

LEGISLATIVE ANALYSIS AND PUBLIC POLICY ASSOCIATION

METHAMPHETAMINE AND PRECURSORS: SUMMARY OF STATE LAWS

SEPTEMBER 2022



This project was supported by Grant No. G21990NDCP03A awarded by the Office of National Drug Control Policy. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the Office of National Drug Control Policy or the United States Government. Research current as of September 2022.

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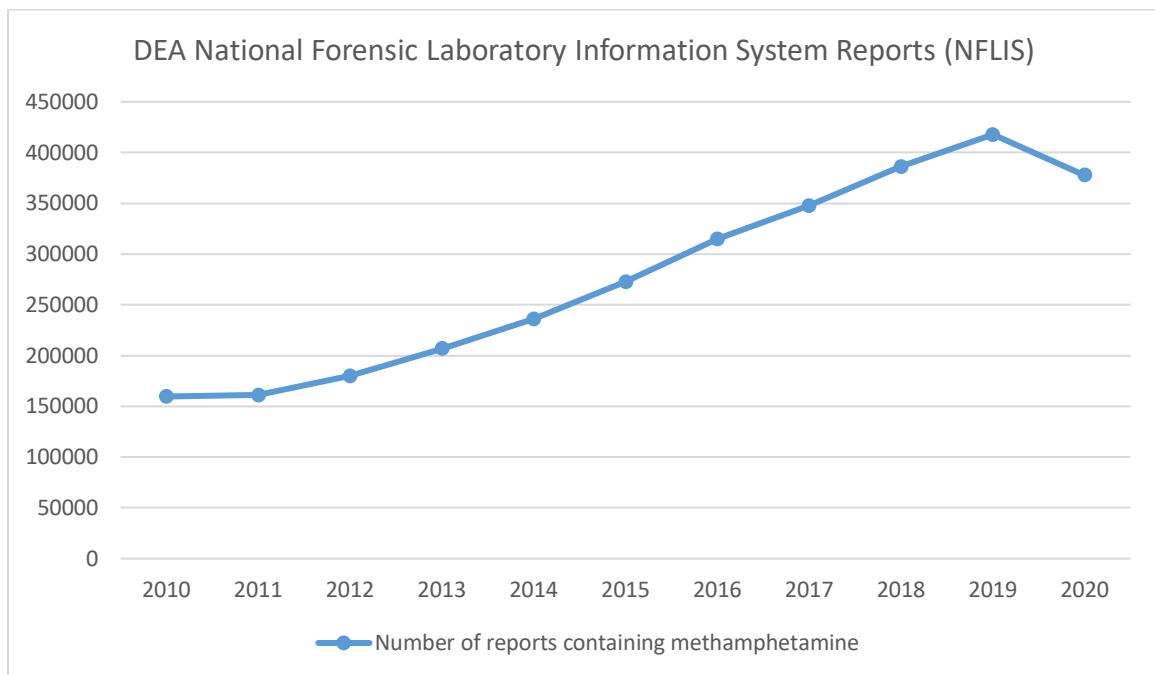
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SUMMARY

With the rise in overdoses caused by prescription drugs, heroin, and fentanyl, recent U.S. media coverage and public policy has focused primarily on opioids. What has received less attention is the fact that methamphetamine use is also on the rise across the country and is gaining momentum. Historically, methamphetamine was most concentrated in the West and Midwest.¹ However, methamphetamine use is increasing in other parts of the United States—most notably, the Northeast—that were previously not major markets for the drug.² United States Drug Enforcement Administration (DEA) data highlight the extent of the increase, as the DEA National Forensic Laboratory Information System (NFLIS) systematically collects results from drug cases submitted to, and analyzed by, participating state, local, and federal forensic laboratories across the country.³ As of August 2022, information is publicly available for each state for 2010 – 2020. These data provide an estimate of the prevalence of individual drugs throughout the country.

The chart below shows the number of NFLIS reports involving methamphetamine in the U.S. by year.⁴



¹ *2020 National Drug Threat Assessment*, U.S. DEP'T OF JUST., DRUG ENF'T ADMIN. 19 (March 2021), [2020 National Drug Threat Assessment \(NDTA\) \(dea.gov\)](#).

² *Id.*

³ *National Forensic Laboratory Information System Questions and Answers (Q&A)*, U.S. DRUG ENF'T ADMIN., DIVERSION CONTROL DIV. 1, [National Forensic Laboratory Information System Questions and Answers \(Q&A\) \(usdoj.gov\)](#).

⁴ *NFLIS Publications*, U.S. DRUG ENF'T ADMIN., DIVERSION CONTROL DIV., [Publications \(usdoj.gov\)](#). Data was retrieved from public data reports for the years 2010 – 2020.

From 2010 to 2011, the number of NFLIS reports across America containing methamphetamine remained largely constant. In the years 2012 to 2019, however, the number of reports increased almost 260 percent (from 160,960 to 417,867). Additionally, methamphetamine went from being the third most frequently identified drug in the country in 2010 (9.32 percent of reports) behind cannabis/THC (34.28 percent) and cocaine (21.44 percent), respectively, to the most frequently identified drug in the U.S. in 2020 (29.42 percent).⁵

Most of the methamphetamine available in America today is produced in Mexico and is smuggled into the country across the Southwest border.⁶ The domestic production of methamphetamine in clandestine laboratories has declined significantly since 2010, with 2019 reporting the lowest number of laboratories since 2000.⁷ The “shake and bake” method of production, using ephedrine or pseudoephedrine tablets in domestic clandestine laboratories, only produces two ounces or less of methamphetamine per batch and contains impurities.⁸ The methamphetamine that comes into the U.S. from Mexico, however, is made in bulk in large laboratories and is pure.⁹ Seizures of methamphetamine sampled through the Methamphetamine Profiling Program averaged 97.2 percent purity for 2019.¹⁰ The high purity of Mexican methamphetamine makes the drug extremely potent, yet despite the high purity and potency, the prices of methamphetamine are low, which makes the drug extremely attractive to users.¹¹ Unable to keep up with the steady flow of cheap, high-grade methamphetamine from Mexico, dealers in America have opted to source their methamphetamine from Mexico as opposed to producing the drugs themselves.

The Legislative Analysis and Public Analysis Association (LAPPA) analyzed the current status of statewide laws and regulations addressing methamphetamine and methamphetamine precursors (such as ephedrine and pseudoephedrine) and created this document in order to: (1) provide a single resource for each state’s laws addressing methamphetamine and methamphetamine precursors; (2) allow for a comparison of these laws between states; and (3) identify and highlight interesting provisions.

LAPPA’s primary conclusions from the analysis of jurisdiction-wide laws and regulations in the 50 states, the District of Columbia, and the U.S. territories addressing methamphetamine and methamphetamine precursors are as follows:

- In descending order (most to least), the ten states with the most NFLIS reports involving methamphetamine in 2020 were: California, Texas, Ohio, Missouri, Arkansas, Florida, Georgia, Kentucky, Tennessee, and Virginia.

⁵ *Table 1. National Estimates for the Most Frequently Identified Drugs: 2020*, U.S. DRUG ENF’T ADMIN., DIVERSION CONTROL DIV. 1 (accessed July 8, 2022).

⁶ U.S. DEP’T OF JUST., DRUG ENF’T ADMIN., *2020 National Drug Threat Assessment*, *supra* note 1 at 19.

⁷ *Id.* at 23.

⁸ *Id.* at 23-24.

⁹ *Id.* at 21.

¹⁰ *Id.* at 19-20.

¹¹ *Id.* at 20.

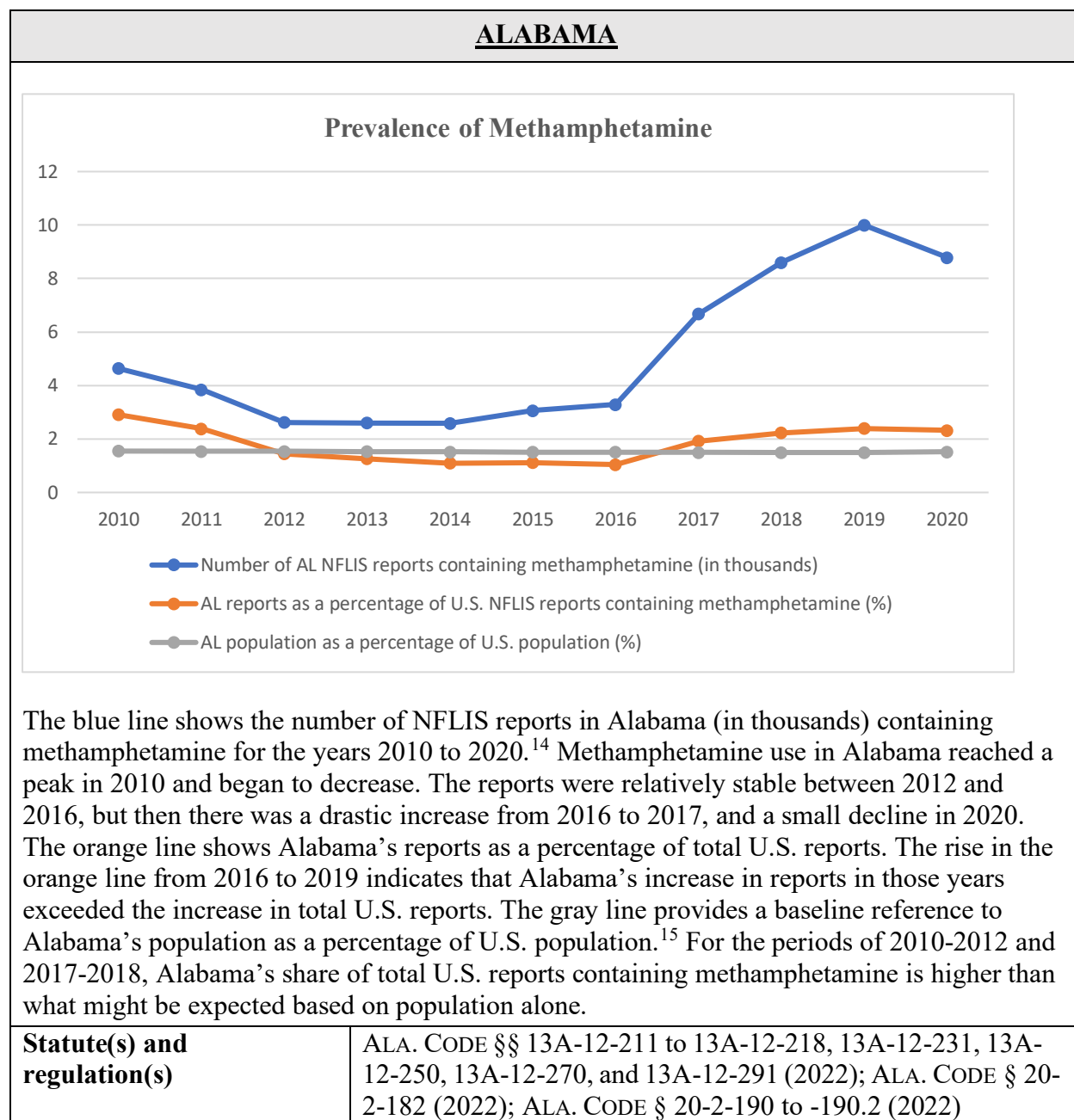
- In ascending order (fewest to most), the ten jurisdictions with the fewest NFLIS reports involving methamphetamine in 2020 were: Connecticut, Delaware, Vermont, the District of Columbia, Hawaii, Maine, Rhode Island, Massachusetts, Alaska, and South Dakota.
- Seven jurisdictions do not have jurisdiction-level restrictions placed on sales of methamphetamine precursors: Connecticut, District of Columbia, Maryland, Massachusetts, New York, Puerto Rico, and Rhode Island.¹²
- Mississippi remains the only state that requires a prescription to purchase products containing ephedrine or pseudoephedrine. Oregon previously required a prescription but amended the rule in December 2021 to provide that products containing ephedrine and pseudoephedrine can be provided to a purchaser without a prescription if certain requirements are met (see the Oregon entry for more information).
- Many jurisdictions do not have clear laws or regulations addressing methamphetamine cleanup, remediation, and disposal of waste.
- The drugged driving statutes in three states—Nevada, Ohio, and Virginia—prohibit driving with a specified concentration of methamphetamine in one’s bloodstream. During the 2019 legislative session, New Mexico considered similar legislation.
- Currently, there are relatively few innovative statutes in this area. Examples of innovative statutes that LAPPa found are:
 - ARIZ. REV. STAT. ANN. § 36-104 – Requires the Director of the Arizona Department of Health Services to identify “successful methamphetamine prevention programs” in other states for use in Arizona.
 - 720 ILL. COMP. STAT. ANN. 646/95 – Requires that 12.5 percent of all fines from violations of the Illinois Methamphetamine Control and Community Protection Act be paid into the “Youth Drug Abuse Prevention Fund.”
 - MONT. CODE ANN. § 53-1-203 – Directs the Montana Department of Corrections: (1) to adopt rules necessary for the establishment and maintenance of residential methamphetamine treatment programs; and (2) to contract with local entities to establish and maintain residential methamphetamine treatment programs for the purpose of alternative sentencing.
 - N.D. CENT. CODE ANN. § 50-06-42 – Requires the North Dakota Department of Human Services to establish a voucher system to address underserved areas and gaps in the state’s substance abuse treatment system and to assist in the payment of addiction treatment services provided by licensed substance abuse treatment programs.
 - 18 PA. STAT. AND CONS. STAT. ANN. § 7508.1 – Creates the Substance Abuse Education and Demand Reduction Fund. Provides for a mandatory cost of \$100 to be automatically assessed on any individual found guilty of certain acts, including violations of the Pennsylvania Controlled Substances Act. Collected amounts are split between the Fund and the county.

¹² Federal limits on methamphetamine precursors still apply. *See* Combat Methamphetamine Epidemic Act of 2005, P.L. 109-177.

- R.I. GEN. LAWS ANN. § 21-28-4.17.1 – Provides that any person convicted of certain controlled substance offenses in Rhode Island is assessed \$400 in addition to other fines. This assessment is placed in a statewide drug education, assessment, and treatment account.
- TENN. CODE ANN. § 39-17-439 –Assesses an alcohol and drug addiction treatment fee of \$100 for each Tennessee conviction of a drug violation. All proceeds go to the alcohol and drug addiction treatment fund.

The remainder of this document provides a jurisdiction-by-jurisdiction review of applicable laws and/or regulations. Within each state, the analysis reviews: (1) NFLIS data showing methamphetamine prevalence; (2) restrictions placed on precursors; (3) criminal penalties for possessing, manufacturing, or trafficking methamphetamine; (4) cleanup and disposal; (5) other statutory provisions of note; and (6) relevant legislation considered in 2019.¹³

¹³ The goal of this research document is to provide accurate and complete information that is free of omissions. If you believe that this document contains misinformation or errors, please email LAPPa at info@thelappa.org.



¹⁴ As of July 2022, NFLIS information regarding the number of drugs reported is publicly available by type and by state for years 2007-2020. *Table 2. State counts for the most frequently identified drugs: 2020*, [Publications \(usdoj.gov\)](#). This data provides an estimate of the prevalence of drugs throughout the country. This table is used for the statistics/charts for each state.

¹⁵ For years 2010 to 2019, U.S. and state populations come from *State Population Totals and Components of Change: 2010 – 2019, Table 1. Annual Estimates of the Resident Population for the United States, Regions, States, and Puerto Rico: April 1, 2010 to July 1, 2019*, U.S. CENSUS BUREAU (last revised Nov. 4, 2021), [State Population Totals: 2010-2019 \(census.gov\)](#). Data for the year 2020 comes from the U.S. Department of Agriculture, Economic Research Service, [Population \(usda.gov\)](#). These tables are used for the statistics/charts for each state.

<u>ALABAMA</u>	
Restrictions placed on precursors	<p>§ 20-2-182 (“License required for furnishing listed precursor chemical; licensing procedure; record of transactions”). A manufacturer, wholesaler, retailer, or other person who sells, transfers, manufacturers, purchases for resale, or otherwise furnishes ephedrine or pseudoephedrine must first obtain, on a biennial basis, a license issued by the Board of Pharmacy.</p> <p>§ 20-2-190 (“Penalties; sale of ephedrine, etc.; Alabama Drug Abuse Task Force”). Restricts the sale of ephedrine and pseudoephedrine to pharmacies licensed by the Alabama Board of Pharmacy. Ephedrine and pseudoephedrine products can only be sold by a licensed pharmacist, a pharmacy technician, or by an employee of the pharmacy under the direct supervision and control of the pharmacist. Requires ephedrine and pseudoephedrine products to be stored behind the pharmacy counter. All retailers of ephedrine and pseudoephedrine products are required to register with the Alcoholic Beverage Control Board to lawfully sell those products to consumers. It is illegal for a customer to purchase more than 3.6 grams per day or more than 7.5 grams per 30 days of ephedrine or pseudoephedrine products. At the point of sale, the purchaser must be at least 18 years old and must provide a valid form of identification. This statute does not apply to products that are obtained with a valid prescription.</p> <p>§ 20-2-190.1 (“Smurfing prohibited”). Criminalizes the practice of smurfing, which is where one or more people act under the direction of another to circumvent state law by purchasing multiple quantities of ephedrine or pseudoephedrine products for the purpose of manufacturing or attempting to manufacture methamphetamine.</p> <p>§ 20-2-190.2 (“Electronic drug offender tracking system”). The electronic drug offender tracking system receives ephedrine and pseudoephedrine sales data from pharmacies. This system can generate a stop sale alert to notify that the purchaser has a previous conviction for a drug-related offense. A convicted drug offender may be prohibited from purchasing precursor products for seven to ten years.</p>

