordinance was rewritten by Ordinance No. C-82-76 and these sections were omitted; and

WHEREAS, the measures in this ordinance will enable the better prosecution of violators of drug abuse by the Division of Police; and

WHEREAS, the additions to the Code of Ordinances will bring this code to conform with the Ohio Revised Code;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT

SECTION 1. Chapter 513 of the Code of Ordinances is hereby amended to include new Section 513.11 which reads:

513.11 Persons who may sell, deliver, distribute or possess dangerous drugs.

(a) No person except a registered wholesale distributor of dangerous drugs shall possess, possess for sale, sell, distribute, or deliver, at wholesale, dangerous drugs; provided that nothing in this division shall prevent a Pharmacist who is a licensed terminal distributor of dangerous drugs from making occasional sales of dangerous drugs at wholesale; and provided, that nothing in this division shall prevent a licensed terminal distributor of dangerous drugs having more than one establishment or place from transferring or delivering dangerous drugs from one such establishment or place for which a license has been issued to such terminal distributor to another such establishment or place for which a license has been issued to such terminal distributor so long as the license issued for each such establishment or place is in effect at the time of such transfer or delivery.

(b) No registered wholesale distributor of dangerous drugs shall possess, possess for sale, or sell, dangerous drugs at wholesale to any person other than the following persons:

- (1) A Practitioner;
- (2) A registered wholesale distributor of dangerous drugs;
- (3) A manufacturer of dangerous drugs;
- (4) A licensed terminal distributor of dangerous drugs;
- (5) Carriers or warehousemen, but only for the purposes of carriage or storage;
- (6) Terminal or wholesale distributors of dangerous drugs who are not engaged in the sale of dangerous drugs within this state.

(c) No person, except a licensed terminal distributor of dangerous drugs, or a practitioner shall purchase for the purpose of resale, possess, possess for sale, or sell, at retail, dangerous drugs. The possession by any person, other than a practitioner, registered wholesale distributor of dangerous drugs, or licensed terminal distributor of dangerous drugs or any dangerous drugs other than insulin, except those drugs obtained lawfully for medical purposes from or upon the prescription of a practitioner, shall constitute presumptive evidence that such person is in violation of this division, provided that a person may lawfully possess or use dangerous drugs pursuant to Section 513.11 of the Code of Ordinances or otherwise as specifically provided by law.

(d) No licensed terminal distributor of dangerous drugs shall purchase for the purpose of resale dangerous drugs from any person other than a registered wholesale distributor of dangerous drugs; provided, that nothing in this section shall prevent a licensed terminal distributor of dangerous drugs from making occasional purchases of dangerous drugs for resale from a pharmacist who is a licensed terminal distributor of dangerous drugs or who is employed by a licensed terminal distributor of dangerous drugs; and, provided, that nothing in this division shall prevent a licensed terminal distributor of dangerous drugs having more than one establishment or place from transferring or receiving dangerous drugs from one such establishment or place for which a license has been issued to such terminal distributor to another such establishment or place for which a license has been issued to such terminal distributor so long as the license issued for each such establishment or place is in effect at the time of such transfer or receipt.

(e) No licensed terminal distributor of dangerous drugs shall engage in the sale or distribution of dangerous drugs at retail or maintain in his possession, custody or control dangerous drugs for any purpose other than for his own use or consumption at any establishment or place other than that described in the license issued by the Board of Pharmacy of such terminal distributor.

(f) Nothing in this section all be construed to interfere with any law enforcement official authorized by City, County, State or Federal law to collect samples of any drug, regardless of it's nature or in whose possession it may be in the performance of his offical duties.

(g) Whoever violates this section is guilty of a misdemeanor of the first degree on the first offense. ORC 4729.51

SECTION 2. Chapter 513 of the Code of Ordinances is hereby amended to include new section 513.12 which reads:

513.12 False Registration Certificate

(a) No person shall make or cause to be made or furnish or cause to be furnished to a wholesale distributor of dangerous drugs, a false or fraudulent certificate required to be furnished to a wholesale distributor of dangerous drugs by Section 513.11 for the purchase of dangerous drugs at wholesale.

(b) No person shall make or cause to be made a false or fraudulent registration certificate of a wholesale distributor of dangerous drugs or a false or fraudulent license of a terminal distributor of dangerous drugs.

(c) No person shall obtain or attempt to obtain a dangerous drug by fraud, deceit, misrepresentation or subterfuge, nor shall any persons make or utter a false or forged prescription for a dangerous drug.

(d) Whoever violates this section is guilty of a misdemeanor of the first degree on a first offense. ORC 4729.61

SECTION 3. Chapter 513 of the Code of Ordinance is hereby amended to include Section 513.13 which reads:

513.13 Burden of Proof

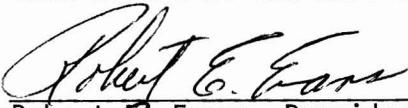
In any complaint or proceeding brought for the enforcement of this chapter, it shall not be necessary to negative any exception, excuse, provision or exemption contained in this chapter, and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the defendant. ORC 4729.02.

SECTION 4. This ordinance shall take effect at the earliest opportunity allowed by law.

Submitted: 4/18/77

Passed: 5/2/77

Effective: 6/1/77

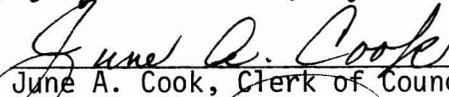


Robert E. Evans, President of Council



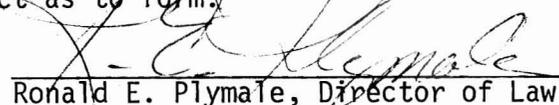
Michael T. Brandt, Mayor

Attest:



June A. Cook, Clerk of Council

I Certify that this ordinance is correct as to form.



Ronald E. Plymale, Director of Law