<u>ALABAMA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 13A-12-211 (“Unlawful distribution of controlled substances; possession with intent to distribute a controlled substance”). A person commits the crime of unlawful distribution of a controlled substance if he or she sells, furnishes, gives away, delivers, or distributes a controlled substance. A person commits the crime of unlawful possession with intent to distribute a controlled substance if he or she knowingly possesses more than eight, but less than 28, grams of methamphetamine.</p> <p>§ 13A-12-212 (“Unlawful possession or receipt of controlled substances”). A person commits the crime of unlawful possession of a controlled substance if he or she possesses a controlled substance enumerated in Schedules I through V. A person can also be found to be in possession of a controlled substance if he or she obtains through fraud, deceit, misrepresentation, alteration of a prescription, concealment of a material fact, or by the use of a false name or address a controlled substance, ephedrine, or pseudoephedrine.</p> <p>§ 13A-12-215 (Sale, furnishing, etc., of controlled substances by persons over age 18 to persons under age 18”). It is a Class A felony for someone over the age of 18 to sell, furnish, or give a controlled substance to a person who is under the age of 18.</p> <p>§ 13A-12-217 (Unlawful manufacture of a controlled substance in the second degree”). A person commits the crime of unlawful manufacture of a controlled substance in the second degree if the he or she manufactures a controlled substance or possesses ephedrine or pseudoephedrine in any amount with the intent to manufacture a controlled substance.</p> <p>§ 13A-12-218 (“Unlawful manufacture of a controlled substance in the first degree”). A person commits the crime of unlawful manufacture of a controlled substance in the first degree if he or she violates §13A-12-217 and two or more of the following conditions occurred in conjunction with that violation: (1) Possession of a firearm; (2) Use of a booby trap; (3) Illegal possession, transportation, or disposal of hazardous or dangerous materials or while transporting or causing to be transported materials in furtherance of a clandestine laboratory operation, there was created a substantial risk to human health or safety or a danger to the environment; (4) A clandestine</p>

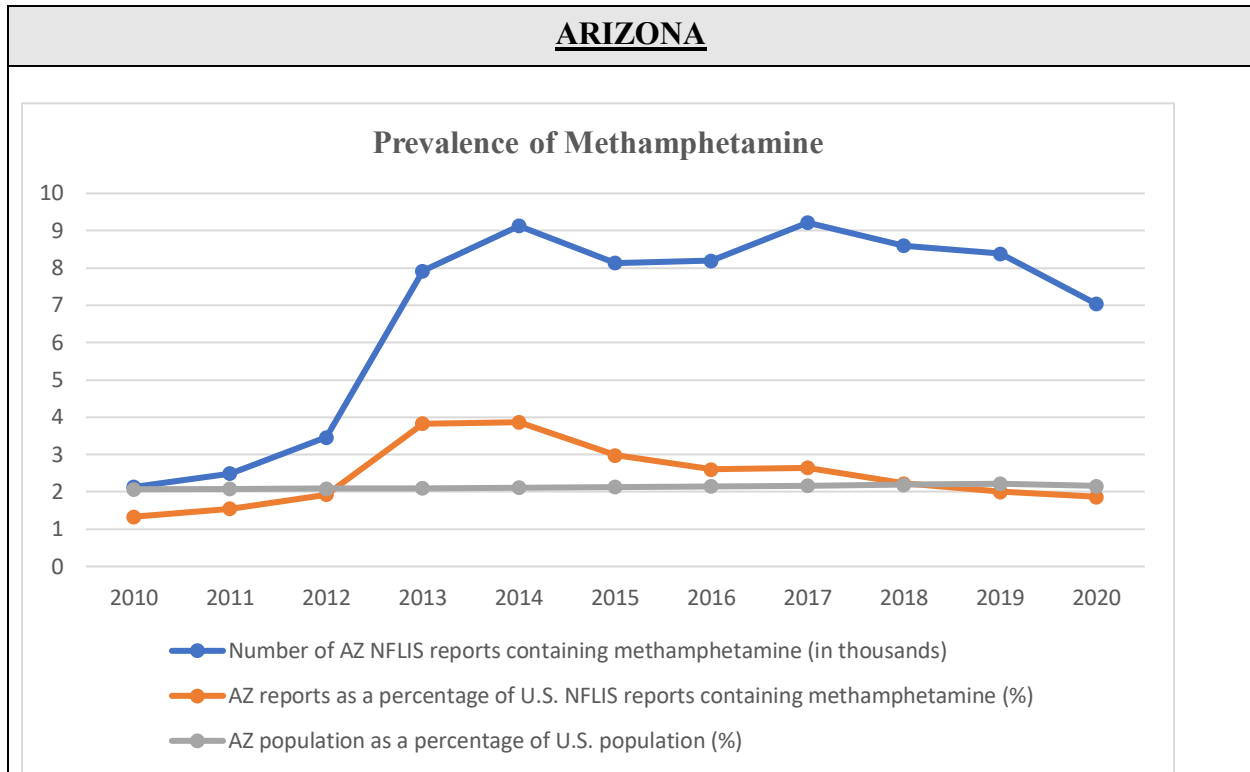
<u>ALABAMA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>laboratory operation took place within 500 feet of a residence, place of business, church, or school; (5) A clandestine laboratory operation actually produced any amount of a specified controlled substance; (6) A clandestine laboratory operation was for the production of controlled substances listed in Schedule I or Schedule II; or (7) A person under the age of 17 was present during the manufacturing process.</p> <p>§ 13A-12-231 (“Trafficking in cannabis, cocaine, etc.; mandatory minimum terms of imprisonment; trafficking in illegal drugs; trafficking in amphetamine and methamphetamine; habitual felony offender act”). Any person who knowingly sells, manufactures, delivers, or brings into the state, or who is knowingly in actual or constructive possession of 28 grams or more of methamphetamine is guilty of trafficking in methamphetamine.</p> <p>§ 13A-12-250 (“Additional penalty if unlawful sale on or near school campus”). An additional penalty of five years of incarceration will be added to the sentence of any person convicted of an unlawful sale of a controlled substance, in which the sale was on the campus or within a three-mile radius of the campus boundaries, of any public or private school, college, university, or other educational institution.</p> <p>§ 13A-12-270 (“Additional penalty for unlawful sale within three-mile radius of public housing project”). An additional penalty of five years of incarceration will be added to the sentence of any person convicted of an unlawful sale of a controlled substance, in which the sale occurred within a three-mile radius of a public housing project owned by a housing authority.</p>
Methamphetamine cleanup and disposal	None.
Other statutory provisions of note	§ 13A-12-291 (“Specific crimes warranting suspension of driver’s license”). A person’s driver’s license will be suspended for the conviction, adjudication, or a finding of delinquency drug trafficking, or the solicitation, attempt or conspiracy to commit drug trafficking, or the unlawful possession with intent to distribute a controlled substance.
Recently proposed legislation	H.B. 56, Reg. Sess. (Ala. 2022) (read first time and referred to judiciary committee; Jan. 11, 2022). Revises sentencing standards relative to habitual offenders; amends § 13A-12-231 to remove provisions related to prior felony convictions.

<u>ALASKA</u>																																																	
<p>Prevalence of Methamphetamine</p> <table border="1"> <caption>Data for Prevalence of Methamphetamine in Alaska (2010-2020)</caption> <thead> <tr> <th>Year</th> <th>Number of AK NFLIS reports containing methamphetamine (in thousands)</th> <th>AK reports as a percentage of U.S. NFLIS reports containing methamphetamine (%)</th> <th>AK population as a percentage of U.S. population (%)</th> </tr> </thead> <tbody> <tr><td>2010</td><td>0.42</td><td>0.26</td><td>0.23</td></tr> <tr><td>2011</td><td>0.38</td><td>0.24</td><td>0.23</td></tr> <tr><td>2012</td><td>0.51</td><td>0.28</td><td>0.23</td></tr> <tr><td>2013</td><td>0.65</td><td>0.31</td><td>0.23</td></tr> <tr><td>2014</td><td>0.56</td><td>0.24</td><td>0.23</td></tr> <tr><td>2015</td><td>0.61</td><td>0.22</td><td>0.23</td></tr> <tr><td>2016</td><td>0.61</td><td>0.20</td><td>0.23</td></tr> <tr><td>2017</td><td>0.67</td><td>0.19</td><td>0.23</td></tr> <tr><td>2018</td><td>0.34</td><td>0.09</td><td>0.23</td></tr> <tr><td>2019</td><td>0.08</td><td>0.02</td><td>0.23</td></tr> <tr><td>2020</td><td>0.79</td><td>0.21</td><td>0.23</td></tr> </tbody> </table>		Year	Number of AK NFLIS reports containing methamphetamine (in thousands)	AK reports as a percentage of U.S. NFLIS reports containing methamphetamine (%)	AK population as a percentage of U.S. population (%)	2010	0.42	0.26	0.23	2011	0.38	0.24	0.23	2012	0.51	0.28	0.23	2013	0.65	0.31	0.23	2014	0.56	0.24	0.23	2015	0.61	0.22	0.23	2016	0.61	0.20	0.23	2017	0.67	0.19	0.23	2018	0.34	0.09	0.23	2019	0.08	0.02	0.23	2020	0.79	0.21	0.23
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<p>The blue line shows the number of NFLIS reports in Alaska (in thousands) containing methamphetamine for the years 2010 to 2020. Methamphetamine reports in Alaska had been trending upward since 2011. However, there was a steep drop in reports between 2017-2019 with a rapid rise in 2020. The orange line shows Alaska’s reports as a percentage of total U.S. reports. The drop in the orange line beginning in 2015 indicates that Alaska’s increase in reports in those years was less than the increase in total U.S. reports. The gray line provides a baseline reference to Alaska’s population as a percentage of U.S. population. Alaska’s share of total U.S. reports containing methamphetamine was higher than what might be expected based on population alone in years 2010-2014, but that has changed in recent years.</p>																																																	
<p>Statute(s) and regulation(s)</p>	<p>ALASKA STAT. ANN. §§ 11.71.010, 11.71.021, and 11.71.030 (West 2022); ALASKA STAT. ANN. § 11.71.210 (West 2022); ALASKA STAT. ANN. § 17.30.090 (West 2022); ALASKA STAT. ANN. §§ 46.03.500 and 46.03.510 (West 2022); ALASKA ADMIN. CODE tit. 18, § 79.010 to 79.900 (2022)</p>																																																

<u>ALASKA</u>	
Restrictions placed on precursors	<p>§ 11.71.210 (“Purchase or receipt of restricted amounts of certain listed chemicals”). It is illegal to purchase more than six grams of ephedrine or pseudoephedrine within any 30-day period. This statute does not apply to more than six grams of ephedrine or pseudoephedrine that was purchased through a valid prescription. Additionally, the statute does not apply to less than 24 grams of ephedrine or pseudoephedrine that was purchased during the ordinary course of a legitimate business or nonprofit organization that is operating a camp, lodge, school, day care center, treatment center, or other organized group activity, and the location or nature of the activity, or the age of the participants makes it impractical for the participants in the activity to obtain medicinal products.</p> <p>§ 17.30.090 (“Sale or purchase of certain listed chemicals”). A retailer may not sell ephedrine or pseudoephedrine products to a customer unless the sale complies with the requirements set forth in 21 U.S.C. § 830 with regards to amounts, identification requirements, storage, access and availability, and logbooks. Additionally, a retailer cannot sell ephedrine or pseudoephedrine products to a person under the age of 16.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 11.71.010 (“Misconduct involving a controlled substance in the first degree”). A person commits the crime of misconduct involving a controlled substance in the first degree if the person delivers any amount of methamphetamine to a person under the age of 19 who is at least three years younger than the person delivering the substance.</p> <p>§ 11.71.021 (“Misconduct involving a controlled substance in the second degree”). A person commits the crime of misconduct involving a controlled substance in the second degree if the person: (1) manufactures any material, compound, mixture, or preparation that contains methamphetamine or an immediate precursor of methamphetamine; (2) possesses an immediate precursor of methamphetamine with the intent to manufacture any material, compound, mixture, or preparation that contains methamphetamine; (3) possesses a listed chemical with intent to manufacture any material, compound, mixture, or preparation that contains methamphetamine;</p>

<u>ALASKA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>(4) possesses methamphetamine in an organic solution with the intent to extract methamphetamine from it; (5) delivers an immediate precursor of methamphetamine to another person with reckless disregard that the precursor will be used to manufacture any material, compound, mixture, or preparation of methamphetamine; or (6) delivers a listed chemical to another person with reckless disregard that the listed chemical will be used to manufacture any material, compound, mixture, or preparation that contains methamphetamine, an immediate precursor of methamphetamine, or methamphetamine in an organic solution. Possessing more than six grams of ephedrine, pseudoephedrine, or phenylpropanolamine is prima facie evidence that the person intends to use the listed chemicals to manufacture, to aid or abet another person to manufacture, or to deliver to another person who intends to manufacture methamphetamine.</p>
Methamphetamine cleanup and disposal	<p>§ 11.71.030 (“Misconduct involving a controlled substance in the second degree”). A person possessing any amount of methamphetamine on or within 500 feet of a school, at or within 500 feet of a recreation or youth center, or on a school bus commits the crime of misconduct involving a controlled substance in the third degree.</p> <p>§ 46.03.500 (“Notice of illegal drug manufacturing site; Internet list”). After law enforcement determines that a site constitutes an illegal drug manufacturing site, the law enforcement agency is required to notify the owner of the property, the occupants and users of the property, and the Alaska Department of Environmental Conservation that the determination has been made. The owner of the property has the option to appeal the determination. The Department is required to maintain on its website a list of all properties for which a notice of illegal drug manufacturing has been issued.</p> <p>§ 46.03.510 (“Restrictions on property”). Until the property has been determined to be fit for use, property in which a notice of illegal drug manufacturing has been issued cannot be transferred, sold, leased, or rented, and a person cannot use or occupy the property at any time after the fourth day following the issuance of the notice. There is an exception, however, in which property can be transferred or sold, if the prospective transferee or purchaser is provided with full written disclosure</p>

<u>ALASKA</u>	
Methamphetamine cleanup and disposal (cont'd)	<p>that the property has been determined to be an illegal drug manufacturing site and is not fit for use.</p> <p>18 AAC 79.010 to 79.900 (“Illegal Drug Manufacturing Sites”). The regulations of the Department of Environmental Conservation detail the protocols for sampling and testing procedures, fitness standards, and decontaminations procedures. The regulations refer to the Department’s <i>Guidance and Standards for Cleanup of Illegal Drug Manufacturing Sites</i> for specific information regarding testing and cleanup.</p>
Other statutory provisions of note	None.
Recently proposed legislation	None.



The blue line shows the number of NFLIS reports in Arizona (in thousands) containing methamphetamine for the years 2010 to 2020. Methamphetamine reports in Arizona showed a steep increase between 2012 and 2014. Since then, annual reports have largely leveled off, with reports showing a slight decline after 2017. The orange line shows Arizona’s reports as a percentage of total U.S. reports. The rise in the orange line from 2011-2013 indicates that Arizona’s increase in reports in those years was more than the increase in total U.S. reports. The gray line provides a baseline reference to Arizona’s population as a percentage of U.S. population. For the years 2012-2018, Arizona’s share of total U.S. reports containing methamphetamine was higher than what might be expected based on population alone, although that difference is decreasing.

<p>Statute(s) and regulation(s)</p>	<p>ARIZ. REV. STAT. ANN. §§ 13-3404 and 13-3404.01 (2022); ARIZ. REV. STAT. ANN. §§ 13-3407 and 13-3407.01 (2022); ARIZ. REV. STAT. ANN. § 13-705 (2022); ARIZ. REV. STAT. ANN. § 32-1977 (2022); ARIZ. REV. STAT. ANN. § 36-104 (2022)</p>
<p>Restrictions placed on precursors</p>	<p>§ 13-3404 (“Sale of precursor or regulated chemicals; report; exemptions; violation; classification”). Places reporting restrictions on “a manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any precursor chemical or regulated chemical to any person in this state.” The reporting requirements do not apply to “the sale, transfer, or furnishing of ordinary ephedrine, pseudoephedrine, (-)-norpseudoephedrine, or phenylpropanolamine products” or</p>

<u>ARIZONA</u>	
Restrictions placed on precursors (cont'd)	<p>the sale of those products for personal use “totaling four packages or less.”</p> <p>§ 13-3404.01 (“Possession or sale of precursor chemicals, regulated chemicals, substances, or equipment; exceptions, classifications”). Places restrictions on the amount of ephedrine, pseudoephedrine, (-)-norpseudoephedrine, or phenylpropanolamine that a person may “knowingly possess” (24 grams), “knowingly purchase” (three packages not to exceed nine grams), or “sell, transfer, or furnish” in a single transaction (nine grams) without a license issued by the Board of Pharmacy.</p> <p>§ 32-1977 (“Sale of methamphetamine precursors by a pharmacy permittee; electronic sales tracking system; violation; classification; state preemption”). Provides daily (3.6 grams) and 30-day (nine gram) limits on pharmacy sales of nonprescription products containing pseudoephedrine or ephedrine. Requires such products to be “behind the counter or in a locked case where a customer does not have direct access.” Requires the purchaser to present valid government-issued identification at the point of sale and for the pharmacy to record certain information and “use an electronic sales tracking system and electronically submit the required information to the national precursor log exchange administered by the national association of drug diversion investigators.” Makes the reporting of sales of ephedrine or pseudoephedrine products a matter of “statewide concern,” not subject to additional local regulation.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 13-3407 (“Possession, use, administration, acquisition, sale, manufacture or transportation of dangerous drugs; classification”). With respect to a “dangerous drug,” which includes methamphetamine, the statute prohibits a person from “knowingly”: (1) possessing or using; (2) possessing for sale; (3) possessing manufacturing equipment or chemicals; (4) manufacturing; (5) administering; (6) procuring the administration by fraud, deceit, misrepresentation, or subterfuge; or (7) transporting for sale. Subsections (E) and (F) provide for enhanced minimum, presumptive, and maximum penalties if the dangerous drug involved is methamphetamine.</p> <p>§ 13-3407.01 (“Manufacturing methamphetamine under circumstances that cause physical injury to a minor; classification”). Makes it a class 2 felony to “knowingly</p>

<u>ARIZONA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>manufacture methamphetamine under any circumstance that causes physical injury to a minor who is under 15 years of age,” as provided in A.R.S. § 13-705.</p> <p>§ 13-705 (“Dangerous crimes against children; sentences; definitions”). Subsection (Q) defines a “dangerous crime against children” to include “manufacturing methamphetamine under circumstances that cause physical injury to a minor.” Subsections (B) and (C) provide the minimum, presumptive, and maximum penalties if the child involved is under age 12, or 12-14, respectively.</p>
Methamphetamine cleanup and disposal	None.
Other statutory provisions of note	<p>§ 36-104 (“Powers and duties;” effective as amended). Provides that the director of the state Department of Health Services “[a]ccept and spend private grants of monies, gifts and devises for the purposes of methamphetamine education” and disburse such funds to “local prosecutorial or law enforcement agencies with existing programs, faith-based organizations and nonprofit entities . . . including [those] providing services to women with a history of dual diagnosis disorders, and that provide educational programs on the repercussions of methamphetamine use.” The statute also directs the director to identify “successful methamphetamine prevention programs” in other states for use in Arizona.</p>
Recently proposed legislation	<p>H.B. 2540, Fifty-fifth Leg., 2nd Reg. Sess. (Ariz. 2022) (read second time in Senate; Feb. 21, 2022). Amends subsection B of § 13-3407 to delete reference to LSD, methamphetamine, and amphetamine for purposes of probation eligibility.</p> <p>H.B. 2736, Fifty-fifth Leg., 2nd Reg. Sess. (Ariz. 2022) (read second time in House; Feb. 14, 2022). Amends subsection B of § 13-3407 to provide that violation of subsection A, paragraph 1 of the statute is a class 3 misdemeanor. Further amends § 13-3407, subsection H, to delete “as determined by the court” to remove provision deemed unconstitutional.</p> <p>S.B. 1450, Fifty-fifth Leg., 2nd Reg. Sess. (Ariz. 2022) (read second time in Senate; Jan. 31, 2022). Amends subsection B of § 13-3407 to provide that violation of subsection A, paragraph 1 of the statute is a class 6 felony.</p>

<u>ARKANSAS</u>																																																	
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Statute(s) and regulation(s)	<p>ARK. CODE ANN. § 5-64-212 (West 2022); ARK. CODE ANN. §§ 5-64-406 to -423 (West 2022); ARK. CODE ANN. § 5-64-440 (West 2022); ARK. CODE ANN. § 5-64-1001 (West 2022); ARK. CODE ANN. §§ 5-64-1101 to -1104 (West 2022); ARK. CODE ANN. §§ 8-7-1402 to -1404 (West 2022)</p>																																																
Restrictions placed on precursors	<p>§ 5-64-212 (“Substances in Schedule V--Ephedrine combination product, pseudoephedrine, and phenylpropanolamine”). Ephedrine combination products, pseudoephedrine, and phenylpropanolamine are designated as Schedule V controlled substances. The Schedule V classification does not apply to products that have been formulated in a way as to prevent the conversion of the active ingredient into methamphetamine, or any ephedrine or pseudoephedrine in liquid, liquid capsule, or liquid gel capsule.</p>																																																

<u>ARKANSAS</u>	
Restrictions placed on precursors (cont'd)	<p>§ 5-64-1101 (“Possession—Penalty”). It is unlawful for any person to possess more than five grams of ephedrine or nine grams of pseudoephedrine or phenylpropanolamine without a prescription. Possession of more than five grams of ephedrine or more than nine grams of pseudoephedrine or phenylpropanolamine is considered prima facie evidence of the intent to manufacture methamphetamine.</p> <p>§ 5-64-1102 (“Possession with purpose to manufacture--Unlawful distribution”). It is unlawful for a person to possess ephedrine, pseudoephedrine, or phenylpropanolamine with the purpose of manufacturing methamphetamine. It is unlawful for a person to sell, transfer, distribute, or dispense any product containing ephedrine, pseudoephedrine, or phenylpropanolamine if the person knows the purchaser will use the products to manufacture methamphetamine or if they have a reckless disregard as to how the product will be used.</p> <p>§ 5-64-1103 (“Sales limits”). Ephedrine, pseudoephedrine, or phenylpropanolamine can only legally be sold in a licensed pharmacy by a licensed pharmacist or a registered pharmacy technician. Except in cases where there is a valid prescription, a pharmacist needs to make a professional determination as to whether there is a legitimate medical and pharmaceutical need for the customer to be sold the ephedrine, pseudoephedrine, or phenylpropanolamine product. A pharmacist can make this determination based on a variety of factors including prior medication-filling history and patient screening. Except with a valid prescription, a pharmacist is not legally allowed to knowingly sell, transfer, or otherwise furnish in a single transaction: (1) more than three packages of one or more products that contain ephedrine, pseudoephedrine, or phenylpropanolamine; or (2) any single package of any ephedrine, pseudoephedrine, or phenylpropanolamine product that contains more than 96 pills, tablets, gel caps, or capsules or more than three grams of ephedrine, pseudoephedrine, or phenylpropanolamine. Pharmacists are also not legally allowed to sell any product containing ephedrine, pseudoephedrine, or phenylpropanolamine to any person under the age of 18.</p> <p>§ 5-64-1104 (“Sales records--Written or electronic log--Proof of purchaser’s identity”). A pharmacy is required to maintain a log of transactions involving the sale of ephedrine, pseudoephedrine, or phenylpropanolamine, and must enter this</p>

<u>ARKANSAS</u>	
Restrictions placed on precursors (cont'd)	<p>information into the real-time electronic logbook. A person purchasing, receiving, or otherwise acquiring ephedrine, pseudoephedrine, or phenylpropanolamine is required to produce a current and valid proof of identity and sign the transaction log.</p> <p>§ 5-64-1001 (“Drug manufacturers, wholesalers, retailers—Recordkeeping”). Any manufacturer, wholesaler, retailer, or other person that sells, transfers, or otherwise furnishes ephedrine, pseudoephedrine, or phenylpropanolamine to any person in Arkansas is required to maintain accurate records of those transactions.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 5-64-406 (“Delivery to minors--Enhanced penalties”). Any person who is 18 years old or older who delivers or traffics methamphetamine to a person under the age of 18 who is at least three years younger than the person is subject to an enhanced sentence.</p> <p>§ 5-64-407 (“Manufacture of methamphetamine in the presence of certain persons--Enhanced penalties”). A person who is found guilty or pled guilty to manufacture of methamphetamine or possession of drug paraphernalia with the purpose to manufacture methamphetamine may be subject to an enhanced sentence if the offense is committed: (1) in the presence of a minor, elderly person, or incompetent person; (2) with a minor, elderly person, or incompetent person in the same home or building where the methamphetamine was being manufactured; or (3) with a minor, elderly person, or incompetent person present in the same immediate area or in the same vehicle at the time of the person’s arrest for the offense.</p> <p>§ 5-64-411 (“Proximity to certain facilities--Enhanced penalties”). A person is subject to an enhanced sentence if the person possesses, delivers, manufactures, or traffics a controlled substance on or within 1,000 feet of a park, school, college, bus stop, recreation center, public housing developments, drug or alcohol treatment facility, day care, church, or shelter.</p> <p>§ 5-64-419 (“Possession of a controlled substance”). It is unlawful for a person to possess methamphetamine in the following amounts: (1) less than two grams is a Class D felony; (2) two grams or more but less than 10 grams is a Class C</p>

<u>ARKANSAS</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>felony; and (3) 10 grams or more but less than 200 grams is a Class B felony.</p> <p>§ 5-64-420 (“Possession of methamphetamine or cocaine with the purpose to deliver”). It is unlawful for a person to possess methamphetamine with the purpose to deliver which can be shown by a variety of factors including: (1) the person possesses the means to weigh, separate, or package methamphetamine; (2) the person possesses a record indicating a drug-related transaction; (3) the methamphetamine is separated and packaged in a manner to facilitate delivery; (4) the person possesses a firearm that is in the immediate physical control of the person at the time of the possession of methamphetamine; (5) the person possesses at least two other controlled substances in any amount; or (6) other relevant and admissible evidence that contributes to the proof that a person’s purpose was to deliver methamphetamine.</p> <p>§ 5-64-422 (“Delivery of methamphetamine or cocaine”). It is unlawful for a person to deliver methamphetamine in the following amounts: (1) delivering less than two grams is a Class C felony; (2) delivering two grams or more but less than 10 grams is a Class B felony; and (3) delivering 10 grams or more but less than 200 grams is a Class Y felony.</p> <p>§ 5-64-423 (“Manufacture of methamphetamine--Manufacture of cocaine”). It is unlawful for a person to manufacture methamphetamine in the following amounts: (1) the manufacture of less than two grams of methamphetamine is a Class C felony; and (2) the manufacture of two grams or more is a Class Y felony. However, if a person manufactures two grams or more of methamphetamine and can show by a preponderance of the evidence that her or she manufactured the methamphetamine for personal use only, then the person will be guilty of a Class A felony as opposed to a Class Y felony. A person who has one or more prior convictions of manufacturing methamphetamine in any amount is a Class Y felony.</p> <p>§ 5-64-440 (“Trafficking a controlled substance”). A person engages in the trafficking of methamphetamine if he or she possesses, delivers, or manufacturers 200 grams or more of methamphetamine.</p>

<u>ARKANSAS</u>	
Methamphetamine cleanup and disposal	<p>§ 8-7-1402 (“Professional cleanup of properties contaminated through the manufacture of controlled substances”). Requires the Division of Environmental Quality to establish and administer a certification program to certify contractors to inspect and clean contaminated properties. Requires the Division to establish standards for the remediation of contaminated properties. Requires the Division to make the certification program rules and remediation standards available to law enforcement and the public.</p> <p>§ 8-7-1403 (“Reporting of properties contaminated through the manufacture of controlled substances”). When a private property owner finds an abandoned methamphetamine laboratory on his or her property and there has been no active on-site law enforcement involvement, the property owner is to notify law enforcement for the proper removal of the contaminated material. If a property owner finds or becomes aware of evidence of a methamphetamine laboratory, the owner must have the property inspected. If the contractor verifies that there was a methamphetamine lab on the property, then the contractor must notify the Division of Environmental Quality. The Division must then place the property on the list of contaminated properties.</p> <p>§ 8-7-1404 (“Recordkeeping required”). The Division of Environmental Quality must maintain a list of contaminated properties and make that list available to law enforcement and the public. A property is to remain on the list until it has been adequately cleaned. When a property is cleaned, the Division is required to post the results of the cleanup on its website for 10 working days, after which the Division will remove the posting from the website and remove the property from the list.</p>
Other statutory provisions of note	None.
Recently proposed legislation	None.

<u>CALIFORNIA</u>																																																	
<p style="text-align: center;">Prevalence of Methamphetamine</p> <table border="1"> <caption>Data for Prevalence of Methamphetamine</caption> <thead> <tr> <th>Year</th> <th>Number of CA NFLIS reports (in thousands)</th> <th>CA reports as a percentage of U.S. reports (%)</th> <th>CA population as a percentage of U.S. population (%)</th> </tr> </thead> <tbody> <tr><td>2010</td><td>50</td><td>32</td><td>12</td></tr> <tr><td>2011</td><td>48</td><td>30</td><td>12</td></tr> <tr><td>2012</td><td>57</td><td>32</td><td>12</td></tr> <tr><td>2013</td><td>62</td><td>30</td><td>12</td></tr> <tr><td>2014</td><td>62</td><td>27</td><td>12</td></tr> <tr><td>2015</td><td>60</td><td>22</td><td>12</td></tr> <tr><td>2016</td><td>67</td><td>21</td><td>12</td></tr> <tr><td>2017</td><td>64</td><td>19</td><td>12</td></tr> <tr><td>2018</td><td>70</td><td>18</td><td>12</td></tr> <tr><td>2019</td><td>72</td><td>17</td><td>12</td></tr> <tr><td>2020</td><td>56</td><td>15</td><td>12</td></tr> </tbody> </table>		Year	Number of CA NFLIS reports (in thousands)	CA reports as a percentage of U.S. reports (%)	CA population as a percentage of U.S. population (%)	2010	50	32	12	2011	48	30	12	2012	57	32	12	2013	62	30	12	2014	62	27	12	2015	60	22	12	2016	67	21	12	2017	64	19	12	2018	70	18	12	2019	72	17	12	2020	56	15	12
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Statute(s) and regulation(s)	Cal. Health & Safety Code § 11100 (West 2022); Cal. Health & Safety Code § 11351 (West 2022); Cal. Health & Safety Code §§ 11379 to 11380.7 (West 2022); Cal. Health & Safety Code §§ 11383.5 and 11383.7 (West 2022); Cal. Health & Safety Code §§ 25400.16 to 25400.46 (West 2022)																																																
Restrictions placed on precursors	Health & Safety Code § 11100 (“Transactions reported; exemptions; punishment; offenses involving minors”). Requires any manufacturer, wholesaler, retailer, or other person or entity in California that sells, transfers, or otherwise furnishes ephedrine or pseudoephedrine to report to the U.S. Department of Justice all those transactions. The reporting requirement does not apply to a pharmacist who sells an ephedrine or pseudoephedrine product to someone with a valid prescription or to any sale, transfer, furnishing, or receipt of any ephedrine																																																

<u>CALIFORNIA</u>	
Restrictions placed on precursors (cont'd)	<p>or pseudoephedrine product that was lawfully sold over the counter without a prescription pursuant to the federal Food, Drug, and Cosmetic Act. The reporting requirement does apply, however, to solid or liquid dosage form ephedrine or pseudoephedrine products, except pediatric liquid forms, in which the transaction involves more than three packages or nine grams of ephedrine or pseudoephedrine.</p> <p>Health & Safety Code § 11383.5 (“Possession with intent to manufacture methamphetamine or N-ethylamphetamine; punishment”). Any person who possesses ephedrine or pseudoephedrine with the intent to manufacture methamphetamine is guilty of a felony and will be punished by imprisonment.</p> <p>Health & Safety Code § 11383.7 (“Possession with intent to sell, transfer, or furnish chemicals to persons having intent to manufacture methamphetamine or N-ethylamphetamine; punishment”). Any person who possesses ephedrine or pseudoephedrine with the intent to sell, transfer, or otherwise furnish those products to another person with the knowledge that they will be used to manufacture methamphetamine will be guilty of a felony and will be punished by imprisonment.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>Health & Safety Code § 11351 (“Possession or purchase for sale of designated controlled substances; punishment”). Any person who possesses for sale or purchases for the purposes of sale a controlled substance will be punished by imprisonment.</p> <p>Health & Safety Code § 11379 (“Transportation, sale, furnishing, etc.; punishment; definition; prosecution under aiding and abetting, accessory, or conspiracy theory”). Any person who transports, imports into the state, sells, furnishes, administers, or gives away, or offers to transport, import into the state, sell, furnish, administer, or give away, or attempts to import into the state or transport any controlled substance is to be punished by imprisonment. If a person is convicted of selling, transporting, or otherwise distributing drugs unlawfully across two or more California counties, they can be sentenced to up to nine years in prison.</p>

<u>CALIFORNIA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>Health & Safety Code § 11379.6 (“Manufacturing, compounding, converting, producing, deriving, processing or preparing by chemical extraction or independently by means of chemical synthesis enumerated controlled substances; factor in aggravation; terms of imprisonment; fines”). Any person who manufactures a controlled substance will be punished by imprisonment and by a fine not exceeding \$50,000. The manufacture of methamphetamine within 200 feet of an occupied residence or any structure where another person was present at the time of the offense may be considered an aggravating factor. All fines collected pursuant to this offense will be transferred to the State Treasury for deposit in the Clandestine Drug Lab Clean-up Account.</p> <p>Health & Safety Code § 11379.7 (“Convictions for specified violations involving methamphetamine or phencyclidine; structures where underage child present; great bodily injury suffered by underage child; additional punishment”). Where the manufacture of methamphetamine occurs in a structure where any child under the age of 16 is present, an additional term of two years in prison will be added to the sentence. Where the manufacture of methamphetamine results in any child under the age of 16 to suffer great bodily injury, an additional term of five years in prison will be added to the sentence.</p> <p>Health & Safety Code § 11379.9 (“Death or great bodily injury of another person; use of methamphetamine or phencyclidine; punishment”). When the manufacture of methamphetamine results in the death or great bodily injury of another person other than an accomplice, an additional term of one year in prison for each death or injury will be added to the sentence.</p> <p>Health & Safety Code § 11380 (“Adult using minor as agent; inducing minor to violate provisions; furnishing to minor; punishment”). Any person 18 years of age or over who uses a minor as an agent, who solicits, induces, encourages, or intimidates any minor with the intent that the minor violate a controlled substance law, or who unlawfully furnishes, offers to furnish, or attempts to furnish controlled substances to a minor will be punished by imprisonment of up to nine years.</p>

<u>CALIFORNIA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	Health & Safety Code § 11380.7 (“Additional penalty for trafficking violation on the grounds of, or within 1,000 feet of, drug treatment center, detoxification facility, or homeless shelter; mitigating factors; definitions”). Any person who is convicted of trafficking in methamphetamine or of a conspiracy to commit trafficking of methamphetamine would receive an additional one year of prison if the violation occurred on or within 1,000 feet of a drug treatment center, detoxification facility, or homeless shelter.
Methamphetamine cleanup and disposal	<p>Health & Safety Code § 25400.16 (“Standards for deciding when property contaminated by methamphetamine laboratory activity is safe for human occupancy; adoption of stricter standards”). Property contaminated by methamphetamine laboratory activity is safe for human occupancy only if the level of methamphetamine on an indoor surface is less than or equal to 1.5 micrograms per 100 square centimeters. Additionally, the total level of lead must be less than or equal to 20 micrograms per square foot, and the level of mercury must be less than or equal to 50 nanograms per cubic meter in the air.</p> <p>Health & Safety Code § 25400.18 (“Posting of written notice of potential contamination of property by a methamphetamine laboratory activity; contents”). Within 48 hours after receiving notification from a law enforcement agency of potential contamination of property by a methamphetamine laboratory activity, the local health officer must post a written notice in a prominent location on the premises of the property.</p> <p>Health & Safety Code § 25400.19 (“Inspection of property”). Within five working days after receiving a notification from a law enforcement agency of known or suspected contamination of a property by a methamphetamine laboratory activity, or upon notification from the property owner, the local health officer must inspect the property. The local health officer will determine the cause of the contamination and responsibility for the remediation. The property inspection will include obtaining evidence of the hazardous chemical use or storage and documentation of evidence of any chemical stains, cooking activity, and release or spillage of hazardous chemicals used to manufacture methamphetamine.</p>

<u>CALIFORNIA</u>	
Methamphetamine cleanup and disposal (cont'd)	<p>Health & Safety Code § 25400.25 (“Vacating affected unit determined to be in hazardous zone by local health officer; termination of tenancy by mobile home park or special occupancy park owner; remediation”). The property owner and any person occupying property that is the subject of any order is required to immediately vacate the affected unit. No later than 30 days after receiving the order, the property owner must demonstrate to the local health officer that he or she has retained a methamphetamine laboratory site remediation firm that is an authorized contractor.</p> <p>Health & Safety Code § 25400.46 (“Liability for costs”). A property owner who receives an order issued by a local health officer is liable, and must pay, for all costs associated with the contaminated property. If the person who conducts the methamphetamine laboratory on a property and is not the owner of that property, the person is liable, and must reimburse the owner of the property, for any costs that the property owner may incur pursuant to the clean-up.</p>
Other statutory provisions of note	None.
Recently proposed legislation	None.

<u>COLORADO</u>																																																	
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<p>The blue line shows the number of NFLIS reports in Colorado (in thousands) containing methamphetamine for the years 2010 to 2020. Methamphetamine reports in Colorado increased steadily from 2011 to 2019, with a sharp decline in 2020. The orange line shows Colorado’s reports as a percentage of total U.S. reports. The relatively level nature of the line shows that the increase in Colorado reports has generally matched the overall increase in U.S. reports. The gray line provides a baseline reference to Colorado’s population as a percentage of U.S. population. Over the 11-year period, Colorado’s share of total U.S. reports containing methamphetamine was at or below what might be expected based on population alone.</p>																																																	
Statute(s) and regulation(s)	<p>COLO. REV. STAT. ANN. §§ 18-18-403.5 to 18-18-405 (West 2022); COLO. REV. STAT. ANN. §§ 18-18-411, 18-18-412.5, and 18-18-412.8 (West 2022); COLO. REV. STAT. ANN. §§ 25-18.5-102, 25-18.5-103, and 25-18.5-108 (West 2022); 6 COLO. CODE REGS. §§ 1014-3:1-1.0 to 1014-3:3-5.0 (2022)</p>																																																
Restrictions placed on precursors	<p>§ 18-18-412.5 (“Unlawful possession of materials to make methamphetamine and amphetamine—penalty”). It is a level 2 drug felony for a person to possess ephedrine, pseudoephedrine, or phenylpropanolamine with the intent to use the product as an immediate precursor in the manufacture of methamphetamine.</p> <p>§ 18-18-412.8 (“Retail sale of methamphetamine precursor drugs--unlawful acts—penalty”). A person is prohibited from purchasing more than 3.6 grams of a methamphetamine precursor drug or a combination of two or more</p>																																																

<u>COLORADO</u>	
Restrictions placed on precursors (cont'd)	<p>methamphetamine precursor drugs during any 24-hour period. Methamphetamine precursor drugs must be stored in an area of the store in which the public does not have access. It is illegal to sell a methamphetamine precursor drug to a person under the age of 18. This statute does not apply to a substance contained in any package that is labeled by the manufacturer as intended for pediatric use.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 18-18-403.5 (“Unlawful possession of a controlled substance”). The unlawful possession of methamphetamine is a level 4 drug felony.</p> <p>§ 18-18-404 (“Unlawful use of a controlled substance”). Any person who uses a controlled substance, except when it is dispensed by or under the direction of a person licensed to prescribe, administer, or dispense the controlled substance for medical needs, commits a level 2 drug misdemeanor.</p> <p>§ 18-18-405 (“Unlawful distribution, manufacturing, dispensing, or sale”). It is unlawful for any person to knowingly manufacture, dispense, sell, distribute, or possess with the intent to manufacture, dispense, sell, or distribute a controlled substance. A violation involving more than 112 grams of methamphetamine, or an adult selling any quantity of a Schedule I or Schedule II controlled substance to a minor where the adult is at least two years older than the minor, is a level 1 drug felony that is subject to the mandatory sentencing provisions. A violation involving more than seven grams, but less than 112 grams of methamphetamine is a level 2 drug felony. A violation involving not more than seven grams of methamphetamine is a level 3 drug felony.</p> <p>§ 18-18-411 (“Keeping, maintaining, controlling, renting, or making available property for unlawful distribution or manufacture of controlled substances”). It is unlawful for any person to knowingly or intentionally open or maintain any place that the person knows is used for the purpose of unlawfully manufacturing a controlled substance. It is also unlawful to manage or control any building, room, or enclosure and knowingly or intentionally rent, lease, or make available for use the building, room, or enclosure that the person knows is being used to unlawfully manufacture a controlled substance.</p>

<u>COLORADO</u>	
Methamphetamine cleanup and disposal	<p>§ 25-18.5-102 (“Illegal drug laboratories—rules”). Directs the state Board of Health to promulgate rules pertaining to the cleanup of illegal drug laboratories. Requires the establishment of fees and administrative penalties.</p> <p>§ 25-18.5-103 (“Discovery of illegal drug laboratory--property owner--cleanup—liability”). Once notified that chemical, equipment, or supplies of an illegal drug laboratory are located on a property, the owner of the property is required to meet the clean-up standards or demolish the property. The owner of personal property within a contaminated property has 10 days from the date of discovery of the laboratory to remove his or her personal property. If the personal property owner fails to remove the personal property within 10 days, the personal property can be disposed of during the clean-up process without liability to the owner of the personal property.</p> <p>§ 25-18.5-108 (“Illegal drug laboratory fund”). An illegal drug laboratory fund is established in the state treasury. Fees collected under Sec. 25-18.5-102(2) are credited to the fund. The funds are used for the implementation of the illegal drug laboratory clean-up laws.</p> <p>6 CCR 1014-3 (“Purpose and applicability”). This regulation from the Colorado State Board of Health details the requirements and protocols related to the clean-up of methamphetamine affected properties.</p>
Other statutory provisions of note	None.
Recently proposed legislation	None.

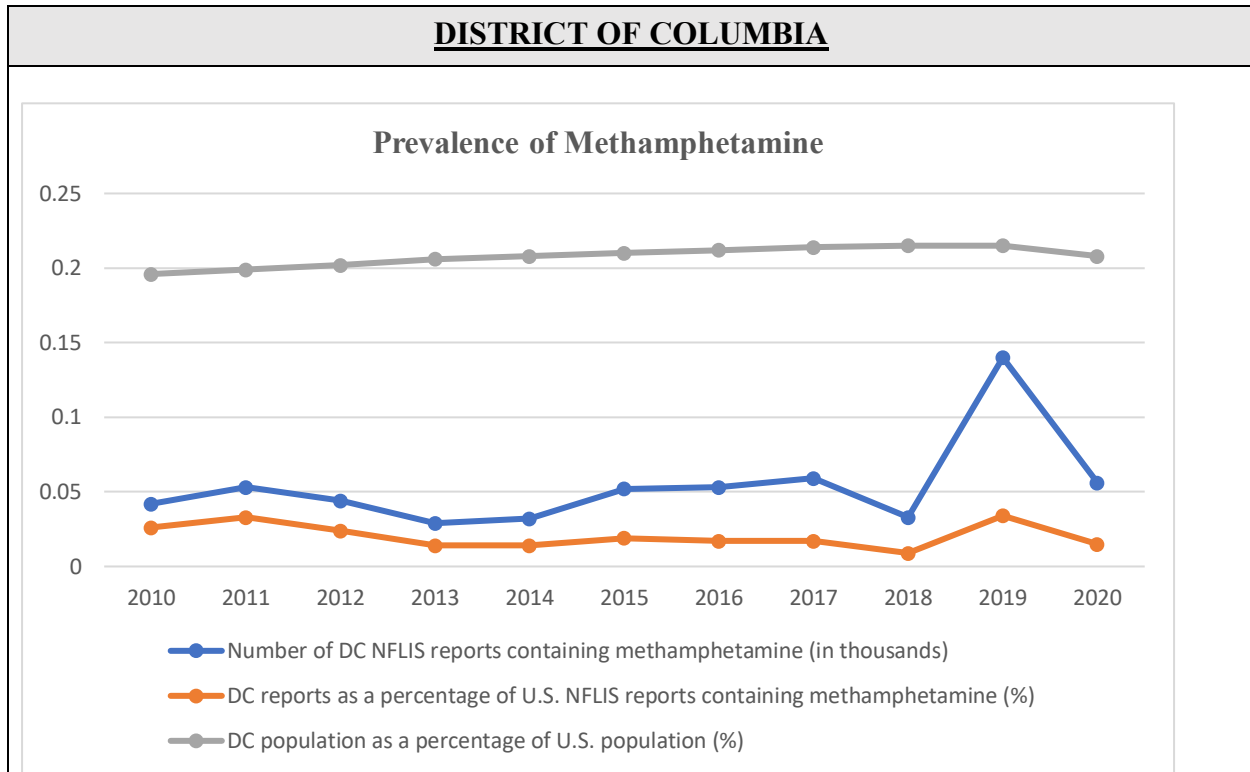
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<p>The blue line (partially hidden by the orange line) shows the number of NFLIS reports in Connecticut (in thousands) containing methamphetamine for the years 2010 to 2020. Methamphetamine reports in Connecticut have remained quite low over the 11-year period. The orange line shows Connecticut’s reports as a percentage of total U.S. reports. The gray line provides a baseline reference to Connecticut’s population as a percentage of U.S. population. Over the entire 11-year period, Connecticut’s share of total U.S. reports containing methamphetamine was lower than what might be expected based on population alone.</p>																																																	
Statute(s) and regulation(s)	CONN. GEN. STAT. ANN. §§ 21a-277 to -279 (West 2022)																																																
Restrictions placed on precursors	Not addressed by state law.																																																
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 21a-277 (“Penalty for illegal manufacture, distribution, sale, prescription, dispensing”). It is illegal for any person to manufacture, distribute, sell, prescribe, dispense, compound, have the intent to sell or dispense, or possess with the intent to sell or dispense any controlled substance.</p> <p>§ 21a-278 (“Penalty for illegal manufacture, distribution, sale, prescription or administration by non-drug-dependent person”). Increases the sentence for the act of manufacturing, distributing, selling, prescribing, dispensing, or intending to sell or dispense a controlled substance if a non-drug-dependent person conducts the illegal activity.</p>																																																

<u>CONNECTICUT</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 21a-278a (“Penalty for illegal manufacture, distribution, sale, prescription or administration”). Any person who is 18 years old or older, who is not a drug-dependent person, that distributes, sells, prescribes, dispenses, offers, or gives any controlled substance to another person who is under the age of 18 and is at least two years younger than the person will be imprisoned for two years. The manufacturing, distributing, selling, prescribing, dispensing, compounding, transporting with the intent to sell or dispense, possessing with the intent to sell or dispense, offering, giving, or administering to another person any controlled substance with intent to commit such violation at a specific location that the trier of facts determines is (1) in or on the real property comprising (A) a public or private elementary or secondary school, (B) a public housing project, (C) a licensed child care center, that is identified as a child care center by a sign posted in a conspicuous place, or (2) within 200 feet of the perimeter of the real property comprising such place, shall be imprisoned for a term of three years, which shall not be suspended and shall be in addition and consecutive to any term of imprisonment imposed for another violation. Any person who employs, uses, or persuades a person under the age of 18 to participate in the violation of these laws will be imprisoned for a term of three years.</p> <p>§ 21a-279 (“Penalty for illegal possession. Alternative sentences. Immunity”). Possessing any quantity of any controlled substance is a class A misdemeanor. This provision does not apply to a person: (1) who in good faith, seeks medical assistance for another person who they reasonably believe is experiencing an overdose; (2) for whom another person, in good faith, seeks medical assistance, reasonably believing such person is experiencing an overdose; or (3) who reasonably believes he or she is experiencing an overdose.</p>
Methamphetamine cleanup and disposal	Not addressed by state law.
Other statutory provisions of note	None.
Recently proposed legislation	None.

<u>DELAWARE</u>																																																	
<p>Prevalence of Methamphetamine</p> <table border="1"> <caption>Data for Prevalence of Methamphetamine in Delaware (2010-2020)</caption> <thead> <tr> <th>Year</th> <th>Number of DE NFLIS reports (in thousands)</th> <th>DE reports as a percentage of U.S. reports (%)</th> <th>DE population as a percentage of U.S. population (%)</th> </tr> </thead> <tbody> <tr><td>2010</td><td>0.005</td><td>0.005</td><td>0.29</td></tr> <tr><td>2011</td><td>0.008</td><td>0.008</td><td>0.29</td></tr> <tr><td>2012</td><td>0.015</td><td>0.012</td><td>0.29</td></tr> <tr><td>2013</td><td>0.025</td><td>0.015</td><td>0.29</td></tr> <tr><td>2014</td><td>0.005</td><td>0.005</td><td>0.29</td></tr> <tr><td>2015</td><td>0.010</td><td>0.008</td><td>0.29</td></tr> <tr><td>2016</td><td>0.025</td><td>0.010</td><td>0.29</td></tr> <tr><td>2017</td><td>0.065</td><td>0.020</td><td>0.29</td></tr> <tr><td>2018</td><td>0.180</td><td>0.045</td><td>0.29</td></tr> <tr><td>2019</td><td>0.020</td><td>0.005</td><td>0.29</td></tr> <tr><td>2020</td><td>0.030</td><td>0.010</td><td>0.29</td></tr> </tbody> </table>		Year	Number of DE NFLIS reports (in thousands)	DE reports as a percentage of U.S. reports (%)	DE population as a percentage of U.S. population (%)	2010	0.005	0.005	0.29	2011	0.008	0.008	0.29	2012	0.015	0.012	0.29	2013	0.025	0.015	0.29	2014	0.005	0.005	0.29	2015	0.010	0.008	0.29	2016	0.025	0.010	0.29	2017	0.065	0.020	0.29	2018	0.180	0.045	0.29	2019	0.020	0.005	0.29	2020	0.030	0.010	0.29
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<p>The blue line shows the number of NFLIS reports in Delaware (in thousands) containing methamphetamine for the years 2010 to 2020. Methamphetamine reports in Delaware were stable until 2015 when they began to increase with a steep increase between 2016 and 2018. There was a sharp drop in reports in 2019, and a slight rise in 2020. The orange line shows Delaware’s reports as a percentage of total U.S. reports. The increase in the orange line starting in 2016 indicates that from that point to 2018, Delaware’s rate of increase has been more than the rate of increase in total U.S. reports. The gray line provides a baseline reference to Delaware’s population as a percentage of U.S. population. Over the 11-year period, Delaware’s share of total U.S. reports containing methamphetamine was lower than what might be expected based on population alone.</p>																																																	
Statute(s) and regulation(s)	<p>DEL. CODE ANN. tit. 16 § 4740 (West 2022); DEL. CODE ANN. tit. 16 §§ 4751C to 4756 (West 2022); DEL. CODE ANN. tit. 16 § 4760A (West 2022); DEL. CODE ANN. tit. 16 § 4767 (West 2022)</p>																																																
Restrictions placed on precursors	<p>§ 4740 (“Sale of pseudoephedrine or ephedrine”). Requires a pharmacy or retailer that sells any products with detectable quantities of pseudoephedrine or ephedrine to record information from each sale of products containing pseudoephedrine or ephedrine into the National Precursor Log Exchange system. Pseudoephedrine and ephedrine products can only be stored behind a checkout counter, pharmacy counter, or in a locked storage container where the public is not permitted. A customer must be 18 years or older to purchase ephedrine or</p>																																																

<u>DELAWARE</u>	
Restrictions placed on precursors (cont'd)	pseudoephedrine products and are required to show photo ID and sign a log at the time of sale. A person is not allowed to acquire more than 9 grams of any ephedrine or pseudoephedrine product within any 30-day period.
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 4751C (“Quantity tiers related to drug offenses”). Tier 3 controlled substances quantity means 25 grams or more of methamphetamine, or of any mixture containing such substance, or of amphetamine. Tier 2 controlled substances quantity means 10 grams or more of methamphetamine, or of any mixture containing such substance, or of amphetamine. Tier 1 controlled substances quantity means 5 grams or more of methamphetamine, or of any mixture containing such substance, or of amphetamine.</p> <p>§ 4752 (“Drug dealing or possession; class B felony”). It is unlawful for any person to: (1) manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance in a tier 3 quantity; (2) possess a controlled substance in a tier 3 quantity; or (3) manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance in a tier 2 quantity and an aggravating factor applies. Violation of this statute is a class B felony.</p> <p>§ 4752B (“Drug dealing--Resulting in death; class B felony”). A person is guilty of drug dealing resulting in death when the person delivers five grams or more of methamphetamine to another person and the product causes the death of the person who consumed it. It is an affirmative defense if the defendant made a good faith effort to promptly seek, provide, or obtain medical or law enforcement assistance to another who was experiencing a medical emergency after using the drug.</p> <p>§ 4753 (“Drug dealing or possession; class C or E felony”). It is unlawful for any person to: (1) manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance in a tier 2 quantity; or (2) possess a controlled substance in a tier 2 quantity. Violation of (1) is a class C felony. Violation of (2) is a class E felony.</p>

<u>DELAWARE</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 4754 (“Drug dealing; class D felony”). It is a class D felony to manufacture, deliver, or possess with the intent to manufacture or deliver a controlled substance.</p> <p>§ 4756 (“Drug possession; class G or F felony”). It unlawful for any person to possess a controlled substance in a tier 1 quantity. Violation is a class G felony.</p>
Methamphetamine cleanup and disposal	<p>§ 4760A (“Operating or attempting to operate clandestine laboratories; cleanup; penalties”). It is a class C felony to knowingly operate or attempt to operate a clandestine laboratory. Any person convicted of this violation will be responsible for all costs associated with the clean-up of the site and any other site that was contaminated as a result of the operation or disposal of materials from the clandestine laboratory.</p>
Other statutory provisions of note	<p>§ 4767 (“First offenders controlled substances diversion program”). Any person who has not previously been convicted of any Delaware, other state, or federal drug offense and has not previously been afforded first offender treatment, may qualify for the first offenders controlled substances diversion program at the time of the person’s arraignment, with certain exceptions. A first offender who elects treatment must admit possession or consumption of a controlled substance by entering a guilty plea. The court may then defer further proceedings and place the accused on probation for a period of not less than one and a half years. The terms of the probation can include the revocation of the person’s driver’s license and/or privileges within the state for a minimum of six months, a minimum of 20 hours of community service work, or the completion of a 16-hour first-offender drug rehabilitation program. If a term or condition of the probation is violated or if the defendant is found to have illegally possessed or consumed any controlled substance within the one and a half years, then the court will enter an adjudication of guilt and proceed as otherwise provided under the law.</p>
Recently proposed legislation	None.



The blue line shows the number of NFLIS reports in the District of Columbia (in thousands) containing methamphetamine for the years 2010 to 2020. Methamphetamine reports in the District of Columbia were relatively steady from 2010-2018. As in other states, there was a sharp increase in reports in 2019 and a steep decline in reports in 2020. The orange line shows the District of Columbia’s reports as a percentage of total U.S. reports. Given the reduction in number of reports, the downward sloping orange line is not surprising. The gray line provides a baseline reference to the District of Columbia’s population as a percentage of U.S. population. Over the 11-year period, the District of Columbia’s share of total U.S. reports containing methamphetamine has been lower than what might be expected based on population alone.

Statute(s) and regulation(s)	D.C. CODE ANN. §§ 48-904.01, 48-904.03a, 48-904.06 to -904.07a (West 2022)
Restrictions placed on precursors	Not addressed by law.
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	§ 48-904.01 (“Prohibited acts A; penalties”). It is unlawful for any person to knowingly or intentionally manufacture, distribute, or possess with the intent to manufacture or distribute a controlled substance. Any person that violates this statute with respect to methamphetamine may be imprisoned up to five years, fined \$12,500, or both upon conviction.

<u>DISTRICT OF COLUMBIA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 48-904.03a (“Prohibited acts D; penalties”). It is unlawful for any person to knowingly open or maintain any place to manufacture, distribute, or store for the purpose of manufacturing or distributing an abusive drug. Any person that violates this statute will be imprisoned for not less than five years nor more than 25 years, fined no more than \$75,000, or both.</p> <p>§ 48-904.06 (“Distribution to minors”). Any person who is 21 years old or older who distributes methamphetamine to a person who is under 18 years old may be punished by fine, by a term of imprisonment that is up to twice the original charge, or both.</p> <p>§ 48-904.07 (“Enlistment of minors to distribute”). Any person who is 21 years old or older who enlists, hires, contracts, or encourages any person under the age of 18 to sell or distribute any controlled substance will be imprisoned for no more than 10 years, fined \$25,000, or both if convicted. Upon a second or subsequent conviction, the person may be imprisoned for no more than 20 years, fined \$50,000, or both.</p> <p>§ 48-904.07a (“Drug free zones”). Any person distributing or possessing with the intent to distribute a controlled substance within a drug free zone will be punished with a fine up to twice prescribed by the original violation, by a term of imprisonment up to twice prescribed by the original violation, or both.</p>
Methamphetamine cleanup and disposal	Not addressed by law.
Other statutory provisions of note	None.
Recently proposed legislation	L.B. 416, Council Period 24 (D.C. 2021) (public hearing held Dec. 16, 2021). Bill would repeal all statutes listed in this entry.

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Statute(s) and regulation(s)	<p>Fla. Stat. Ann. §§ 893.13, 893.135, 893.1351, and 893.1495 (West 2022); Fla. Admin. Code Ann. r. 11D-2.005 (2022)</p>																																																
Restrictions placed on precursors	<p>§ 893.1495 (“Retail sale of ephedrine and related compounds”). A person may not knowingly obtain or deliver to an individual in any retail over-the-counter sale any nonprescription ephedrine or pseudoephedrine product in an amount over 3.6 grams per day or 9 grams in a 30-day period. Additionally, a person cannot obtain more than three packages of an ephedrine or pseudoephedrine product, regardless of weight, in a single retail sale. Ephedrine and pseudoephedrine products must be kept behind a checkout counter or in another location that is not accessible to the public. The owner or primary operator of the retail outlet where ephedrine or pseudoephedrine products are sold may not knowingly allow an employee to sell these</p>																																																

<u>FLORIDA</u>	
Restrictions placed on precursors (cont'd)	<p>products unless the employee has completed an employee training program. A person must be at least 18 years old to purchase an ephedrine or pseudoephedrine product and must produce a government-issued photo ID and sign a log at the time of sale.</p> <p>R. 11D-2.005 (“Methamphetamine Precursor Electronic Monitoring System”). All pharmacies and retailers in the state that sell nonprescription ephedrine or pseudoephedrine products are required to participate in the methamphetamine precursor electronic monitoring system. A retailer can request an exemption from electronic reporting if the retailer lacks the technology to access NPLEx, and the retailer maintains a sales volume of less than 72 grams of ephedrine or pseudoephedrine products in a 30-day period.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 893.13 (“Prohibited acts; penalties”). Except as otherwise authorized provided by law:</p> <p>(1) a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance. Violation with regard to methamphetamine is a felony of the second degree;</p> <p>(2) a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance: (a) in, on, or within 1,000 feet of the real property comprising a child care facility or a public or private elementary, middle, or secondary school between the hours of 6am and midnight; or (b) at any time in, on, or within 1,000 feet of real property comprising a state, county, or municipal park, a community center, or a publicly owned recreational facility. Violation with regard to methamphetamine is a felony in the first degree;</p> <p>(3) a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or delivery, a controlled substance in, on, or within 1,000 feet of the real property comprising: (a) a public or private college, university, or other postsecondary educational institution; (b) a physical place for worship at which a church or religious organization regularly conducts religious services; (c) a convenience business; (d) a public housing facility; (e) a mental health facility; (f) a health care facility which provides substance use disorder treatment; (g) a licensed service provider as defined by law; (h) a facility providing services that include clinical treatment, intervention, or prevention; (i) a recovery residence; (j) an assisted living</p>

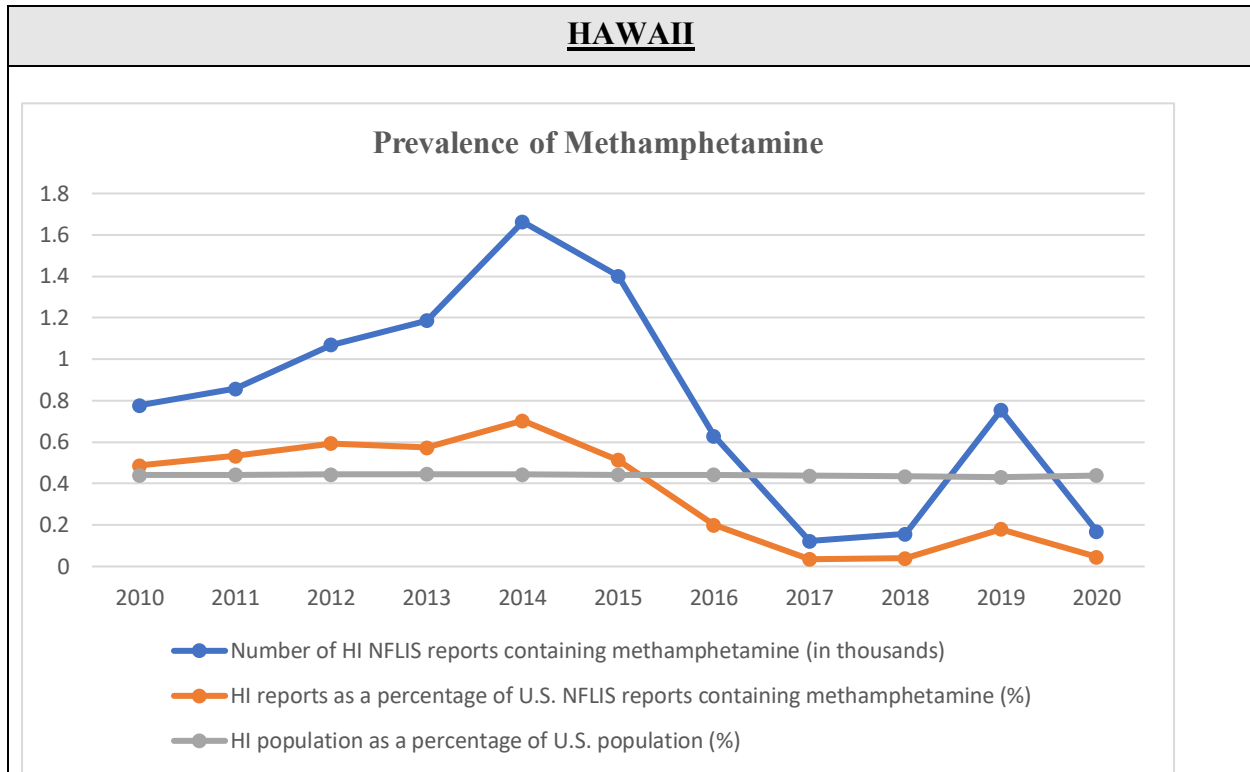
<u>FLORIDA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>facility; (k) a pain management clinic. Violation with regard to methamphetamine is a felony of the first degree;</p> <p>(4) a person may not manufacture methamphetamine, or possess any listed chemical as defined in law with intent to manufacture methamphetamine. If a person violates this paragraph and (a) the commission or attempted commission occurs in a structure or conveyance where any child younger than 16 years is present, it is a felony of the first degree; (b) the commission of the crime causes any child younger than 16 years of age to suffer great bodily harm. Violation is a felony of the first degree;</p> <p>(5) a person may not purchase, or possess with intent to purchase, a controlled substance. Violation is a felony of the second degree;</p> <p>(6) a person 18 years of age or older may not deliver any controlled substance to a person younger than 18, use or hire a person younger than 18 as an agent or employee in the sale or delivery of such a substance, or use such person to assist in avoiding detection or apprehension for a violation of this statute. Violation is a felony of the first degree;</p> <p>(7) a person may not bring into this state any controlled substance. Violation is a felony of the second degree; and</p> <p>(8) a person may not be in actual or constructive possession of a controlled substance unless it was lawfully obtained from a practitioner or pursuant to a valid prescription or order of a practitioner. Violation is a felony of the third degree.</p> <p>§ 893.135 (“Trafficking; mandatory sentences; suspension or reduction of sentences; conspiracy to engage in trafficking”). Any person who knowingly sells, purchases, manufactures, delivers, or brings into the state, or who is knowingly in possession of 14 grams or more of methamphetamine commits a first-degree felony, known as “trafficking of methamphetamine.” In the case of 14 grams or more, but less than 28 grams, there is a mandatory minimum term of three years and a \$50,000 fine. In the case of 28 grams or more, but less than 200 grams, there is a mandatory minimum term of seven years and a fine of \$100,000. In the case of 200 grams or more, there is a mandatory minimum term of 15 years and a fine of \$250,000. Manufacturing or bringing into the state more than 400 grams of methamphetamine is a capital felony.</p>

<u>FLORIDA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	§ 893.1351 (“Ownership, lease, rental, or possession for trafficking in or manufacturing a controlled substance”). It is a third-degree felony for a person to own, lease, or rent any place or structure with the knowledge that the place or structure will be used for the purpose of trafficking, selling, or manufacturing a controlled substance. It is a second-degree felony for a person to knowingly be in possession of any place or structure with knowledge that the place or structure will be used for the purpose of trafficking, selling, or manufacturing a controlled substance. It is a first-degree felony for a person who has possession of a place with the knowledge that the place is being used to manufacture a controlled substance and who knew or should have known that a minor was present or resided in the place.
Methamphetamine cleanup and disposal	Not addressed by state law.
Other statutory provisions of note	None.
Recently proposed legislation	S.B. 260, 124 th Leg., Reg. Sess. (Fla. 2022) (died in Judiciary committee; March 14, 2022). Bill would rename the “Criminal Punishment Code” the “Criminal Public Safety Code.”

<u>GEORGIA</u>																																																	
<p>Prevalence of Methamphetamine</p> <table border="1"> <caption>Data for Prevalence of Methamphetamine in Georgia (2010-2020)</caption> <thead> <tr> <th>Year</th> <th>Number of GA NFLIS reports (in thousands)</th> <th>GA reports as a percentage of U.S. reports (%)</th> <th>GA population as a percentage of U.S. population (%)</th> </tr> </thead> <tbody> <tr><td>2010</td><td>5.5</td><td>3.5</td><td>3.2</td></tr> <tr><td>2011</td><td>5.8</td><td>3.6</td><td>3.2</td></tr> <tr><td>2012</td><td>7.2</td><td>4.1</td><td>3.2</td></tr> <tr><td>2013</td><td>9.5</td><td>4.5</td><td>3.2</td></tr> <tr><td>2014</td><td>11.8</td><td>5.0</td><td>3.2</td></tr> <tr><td>2015</td><td>13.2</td><td>4.8</td><td>3.2</td></tr> <tr><td>2016</td><td>11.5</td><td>3.8</td><td>3.2</td></tr> <tr><td>2017</td><td>13.5</td><td>4.0</td><td>3.2</td></tr> <tr><td>2018</td><td>16.8</td><td>4.4</td><td>3.2</td></tr> <tr><td>2019</td><td>17.0</td><td>4.1</td><td>3.2</td></tr> <tr><td>2020</td><td>14.5</td><td>3.8</td><td>3.2</td></tr> </tbody> </table>		Year	Number of GA NFLIS reports (in thousands)	GA reports as a percentage of U.S. reports (%)	GA population as a percentage of U.S. population (%)	2010	5.5	3.5	3.2	2011	5.8	3.6	3.2	2012	7.2	4.1	3.2	2013	9.5	4.5	3.2	2014	11.8	5.0	3.2	2015	13.2	4.8	3.2	2016	11.5	3.8	3.2	2017	13.5	4.0	3.2	2018	16.8	4.4	3.2	2019	17.0	4.1	3.2	2020	14.5	3.8	3.2
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<p>The blue line shows the number of NFLIS reports in Georgia (in thousands) containing methamphetamine for the years 2010 to 2020. Methamphetamine reports in Georgia increased beginning in 2011, with small declines in 2016 and 2020. The orange line shows Georgia’s reports as a percentage of total U.S. reports. The relatively flat nature of the orange line indicates that the increase in Georgia reports involving methamphetamine has largely tracked the increase in U.S. reports. The gray line provides a baseline reference to Georgia’s population as a percentage of U.S. population. Over the 11-year period, Georgia’s share of total U.S. reports containing methamphetamine was slightly higher than what might be expected based on population alone.</p>																																																	
Statute(s) and regulation(s)	GA. CODE ANN. §§ 16-13-30 to 16-13-32.6 (West 2022); GA. COMP. R. & REGS. 480-19-.03 (2022)																																																
Restrictions placed on precursors	§ 16-13-30.3 (“Ephedrine and pseudoephedrine; unlawful possession; violations;” effective as amended 7.1.2016). Makes it unlawful for an individual to possess any product that contains ephedrine or pseudoephedrine in an amount which exceeds 300 pills or more than nine grams. Requires nonprescription products containing ephedrine or pseudoephedrine as the active ingredient only to be sold in a pharmacy in a manner that complies with the State Board of Pharmacy rules. Customers are prevented from purchasing more than 3.6 grams of ephedrine or pseudoephedrine products per day or more than nine grams of ephedrine or pseudoephedrine products per 30-day period. Pharmacies are																																																

<u>GEORGIA</u>	
Restrictions placed on precursors (cont'd)	<p>required to maintain a record of required information for the sale of each ephedrine or pseudoephedrine product for two years from the date of sale.</p> <p>480-19-.03 (“Over-the-counter (OTC) sales of exempt schedule V controlled substance drug products containing pseudoephedrine”). Requires all exempt schedule V controlled substance pseudoephedrine products to be stored in a pharmacy’s prescription department. Prevents a pharmacist from selling more than 3.6 grams of pseudoephedrine products every 24 hours or a more than nine grams of pseudoephedrine products every 30 days to a customer without a prescription. Requires that at the point of sale, the pharmacist verifies the patient’s identification and ensures he or she has a valid reason for obtaining the pseudoephedrine. Patients must present a valid federal or state photo ID at the time of sale and sign a logbook.</p> <p>§ 16-13-30.4 (“Pseudoephedrine; wholesale distributors; license requirements; records; violations”). Requires a wholesale distributor of any products containing pseudoephedrine to obtain a license from the State Board of Pharmacy. Wholesalers are required to notify the Georgia Drugs and Narcotics Agency within seven days of any purchases of pseudoephedrine products from the wholesale distributor which the wholesaler judges to be excessive.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 16-13-30 (“Possession, manufacturing, etc., of certain controlled substances or marijuana”). Makes it unlawful for any person to purchase, possess, or have under his or her control any controlled substance. Also makes it unlawful for any person to manufacture, deliver, distribute, dispense, administer, sell, or possess with the intent to distribute any controlled substance. Additionally, it is unlawful for any person to hire, solicit, engage, or use an individual under the age of 17 for the purpose of manufacturing distributing, or dispensing, on behalf of the solicitor, any controlled substance.</p> <p>§ 16-13-30.5 (“Possession of substance with intent to manufacture controlled substances; violations”). Makes it illegal for a person to possess any substance with intent to use the substance to manufacture methamphetamine or knowingly convey a substance to another for the use in the manufacture of methamphetamine. Provides courts with a list of factors</p>

<u>GEORGIA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>to be considered when determining whether a particular substance is possessed with the intent to manufacture.</p> <p>§ 16-13-31 (“Trafficking of certain controlled substances”). States that any person who sells, delivers, or brings into Georgia or has possession of 28 grams or more of methamphetamine commits the felony offense of trafficking in methamphetamine. Additionally, any person who manufactures methamphetamine commits the felony offense of trafficking methamphetamine.</p> <p>§ 16-13-32.4 (“Transactions in controlled substance or marijuana in, on, or within 1,000 feet of real property owned by or leased to public or private school or school board used for elementary or secondary education prohibited”). Illegal for any person to manufacture, distribute, dispense, or possess with the intent to distribute a controlled substance in, on, or within 1,000 feet of any public or private elementary or secondary school.</p> <p>§ 16-13-32.5 (“Transactions in controlled substance or marijuana in, on, or within 1,000 feet of parks, playgrounds, recreation centers, or housing projects prohibited”). It is unlawful for any person to manufacture, distribute, dispense, or possess with intent to distribute a controlled substance in, on, or within 1,000 of a park, playground, or recreation center.</p> <p>§ 16-13-32.6 (“Transactions in controlled substance or marijuana in, on, or within real property designated as drug-free commercial zone”). It is unlawful for any person to manufacture, distribute, dispense, or possess with the intent to distribute a controlled substance in, on, or within any area that has been designated a as a drug-free commercial zone.</p>
Methamphetamine cleanup and disposal	Not addressed by state law.
Other statutory provisions of note	None.
Recently proposed legislation	None.



The blue line shows the number of NFLIS reports in Hawaii (in thousands) containing methamphetamine for the years 2010 to 2020. Methamphetamine reports in Hawaii increased between 2010-2014, but then drastically dropped between 2014-2017. Hawaii experienced another sharp rise in 2019 and a subsequent drop in 2020. The orange line shows Hawaii’s reports as a percentage of total U.S. reports. The decrease in the orange line between 2014-2017 is consistent with the drop in state reports during that period. The gray line provides a baseline reference to Hawaii’s population as a percentage of U.S. population. Between 2010-2015, Hawaii’s share of total U.S. reports containing methamphetamine was higher than what might be expected based on population alone. However, starting in 2016, Hawaii’s share of total U.S. reports containing methamphetamine shifted to lower than expected based on population.

<p>Statute(s) and regulation(s)</p>	<p>HAW. REV. STAT. ANN. §§ 329-61 and 329-63 (West 2022); HAW. REV. STAT. ANN. § 329-75 (West 2022); HAW. REV. STAT. ANN. §§ 712-1240.5 to 712-1243 (West 2022); HAW. REV. STAT. ANN. §§ 712-1240.9 and 712-1249.6 (West 2022); HAW. CODE R. §§ 11-451-1 to 11-452-43 (2022); HAW. CODE R. § 23-201-6 (2022)</p>
<p>Restrictions placed on precursors</p>	<p>§ 329-61 (“Substances subject to reporting”). Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes ephedrine or pseudoephedrine products to any person in the state is required to submit a report of all those transactions.</p>

<u>HAWAII</u>	
Restrictions placed on precursors (cont'd)	<p>§ 329-63 (“Person required to keep records and file reports”). A manufacturer, wholesaler, retailer, or other person who sells, transfers, receives, or brings in from outside the state is required to keep a record of each transaction involving ephedrine or pseudoephedrine for two years after the date of transaction. They are required to report all transactions involving ephedrine to the state.</p> <p>§ 329-75 (“Sales of products, mixtures, or preparations containing pseudoephedrine; reporting requirement for wholesalers”). A pharmacy or retailer cannot not sell to any person without a prescription more than 3.6 grams per day or nine grams per 30-day period of pseudoephedrine. The pharmacy or retailer is required to maintain a log of required information for the sale of each nonprescription pseudoephedrine product. At the point of sale, the customer is required to sign the log.</p> <p>HAW. CODE R. § 23-201-6 (“Persons exempted from permit requirement”). Any retailer who sells any over-the-counter-drug-product in “safe harbor packaging” in a single transaction to an individual for a legitimate medical use that contains ephedrine or pseudoephedrine is exempt from the permit requirement.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 712-1240.5 (“Manufacturing a controlled substance with a child present”). Any person convicted of manufacturing a controlled substance and commits the offense knowing that a child under the age of 16 is present in the structure where the offense occurred will be sentenced to an additional two years in prison. Any person convicted of manufacturing a controlled substance and commits the knowing that a child under the age of 18 is present in the structure where the offense occurred and caused the child to suffer serious or substantial bodily injury will be sentenced to an additional term of five years.</p> <p>§ 712-1240.7 (“Methamphetamine trafficking”). A person commits the offense of methamphetamine trafficking if the person knowingly distributes methamphetamine in any amount to a minor or manufactures methamphetamine in any amount. Methamphetamine trafficking is a class A felony.</p> <p>§ 712-1241 (“Promoting a dangerous drug in the first degree”). A person commits the offense of promoting a dangerous drug in the first degree if the person knowingly possesses one ounce or</p>

<u>HAWAII</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>more of methamphetamine or distributes one-eighth ounce or more of methamphetamine. This is a class A felony.</p> <p>§ 712-1242 (“Promoting a dangerous drug in the second degree”). A person commits the offense of promoting a dangerous drug in the second degree if the person knowingly possesses one-eighth ounce or more of methamphetamine. This is a class B felony.</p> <p>§ 712-1243 (“Promoting a dangerous drug in the third degree”). A person commits the offense of promoting a dangerous drug in the third degree if the person knowingly possesses any dangerous drug in any amount.</p> <p>§ 712-1249.6 (“Promoting a controlled substance in, on, or near schools, school vehicles, public parks, or public housing projects or complexes”). A person commits a class C felony if he or she distributes or possesses with the intent to distribute methamphetamine in, on, or within 750 feet of a school, park, or public housing project. A person commits a class A felony if he or she manufactures methamphetamine within 750 feet of a school, park, or public housing project.</p>
Methamphetamine cleanup and disposal	<p>§ 712-1240.9 (“Methamphetamine trafficking; restitution and reimbursement”). When sentencing a defendant convicted of methamphetamine trafficking, the court may order restitution or reimbursement to the state or county for the cost incurred for any cleanup associated with the manufacture or distribution of methamphetamine and to any other person injured as a result of the manufacture or distribution of methamphetamine.</p> <p>HAW. CODE R. §§ 11-452-1 to 11-452-43. Chapter 452 of Title 11 of Hawaii’s Administration Code details the requirements for decontamination and cleanup of methamphetamine manufacturing sites.</p>
Other statutory provisions of note	None.
Recently proposed legislation	<p>H.B. 1623, 31st Leg., Reg. Sess. (Haw. 2022) (committee recommends measure be deferred; Feb. 23, 2022).</p> <p>S.B. 2742, 31st Leg., Reg. Sess. (Haw. 2022) (referred to committee; Jan. 24, 2022). Bills would delete “schools, school vehicles, public parks, or public housing projects or complexes” and replace it with “protected area.”</p>

IDAHO																																																	
<p style="text-align: center;">Prevalence of Methamphetamine</p> <table border="1"> <caption>Data for Prevalence of Methamphetamine (2010-2020)</caption> <thead> <tr> <th>Year</th> <th>Number of ID NFLIS reports (in thousands)</th> <th>ID reports as a percentage of U.S. reports (%)</th> <th>ID population as a percentage of U.S. population (%)</th> </tr> </thead> <tbody> <tr><td>2010</td><td>1.8</td><td>1.1</td><td>0.5</td></tr> <tr><td>2011</td><td>1.7</td><td>1.1</td><td>0.5</td></tr> <tr><td>2012</td><td>1.9</td><td>1.1</td><td>0.5</td></tr> <tr><td>2013</td><td>2.1</td><td>1.0</td><td>0.5</td></tr> <tr><td>2014</td><td>3.0</td><td>1.3</td><td>0.5</td></tr> <tr><td>2015</td><td>3.5</td><td>1.3</td><td>0.5</td></tr> <tr><td>2016</td><td>4.1</td><td>1.3</td><td>0.5</td></tr> <tr><td>2017</td><td>4.8</td><td>1.4</td><td>0.5</td></tr> <tr><td>2018</td><td>5.5</td><td>1.4</td><td>0.5</td></tr> <tr><td>2019</td><td>5.4</td><td>1.3</td><td>0.5</td></tr> <tr><td>2020</td><td>5.5</td><td>1.5</td><td>0.5</td></tr> </tbody> </table>		Year	Number of ID NFLIS reports (in thousands)	ID reports as a percentage of U.S. reports (%)	ID population as a percentage of U.S. population (%)	2010	1.8	1.1	0.5	2011	1.7	1.1	0.5	2012	1.9	1.1	0.5	2013	2.1	1.0	0.5	2014	3.0	1.3	0.5	2015	3.5	1.3	0.5	2016	4.1	1.3	0.5	2017	4.8	1.4	0.5	2018	5.5	1.4	0.5	2019	5.4	1.3	0.5	2020	5.5	1.5	0.5
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Statute(s) and regulation(s)	<p>IDAHO CODE ANN. § 37-2707 (West 2022); IDAHO CODE ANN. §§ 37-2732 to 37-2732B (West 2022); IDAHO CODE ANN. § 37-2735A (West 2022); IDAHO CODE ANN. § 37-2739C (West 2022); IDAHO CODE ANN. §§ 37-3302 and 37-3303 (West 2022); IDAHO ADMIN. CODE R. 16.02.24.000 to 16.02.24.600 (2022)</p>																																																
Restrictions placed on precursors	<p>§ 37-2707 (“Schedule II”). Idaho lists ephedrine, pseudoephedrine, and other immediate precursors to methamphetamine as Schedule II controlled substances. There is an exception for ephedrine and pseudoephedrine that is prepared for dispensing or over-the-counter distribution, unless the substance is possessed, delivered, or possessed with the intent to deliver to another with the intent to manufacture methamphetamine.</p>																																																

<u>IDAHO</u>	
Restrictions placed on precursors (cont'd)	<p>§ 37-2732B (“Trafficking--Mandatory sentences”). Any person who knowingly manufactures, delivers, brings into the state, or is knowingly in possession of 500 grams or more of ephedrine or 500 grams of pseudoephedrine is guilty of a felony, known as “trafficking in immediate precursors of methamphetamine.” The mandatory minimum is 10 years of prison and a fine not less than \$25,000. If the quantity of pseudoephedrine is 25 grams or more, but less than 500 grams, the person will be sentenced to a term of up to 10 years in prison and a fine of up to \$25,000.</p> <p>§ 37-3302 (“Sales of pseudoephedrine products”). Retailers are required to keep pseudoephedrine products in an area where the public is not permitted or inside of a locked display case. All distributions of pseudoephedrine products are required to be conducted by an employee of the retailer.</p> <p>§ 37-3303 (“Limitations on sales and purchases”). It is unlawful to sell or purchase more than 3.6 grams of pseudoephedrine in a single day or more than nine grams of pseudoephedrine in a single 30-day period. A retailer cannot legally sell a pseudoephedrine product to a customer unless the customer presents a valid government-issued photo ID. Additionally, the retailer is required to submit required information to the electronic sales tracking system prior to the sale of each pseudoephedrine product.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 37-2732B (“Trafficking--Mandatory sentences”). Any person who knowingly manufactures or attempts to manufacture methamphetamine is guilty of a felony known as “trafficking in methamphetamine by manufacturing.” Any person who knowingly delivers, or brings into the state, or who is knowingly in possession of 28 grams or more of methamphetamine is guilty of a felony known as “trafficking in methamphetamine.” The maximum number of years in prison for the trafficking laws is life in prison.</p> <p>§ 37-2732 (“Prohibited acts A—Penalties”). Any person who manufactures, delivers, or possesses with the intent to manufacture or deliver methamphetamine is guilty of a felony and upon conviction may be imprisoned for a term not to exceed life imprisonment, fined not more than \$25,000, or both.</p> <p>It is unlawful for any person to be present at any place where the person knows illegal controlled substance are being</p>

<u>IDAHO</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>manufactured, or are being held for distribution, transportation, delivery, administration, use, or to be given away. This is a misdemeanor punishable by a fine of up to \$300, up to 90 days in jail, or both.</p> <p>§ 37-2732C (“Using or being under the influence—Penalties”). It is unlawful for any person on a public roadway, public conveyance, public property, or on private property open to the public, to use or be under the influence of any controlled substance. This is a misdemeanor punishable by up to six months in prison, a fine up to \$1,000, or both. Any person under the influence of methamphetamine while in the immediate personal possession of a loaded, operable firearm is guilty of a public offense and punishable by up to a year in prison.</p> <p>§ 37-2737A (“Manufacture or delivery of controlled substance where children are present”). It is unlawful for a person to manufacture or deliver or possess with the intent to manufacture or deliver methamphetamine in the same premises where a child under the age of 18 is present. A person who violates this provision is guilty of a felony and can be imprisoned up to 10 years, fined up to \$25,000, or both.</p>
Methamphetamine cleanup and disposal	16.02.24.000 – 16.02.24.600. Chapter 24 of Title 2 of Idaho’s Department of Health and Welfare Administrative code details the protocols and policies related to clandestine drug laboratory cleanup.
Other statutory provisions of note	<p>§ 37-2735A (“Drug hotline fee”). In addition to any other penalties, a person convicted of an Idaho drug offense will be subject to an additional \$10 fine that will be deposited in the “drug and driving while under the influence donation fund.”</p> <p>§ 37-2739C (“Medical assistance--Drug-related overdose--Prosecution for possession”). A person acting in good faith who seeks medical assistance for any person experiencing a drug-related medical emergency will not be charged or prosecuted for possession of a controlled substance or for using or being under the influence of a controlled substance. A person who experiences a drug-related medical emergency and needs medical assistance will not be charged or prosecuted for possession of a controlled substance or for using or being under the influence of a controlled substance.</p>
Recently proposed legislation	None.

<u>ILLINOIS</u>																																																	
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Statute(s) and regulation(s)	<p>720 Ill. COMP. STAT. ANN. 570/210 and 570/216 (West 2022); 720 Ill. COMP. STAT. ANN. 646/15, 646/20, 646/35, 646/45, 646/50, 646/56, 646/60, 646/90, 646/95, and 646/115 (West 2022); 720 ILL. COMP. STAT. ANN. 648/20 and 648/30 (West 2022); 720 ILL. COMP. STAT. ANN. 649/15 (West 2022)</p>																																																
Restrictions placed on precursors	<p>570/210 (“Schedule IV; enumeration”). Lists ephedrine as a Schedule IV controlled substance.</p> <p>570/216 (“Ephedrine”). Ephedrine products that are solid, oral dosage forms, formulated pursuant to 21 CFR 341, and packaged in blister packs of not more than two tablets per blister and anorectal preparations containing not more than 5 percent ephedrine are not considered Schedule IV controlled</p>																																																

<u>ILLINOIS</u>	
Restrictions placed on precursors (cont'd)	<p>substances, so long as they: (1) may lawfully be sold OTC without a prescription under the Federal Food, Drug, and Cosmetic Act; (2) are labeled and marketed consistent with federal law; (3) are manufactured and distributed for legitimate medicinal use in a manner that reduces or eliminates the likelihood of abuse; and (4) are not marketed, advertised, or labeled for the indications of stimulation, mental alertness, weight loss, muscle enhancement, appetite control, or energy.</p> <p>648/20 (“Restrictions on purchase, receipt, or acquisition”). A person must be at least 18 years old to purchase an ephedrine or pseudoephedrine product. At the point of sale, the customer must present a valid government-issued photo ID and sign a log. A person is prohibited from purchasing more than two targeted packages in a single transaction, more than one convenience package from a retail location other than a pharmacy counter in a 24-hour period, or more than a total of 7,500 milligrams of ephedrine or pseudoephedrine products in a 30-day period.</p> <p>648/30 (“Retail distributors; general requirements”). Ephedrine and pseudoephedrine products are required to be kept behind store counters or in locked cases, so that customers are not able to access the product without assistance.</p> <p>649/15 (“General provisions”). Each time a retailer sells an ephedrine or pseudoephedrine product, the retailer must report the information regarding the transaction to the electronic transaction tracking system.</p> <p>646/20 (“Methamphetamine precursor”). It is unlawful to knowingly possess, procure, transport, store, or deliver any ephedrine or pseudoephedrine products with the intent to use the products to manufacture methamphetamine.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>646/15 (“Participation in methamphetamine manufacturing”). It is unlawful to knowingly participate in the manufacture of methamphetamine. A person engages in aggravated participation in the manufacture of methamphetamine if the person participates in the manufacture of methamphetamine and: (A) knowingly does so in a multi-unit dwelling; (B) knowingly does so in a structure where a child under the age of 18, a person with a disability, or a person 60 years of age or older who is incapable of adequately providing for his or her own health and personal care resides, is present, or is</p>

<u>ILLINOIS</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>endangered by the manufacture of methamphetamine; (C) does so in a structure where a woman the person knows to be pregnant (including but not limited to the person herself) resides, is present, or is endangered by the methamphetamine manufacture; (D) knowingly does so in a structure protected by one or more firearms, explosive devices, booby traps, alarm systems, surveillance systems, guard dogs, or dangerous animals; (E) the methamphetamine manufacturing in which the person participates is a contributing cause of the death, serious bodily injury, disability, or disfigurement of another person, including but not limited to an emergency service provider; (F) the methamphetamine manufacturing in which the person participates is a contributing cause of a fire or explosion that damages property belonging to another person; (G) the person knowingly organizes, directs, or finances the methamphetamine manufacturing or activities carried out in support of the methamphetamine manufacturing; or (H) the methamphetamine manufacturing occurs within 500 feet of a place of worship, or within 500 feet any school.</p> <p>646/35 (“Use of property”). It is unlawful for a person to knowingly use or allow the use of a structure or property within the person’s control for the manufacture of methamphetamine.</p> <p>646/50 (“Methamphetamine-related child endangerment”). A person engages in methamphetamine-related child endangerment when the person knowingly endangers the life and health of a child by exposing the child to a methamphetamine manufacturing environment. This is a Class 2 felony. A person engages in aggravated methamphetamine-related child endangerment when the person exposes a child to a methamphetamine manufacturing environment and the child experiences death, great bodily harm, disability, or disfigurement because of the methamphetamine-related child endangerment. This is a Class X felony.</p> <p>646/56 (“Methamphetamine trafficking”). Any person who knowingly brings, or causes to be brought, into the state methamphetamine or a methamphetamine precursor for the purpose of manufacture or delivery of methamphetamine or with the intent to manufacture or deliver methamphetamine is guilty of methamphetamine trafficking.</p>

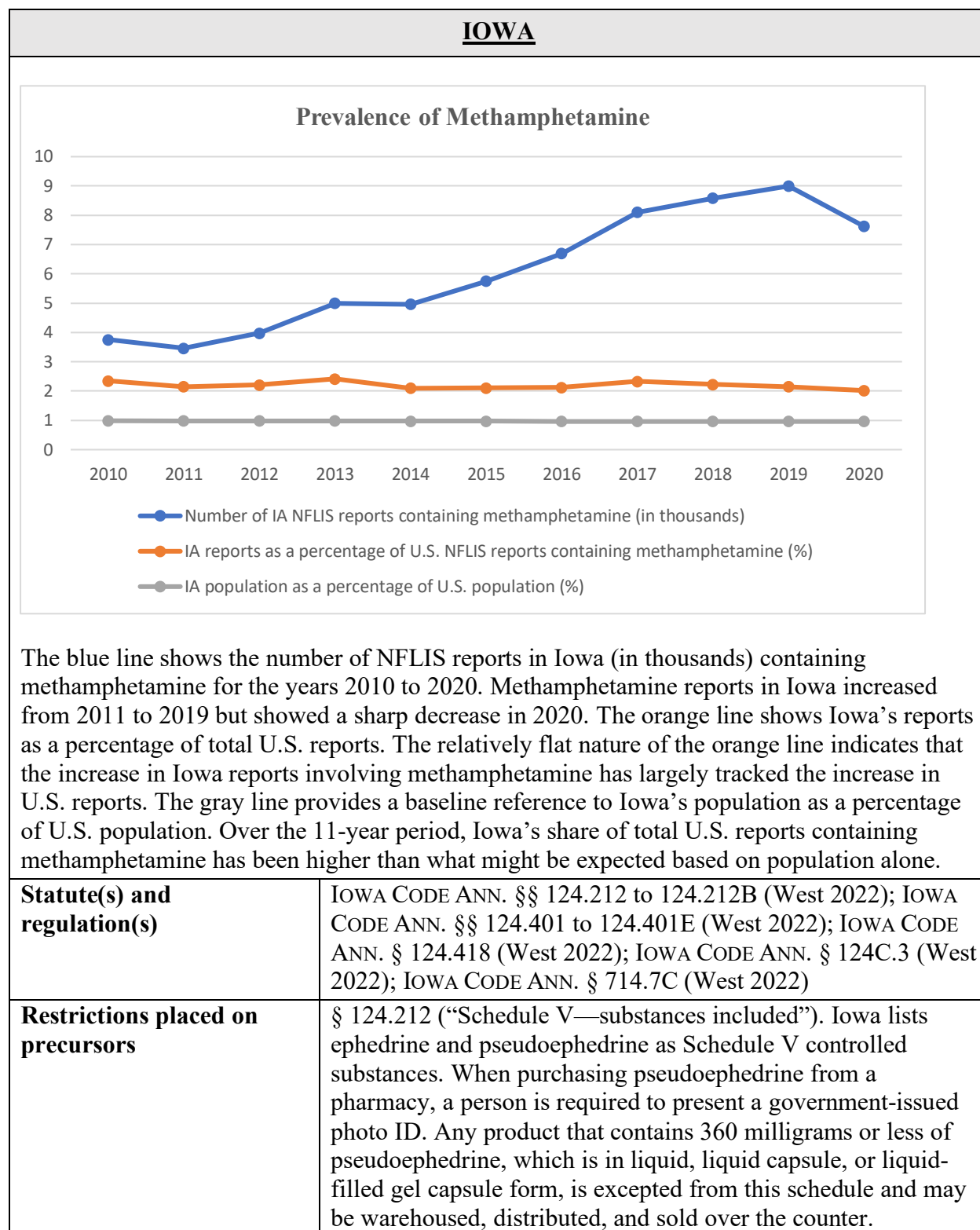
<u>ILLINOIS</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	646/60 (“Methamphetamine possession”). It is unlawful to knowingly possess methamphetamine. The felony level and punishment are dependent on the amount of methamphetamine possessed.
Methamphetamine cleanup and disposal	646/45 (“Methamphetamine manufacturing waste”). It is unlawful to knowingly burn, place in a trash receptacle, or dispose of methamphetamine manufacturing waste. This is a Class 2 felony.
Other statutory provisions of note	<p>646/90 (“Methamphetamine restitution”). If a person commits a violation of the Methamphetamine Control and Community Protection Act in a manner that requires an emergency response, the person will be required to make restitution to all public entities involved in the emergency response to cover the reasonable costs of their participation in the emergency response, including but not limited to, regular and overtime costs incurred by law enforcement agencies and private contractors paid by the public agencies in securing the site.</p> <p>646/95 (“Youth Drug Abuse Prevention Fund”). Twelve and one-half percent of all amounts collected as fines from violations of the Methamphetamine Control and Community Protection Act are required to be paid into the “Youth Drug Abuse Prevention Fund” in the State Treasury for the funding of programs and services for drug-abuse treatment and prevention and education services for juveniles.</p> <p>646/115 (“Overdose; limited immunity from prosecution”). A person who, in good faith, seeks emergency medical assistance for someone experiencing an overdose shall not be arrested, charged, or prosecuted for certain methamphetamine-related violations if evidence for the violation was acquired as a result of the person seeking or obtaining medical assistance and providing the amount of substance recovered is less than three grams of methamphetamine or a substance containing methamphetamine. The violations listed in this subsection must not serve as the sole basis of a violation of parole, mandatory supervised release, probation, or conditional discharge, or any seizure of property under any state law authorizing civil forfeiture so long as the evidence for the violation was acquired as a result of the person seeking or obtaining emergency medical assistance in the event of an overdose.</p>

<u>ILLINOIS</u>	
Other statutory provisions of note (cont'd)	A person who is experiencing an overdose shall not be arrested, charged, or prosecuted for certain methamphetamine-related violations if evidence for the possession charge was acquired as the result of the person seeking or obtaining emergency medical assistance and providing the amount of substance recovered is less than one gram of methamphetamine or substance containing methamphetamine. The violations listed in this subsection must not serve as the sole basis for a violation of parole, mandatory supervised release, probation, or conditional discharge, or any seizure of property under any state law authorizing civil forfeiture so long as the evidence for the violation was acquired as a result of the person seeking or obtaining emergency medical assistance in the event of an overdose.
Recently proposed legislation	None.

INDIANA																																																	
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Statute(s) and regulation(s)	<p>IND. CODE ANN. §§ 35-48-4-1.1, 3-548-4-1.2, 35-48-4-4.1, and 35-48-4-6.1 (West 2022); IND. CODE ANN. §§ 35-48-4-14.7 and 35-48-4-17 (West 2022); 410 IND. ADMIN. CODE 38-1-1 to 38-6-3 (West 2022)</p>																																																
Restrictions placed on precursors	<p>§ 35-48-4-14.7 (“Restrictions on sale and purchase of ephedrine or pseudoephedrine; reporting of suspicious activities or theft”). Drugs containing ephedrine or pseudoephedrine can only be sold by a pharmacy or an NPLEx retailer. A person less than 18 years old is prohibited from purchasing ephedrine or pseudoephedrine products. There is a prohibition on selling or purchasing more than 3.6 grams of ephedrine or pseudoephedrine to a person in one day, more than 7.2 grams of ephedrine or pseudoephedrine products to a person in a 30-day period, or more than 61.2 grams of ephedrine or</p>																																																

<u>INDIANA</u>	
Restrictions placed on precursors (cont'd)	pseudoephedrine products to a person in a 365-day period. To purchase an ephedrine or pseudoephedrine product, the purchaser must produce a valid government-issued photo ID and sign a log. The retailer is to maintain a record of information for each sale for at least two years. If the pharmacist has made a professional determination that there is not a legitimate medical or pharmaceutical need for ephedrine or pseudoephedrine, the purchaser may, at the pharmacist's discretion, only purchase: (1) a product that has been determined to be an extraction resistant form of ephedrine or pseudoephedrine; or (2) a product that contains no more than 720 milligrams of ephedrine or pseudoephedrine per package, and 30 milligrams of ephedrine or pseudoephedrine per tablet. These provisions do not apply to ephedrine or pseudoephedrine dispensed pursuant to a prescription.
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 35-48-4-1.1 ("Dealing in methamphetamine"). A person who knowingly or intentionally delivers, finances the delivery, or possesses with the intent to deliver or finance the delivery of methamphetamine commits "dealing in methamphetamine," a level 5 felony. The felony level can increase depending on the amount of methamphetamine or the presence of enhancing circumstances.</p> <p>§ 35-48-4-1.2 ("Manufacturing methamphetamine"). A person who knowingly or intentionally manufactures or finances the manufacture of methamphetamine commits "manufacturing methamphetamine," a level 4 felony. The felony level can increase depending on the amount of methamphetamine manufactured and/or the presence of enhancing circumstances.</p> <p>§ 35-48-4-6.1 ("Possession of methamphetamine"). A person who knowingly or intentionally possesses methamphetamine commits "possession of methamphetamine," a level 6 felony. The felony level can increase depending on the amount of methamphetamine possessed and/or the presence of enhancing circumstances.</p>
Methamphetamine cleanup and disposal	§ 35-48-4-4.1 ("Dumping controlled substance waste"). A person who dumps, discharges, discards, transports, or otherwise disposes of chemicals, knowing that they were used in the illegal manufacture of a controlled substance, or waste, knowing that it was produced from the illegal manufacture of a controlled substance, commits "dumping controlled substance waste," a level 6 felony.

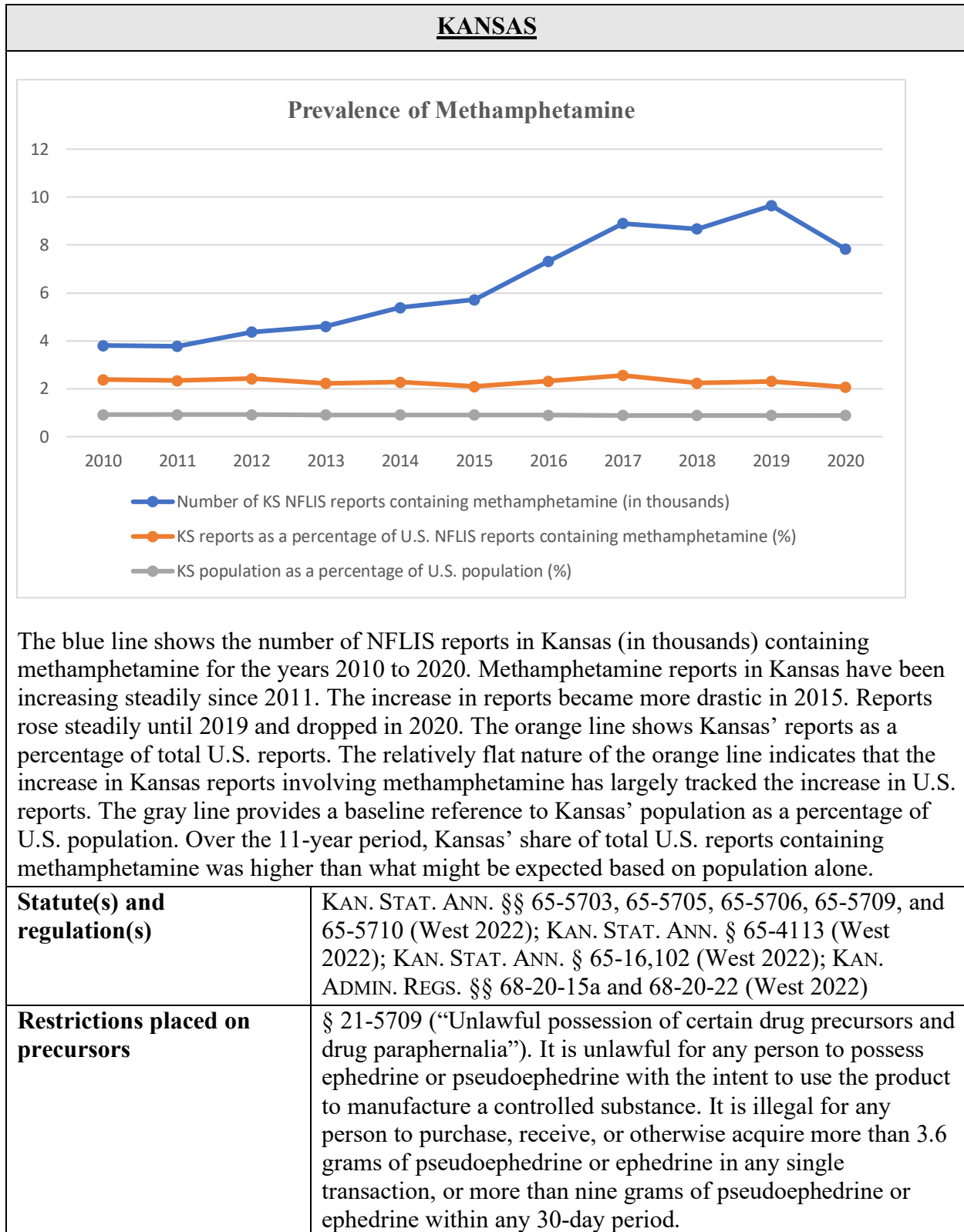
<u>INDIANA</u>	
Methamphetamine cleanup and disposal (cont'd)	<p>§ 35-48-4-17 (“Environmental cleanup costs”). In addition to any other penalty imposed for conviction of an offense involving the manufacture or intent to manufacture methamphetamine, the court will order restitution to cover the costs of an environmental cleanup incurred by a law enforcement agency or other person as a result of the offense.</p> <p>§§ 38-1-1 to 38-6-3. Article 38 of Title 410 of the Indiana Administration Code details the protocols for inspection and cleanup of property contaminated by the illegal manufacture of a controlled substance.</p>
Other statutory provisions of note	None.
Recently proposed legislation	None.



<u>IOWA</u>	
Restrictions placed on precursors (cont'd)	<p>§ 124.212A (“Pharmacy pseudoephedrine sale--restrictions--records--contingent applicability”). A pharmacy is required to keep pseudoephedrine products in a locked cabinet or behind the sales counter where the public is unable to access the product. Purchasers are required to present a government-issued photo ID and sign the electronic logbook at the time of sale.</p> <p>§ 124.212B (“Pseudoephedrine sales--tracking—penalty”). Information about the sale of each ephedrine or pseudoephedrine product is required to be reported to the electronic tracking system.</p> <p>§ 124.401 (“Prohibited acts--manufacture, delivery, possession--counterfeit substances--simulated controlled substances, imitation controlled substances—penalties”). A person who possesses ephedrine or pseudoephedrine with the intent to use the product to manufacture methamphetamine commits a class D felony.</p> <p>§ 714.7C (“Theft of pseudoephedrine—enhancement”). Committing a simple misdemeanor theft of a product containing pseudoephedrine from a retailer is a serious misdemeanor.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 124.401 (“Prohibited acts--manufacture, delivery, possession--counterfeit substances--simulated controlled substances, imitation controlled substances—penalties”). It is unlawful for any person to manufacture, deliver, or possess with the intent to manufacture or deliver methamphetamine. The felony level and punishment are based on the amount of methamphetamine.</p> <p>§ 124.401A (“Enhanced penalty for manufacture or distribution to persons on certain real property”). Any person who is 18 or older who unlawfully manufactures with the intent to distribute, distributes, or possesses with the intent to distribute methamphetamine to another person who is 18 or older on, or within 1,000 feet of a school, park, recreation center, or on a school bus, may be sentenced up to an additional term of five years in prison.</p>

<u>IOWA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 124.401B (“Possession of controlled substances on certain real property--additional penalty”). A person who unlawfully possesses methamphetamine in, on, or within 1,000 feet of a school, park, recreation center, or on a school bus, may be sentenced to 100 hours of community service work for a public agency or a nonprofit charitable organization.</p> <p>§ 124.401C (“Manufacturing methamphetamine in presence of minors”). A person who is 18 or older and who unlawfully manufactures methamphetamine in the presence of a minor will be sentenced up to an additional term of confinement of five years.</p> <p>§ 124.401D (“Conspiracy to manufacture for delivery, delivery, or intent or conspiracy to deliver amphetamine or methamphetamine to a minor”). It is a class A felony for a person 18 years of age or older to deliver or possess with the intent to deliver methamphetamine to a person under the age of 18.</p> <p>§ 124.401E (“Certain penalties for manufacturing or delivery of amphetamine or methamphetamine”). If a person’s first conviction for delivery or possession of methamphetamine involves five grams or less, the court may suspend the sentence and may order the person to complete a drug court program or order the person to be assigned to a community-based correctional facility for a period of one year or until maximum benefits are achieved, whichever is earlier. If a person is convicted of manufacturing five grams or less of methamphetamine, the court may suspend the sentence, and may order the person to complete a drug court program or order the person to be assigned to a community-based correctional facility for a period of one year or until maximum benefits are achieved, whichever is earlier. If a person receives a second or subsequent conviction of delivery or possession with intent to deliver five grams or less of methamphetamine, the court will sentence the person to imprisonment and the person will serve the minimum period of confinement.</p>

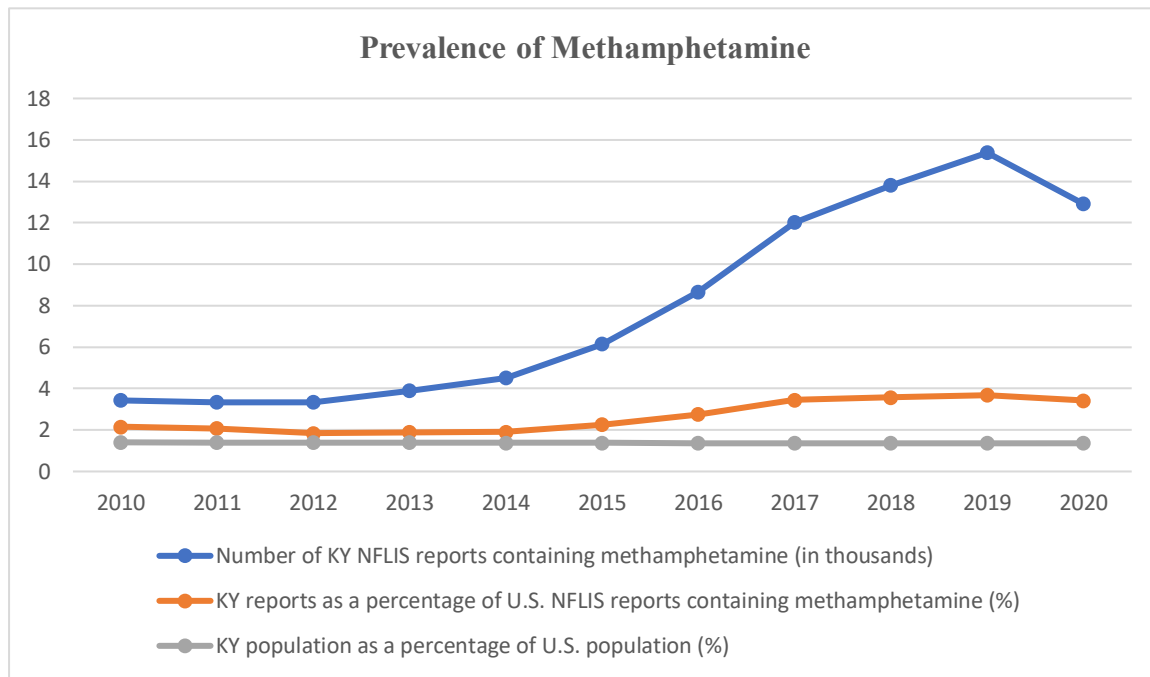
<u>IOWA</u>	
Methamphetamine cleanup and disposal	§ 124C.3 (“Liability to the state”). A person who has control over a clandestine laboratory site will be strictly liable to the state for the costs incurred by the state as a result of the cleanup of the site, the costs incurred by the state to evacuate people from the area threatened by the clandestine laboratory site, and the reasonable damages to the state for injury to, destruction of, or loss of natural resources resulting from the clandestine laboratory site.
Other statutory provisions of note	§ 124.418 (“Persons seeking medical assistance for drug-related overdose”). Information or evidence collected as a result of: (1) an overdose patient’s good-faith actions to seek medical assistance while experiencing a drug-related overdose; or (2) an overdose reporter’s good-faith actions to seek medical assistance for an overdose patient experiencing a drug-related overdose cannot be considered to support probable cause and will not be admissible as evidence against an overdose patient or overdose report for the offense of: (1) delivery of a controlled substance; or (2) possession of a controlled substance.
Recently proposed legislation	None.



<u>KANSAS</u>	
Restrictions placed on precursors (cont'd)	<p>§ 21-5710 (“Unlawful distribution of certain drug precursors and drug paraphernalia”). It is unlawful for any person to advertise, market, label, distribute, or possess with the intent to distribute any product containing ephedrine or pseudoephedrine if the person knows or reasonably should know that the purchaser will use the product to manufacture a controlled substance.</p> <p>§ 65-16,102 (“Same; maintenance of program by the board of pharmacy; rules and regulations; waiver and liability”). Each pharmacy is required to maintain an electronic methamphetamine precursor recording log documenting the sale of methamphetamine precursors. Pharmacies are required to submit information regarding each sale of methamphetamine precursors into the system and have the purchaser sign the log. This requirement does not apply to sales where there is a lawful prescription for a methamphetamine precursor.</p> <p>§ 65-4113 (“Substances included in schedule V”). Kansas lists both ephedrine and pseudoephedrine as Schedule V controlled substances.</p> <p>§ 68-20-22 (“Dispensing without prescription”). A pharmacist can dispense a schedule V controlled substance to a purchaser without a prescription if the purchaser is at least 18 years old and presents a valid ID at the time of purchase.</p> <p>§ 68-20-15a (“Security requirements”). Retailers are required to have controls and procedures in place to prevent the theft of controlled substances in conformance with the security requirements of federal law. Before distributing a controlled substance to any person, the seller must make a good faith inquiry to determine that the person is registered to possess a controlled substance. Suspicious orders are required to be reported.</p>

<u>KANSAS</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 21-5703 (“Unlawful manufacturing of controlled substances”). It is a level 1 felony for any person to manufacture methamphetamine.</p> <p>§ 21-5705 (“Unlawful cultivation or distribution of controlled substances”). It is unlawful for any person to distribute or possess with the intent to distribute methamphetamine. The felony level is determined by the amount of methamphetamine distributed or possessed.</p> <p>§ 21-5706 (“Unlawful possession of controlled substances”). It is a level 5 felony for any person to possess methamphetamine.</p>
Methamphetamine cleanup and disposal	Not addressed by state law.
Other statutory provisions of note	None.
Recently proposed legislation	None.

KENTUCKY



The blue line shows the number of NFLIS reports in Kentucky (in thousands) containing methamphetamine for the years 2010 to 2020. Methamphetamine reports in Kentucky increased drastically between 2012 and 2019 and showed a sharp drop back to almost 2017 levels in 2020. The orange line shows Kentucky’s reports as a percentage of total U.S. reports. The increase in the orange line between 2014-2019 indicates that Kentucky’s rate of increase of reports was greater than the increase in total U.S. reports. The gray line provides a baseline reference to Kentucky’s population as a percentage of U.S. population. Since 2010, Kentucky’s share of total U.S. reports containing methamphetamine have been higher than what might be expected based on population alone.

Statute(s) and regulation(s)	KY. REV. STAT. ANN. § 218A.133 (West 2022); KY. REV. STAT. ANN. § 218A.141 (West 2022); KY. REV. STAT. ANN. §§ 218A.1401 and 218A.1404 (West 2022); KY. REV. STAT. ANN. §§ 218A.1411, 218A.1412, and 218A.1415 (West 2022); KY. REV. STAT. ANN. §§ 218A.1432, 218A.1437, and 218A.1438 (West 2022); KY. REV. STAT. ANN. §§ 218A.1441 and 218A.1446 (West 2022); 401 KY. ADMIN. REGS. 101:001 to 101:040 (2022)
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<u>KENTUCKY</u>	
Restrictions placed on precursors	<p>§ 218A.1446 (“Requirements for dispensing of ephedrine-based products; log or recordkeeping mechanism; thirty-day and one-year quantity limitations on ephedrine-based products; exceptions; preemption of local laws; blocking mechanism; annual report”). Ephedrine and pseudoephedrine products can only be dispensed, sold, or distributed by a registered pharmacist, a pharmacy intern, or a pharmacy technician. A person purchasing an ephedrine or pseudoephedrine product is required to produce a government-issued photo ID and sign a log at the time of purchase. Pharmacies are required to record information regarding the sale of all ephedrine or pseudoephedrine products in an electronic logging system and keep the records for two years. A person is prohibited from purchasing more than three packages of any product containing ephedrine or pseudoephedrine during each transaction and is limited to 7.2 grams within any 30-day period or 24 grams within any one-year period. Anyone under the age of 18 is prohibited from purchasing or attempting to purchase any quantity of nonprescription ephedrine or pseudoephedrine. These provisions do not apply to products which are in liquid, liquid capsule, or gel capsule form.</p> <p>§ 218A.1437 (“Unlawful possession of a methamphetamine precursor; prima facie evidence of intent; penalties”). A person is guilty of unlawful possession of a methamphetamine precursor when he or she knowingly and unlawfully possesses ephedrine or pseudoephedrine with the intent to use the product as a precursor to manufacturing methamphetamine. Possession of more than nine grams of ephedrine or pseudoephedrine within any 30-day period is considered prima facie evidence of the intent to use the product as a precursor to methamphetamine.</p> <p>§ 218A.1438 (“Unlawful distribution of a methamphetamine precursor; penalties”). A person is guilty of unlawful distribution of a methamphetamine precursor when he or she knowingly and unlawfully sells, transfers, distributes, dispenses, or possesses with the intent to sell, distribute, or dispense any product containing ephedrine or pseudoephedrine if the person knows that the purchaser intends that the product will be used as a precursor to methamphetamine.</p>

<u>KENTUCKY</u>	
Restrictions placed on precursors (cont'd)	Any person who traffics in or transfers any ephedrine or pseudoephedrine product intentionally or recklessly with knowledge of or reason to know that the product will be used to illegally manufacture methamphetamine will be liable for damages in a civil action for all damages, whether directly or indirectly caused by the sale or trafficking or transfer of the drug product.
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 218A.1401 (“Selling controlled substances other than salvia to minor; penalties”). It is a class C felony for a person 18 years of age or older to knowingly and unlawfully sell for transfer any quantity of a controlled substance to any person under the age of 18.</p> <p>§ 218A.1404 (“Prohibited activities relating to controlled substances; penalties”). It is a class D felony for a person to traffic or unlawfully distribute any controlled substance except as authorized by law. It is a class A misdemeanor for a person to possess any controlled substance except as authorized by law.</p> <p>§ 218A.1411 (“Trafficking in controlled substance in or near school; exception for misdemeanor salvia offenses; penalty”). Any person who unlawfully traffics a controlled substance in, on, or within 1,000 feet of a school will be guilty of a class D felony.</p> <p>§ 218A.1412 (“Trafficking in controlled substance in first degree; penalties”). A person is guilty of the class C felony of trafficking in a controlled substance in the first degree when he or she knowingly and unlawfully traffics in two or more grams of methamphetamine. It is a class D felony to traffic in any less than two grams of methamphetamine.</p> <p>§ 218A.1415 (“Possession of controlled substance in first degree; penalties”). A person is guilty of the class D felony of possession of a controlled substance in the first degree when he or she knowingly and unlawfully possesses methamphetamine.</p>

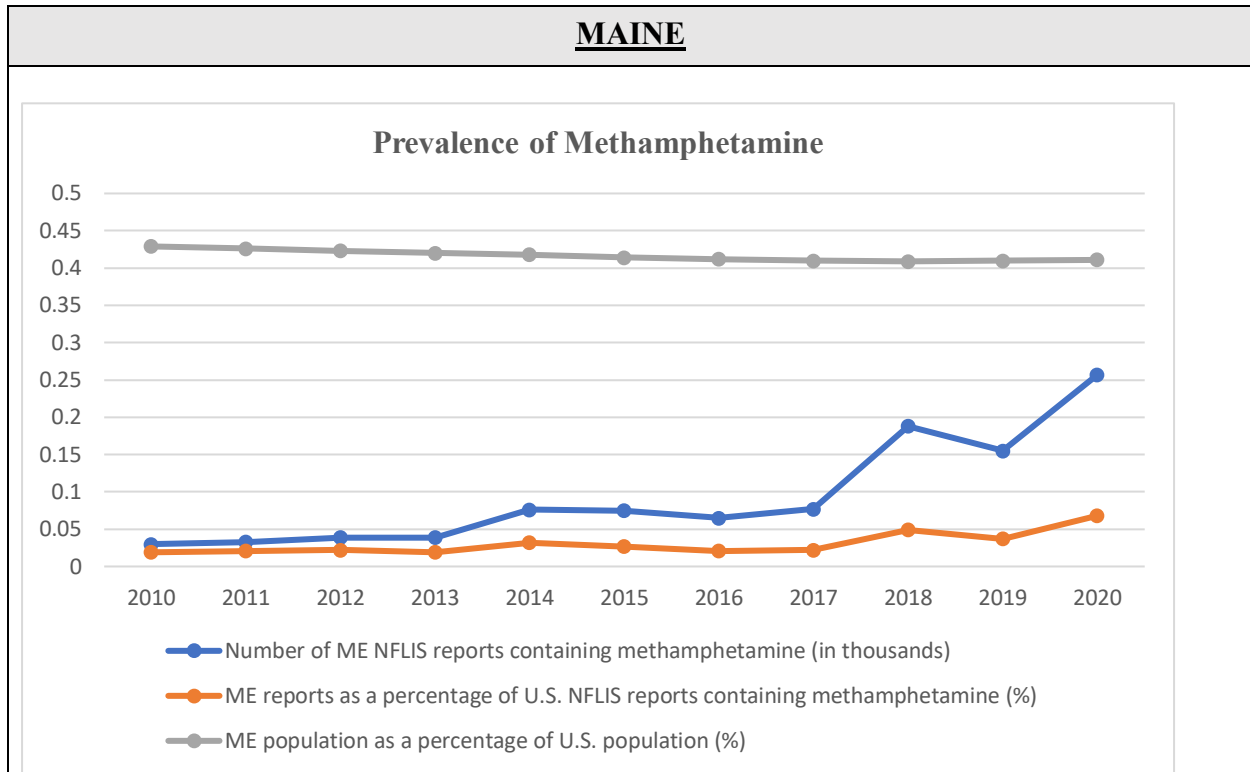
<u>KENTUCKY</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 218A.1432 (“Manufacturing methamphetamine; penalties”). A person is guilty of manufacturing methamphetamine when he or she knowingly and unlawfully manufactures methamphetamine or with the intent to manufacture methamphetamine possesses two or more chemicals or two or more items of equipment for the manufacture of methamphetamine. The manufacture of methamphetamine is a class B felony.</p> <p>§ 218A.1441 (“Controlled substance endangerment to a child in the first degree; penalty”). A person is guilty of the class A felony of controlled substance endangerment to a child in the first degree when he or she knowingly causes or permits a child to be present when any person is illegally manufacturing methamphetamine.</p>
Methamphetamine cleanup and disposal	<p>§ 218A.141 (“Additional penalties for trafficking in controlled substance other than salvia or marijuana”). Any person convicted of or pleading guilty to any offense involving the trafficking of a controlled substance, in addition to any other penalty authorized by law, will be sentenced to: (1) pay the costs of disposal of the controlled substances; (2) pay the costs of disposal of all equipment, chemicals, materials, or other items used in or in furtherance of the trafficking offense; (3) pay the costs involved with environmental clean-up and remediation required for the real property and personal property used for or in furtherance of the trafficking offenses; and (4) pay the costs of protecting the public from dangers from chemicals, materials, and other items used for or in furtherance of the trafficking offense from the time of the arrest until the time that the clean-up or remediation of the real and personal property is concluded.</p> <p>101:001 to 101:040. Chapter 101 of Title 401c of the Kentucky Administrative Regulations details the requirements and protocols for the cleanup of a methamphetamine contaminated site.</p>

<u>KENTUCKY</u>	
Other statutory provisions of note	§ 218A.133 (“Exemption from prosecution for possession of controlled substance or drug paraphernalia if seeking assistance with drug overdose”). A person will not be charged with or prosecuted for a criminal offense prohibiting the possession of a controlled substance if, in good faith, medical assistance is sought for a drug overdose for themselves or another person, and the person remains with, or is the individual who appears to be experiencing, a drug overdose until the requested assistance is provided.
Recently proposed legislation	H.B. 776, Reg. Sess. (Ky. 2022) (introduced in House and referred to committee; March 1, 2022). Amends § 218A.1415 to provide that possession of methamphetamine in the first degree is punishable by up to 15 hours of community service and evidence-based educational programming for reducing problematic substance use which has been approved by the Division of Behavioral Health within the Department of Behavioral Health, Developmental and Intellectual Disabilities.

<u>LOUISIANA</u>																																																	
<p>Prevalence of Methamphetamine</p> <table border="1"> <caption>Data for Prevalence of Methamphetamine in Louisiana (2010-2020)</caption> <thead> <tr> <th>Year</th> <th>Number of LA NFLIS reports (in thousands)</th> <th>LA reports as a percentage of U.S. reports (%)</th> <th>LA population as a percentage of U.S. population (%)</th> </tr> </thead> <tbody> <tr><td>2010</td><td>1.5</td><td>1.2</td><td>1.5</td></tr> <tr><td>2011</td><td>1.8</td><td>1.2</td><td>1.5</td></tr> <tr><td>2012</td><td>2.2</td><td>1.3</td><td>1.5</td></tr> <tr><td>2013</td><td>3.2</td><td>1.5</td><td>1.5</td></tr> <tr><td>2014</td><td>4.8</td><td>1.8</td><td>1.5</td></tr> <tr><td>2015</td><td>6.8</td><td>2.2</td><td>1.5</td></tr> <tr><td>2016</td><td>9.5</td><td>2.8</td><td>1.5</td></tr> <tr><td>2017</td><td>10.0</td><td>2.8</td><td>1.5</td></tr> <tr><td>2018</td><td>10.2</td><td>2.5</td><td>1.5</td></tr> <tr><td>2019</td><td>12.2</td><td>2.8</td><td>1.5</td></tr> <tr><td>2020</td><td>11.5</td><td>3.2</td><td>1.5</td></tr> </tbody> </table>		Year	Number of LA NFLIS reports (in thousands)	LA reports as a percentage of U.S. reports (%)	LA population as a percentage of U.S. population (%)	2010	1.5	1.2	1.5	2011	1.8	1.2	1.5	2012	2.2	1.3	1.5	2013	3.2	1.5	1.5	2014	4.8	1.8	1.5	2015	6.8	2.2	1.5	2016	9.5	2.8	1.5	2017	10.0	2.8	1.5	2018	10.2	2.5	1.5	2019	12.2	2.8	1.5	2020	11.5	3.2	1.5
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<p>The blue line shows the number of NFLIS reports in Louisiana (in thousands) containing methamphetamine for the years 2010 to 2020. Methamphetamine reports in Louisiana have been increasing since 2011, with only a small decrease in 2020. The orange line shows Louisiana reports as a percentage of total U.S. reports. The increase in the orange line between 2013-2016 and 2018-2020 indicates that Louisiana’s rate of increase in reports those years was greater than the increase in total U.S. reports. The gray line provides a baseline reference to Louisiana’s population as a percentage of U.S. population. Starting in 2013, Louisiana’s share of total U.S. reports containing methamphetamine was higher than what might be expected based on population alone.</p>																																																	
Statute(s) and regulation(s)	<p>LA. STAT. ANN. §§ 40:962.1, 40:962.1.1, 40:967 (2022); LA. STAT. ANN. §§ 40:981 to 40:983.1 (2022); LA. STAT. ANN. § 40:1049.3 (2022)</p>																																																
Restrictions placed on precursors	<p>§ 40:962.1.1 (“Possession of twelve grams or more of ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, optical isomers, and salts of optical isomers”). It is unlawful for any person to possess 12 or more grams of ephedrine or pseudoephedrine. It is also unlawful for a person to possess ephedrine or pseudoephedrine in powder form unless the weight of the ephedrine or pseudoephedrine is less than 12 grams and the powder is in the manufacturer’s original packaging and may be lawfully sold over the counter without a</p>																																																

<u>LOUISIANA</u>	
Restrictions placed on precursors (cont'd)	<p>prescription under the Federal Food, Drug, and Cosmetic Act. This provision does not apply to a person who has a valid prescription for ephedrine or pseudoephedrine. This provision does also not apply to any pediatric products that are primarily intended for administration to children under the age of 12.</p> <p>§ 40:1049.3 (“Restriction on the sale of nonprescription products containing ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, optical isomers, and salts of optical isomers”). Ephedrine and pseudoephedrine products can only be sold or distributed by a licensed pharmacist, certified pharmacy technician, or pharmacy employee permitted by the Louisiana Board of Pharmacy. The purchaser is required to present a federal or state-issued photo ID and sign a log at the time of sale. Information regarding the sale is required to be recorded by the pharmacy in the computer monitoring system. A person is prohibited from purchasing more than nine grams of ephedrine or pseudoephedrine within any 30-day period.</p> <p>§ 40:962.1 (“Ephedrine products”). Details the types of ephedrine products that can legally be sold without a prescription.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 40:967 (“Prohibited acts--Schedule II, penalties”). It is unlawful for any person to knowingly or intentionally produce, manufacture, distribute, or dispense, or possess with intent to produce, manufacture, distribute, or dispense, methamphetamine. The production or manufacturing of methamphetamine has a punishment of at least 10 years, but no more than 30 years of prison and a possible fine of \$500,000. It is unlawful for any person to knowingly or intentionally possess methamphetamine. The punishment is determined by the amount of methamphetamine in possession.</p> <p>§ 40:981 (“Distribution to persons under age eighteen”). Any person who is at least 18 years old who distributes methamphetamine to a person under the age of 18 who is at least three years his junior will, upon conviction, be punished by one and a half times the longest term of imprisonment authorized by the original crime.</p> <p>§ 40:981.1 (“Distribution to a student”). Any person who distributes methamphetamine to any student enrolled in any school or postsecondary institution in Louisiana will, upon conviction, be punished by a term of imprisonment of no more</p>

<u>LOUISIANA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>than one and a half times the longest term of imprisonment authorized for the original crime.</p> <p>§ 40:981.2 (“Soliciting minors to produce, manufacture, distribute, or dispense controlled dangerous substances”). Any person 18 years old or older who solicits, procures, or counsels any person under the age of 18 to distribute or attempt to distribute methamphetamine will be sentenced to a term of imprisonment for not less than ten nor more than 30 years.</p> <p>§ 40:983 (“Creation or operation of a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance; definition; penalties”). It is unlawful for any person to knowingly or intentionally create or operate a clandestine laboratory for the unlawful manufacture of methamphetamine. This crime is punishable by not less than five years nor more than 15 years in prison and possibly a fine of up to \$25,000.</p> <p>§ 40:983.1 (“Creation or operation of a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance on or within one thousand feet of school property”). Any person who creates or operates a clandestine laboratory for the unlawful manufacture of methamphetamine on or within 1,000 of a school will be punished by no less than five nor more than 15 years in prison and a possible fine of up to \$25,000.</p>
Methamphetamine cleanup and disposal	§ 40:983 (“Creation or operation of a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance; definition; penalties”). A person convicted of creating or operating a clandestine laboratory may be ordered to make restitution for the actual governmental cost incurred in the cleanup of any hazardous waste resulting from the operation of the laboratory for the manufacture of methamphetamine.
Other statutory provisions of note	None.
Recently proposed legislation	None.

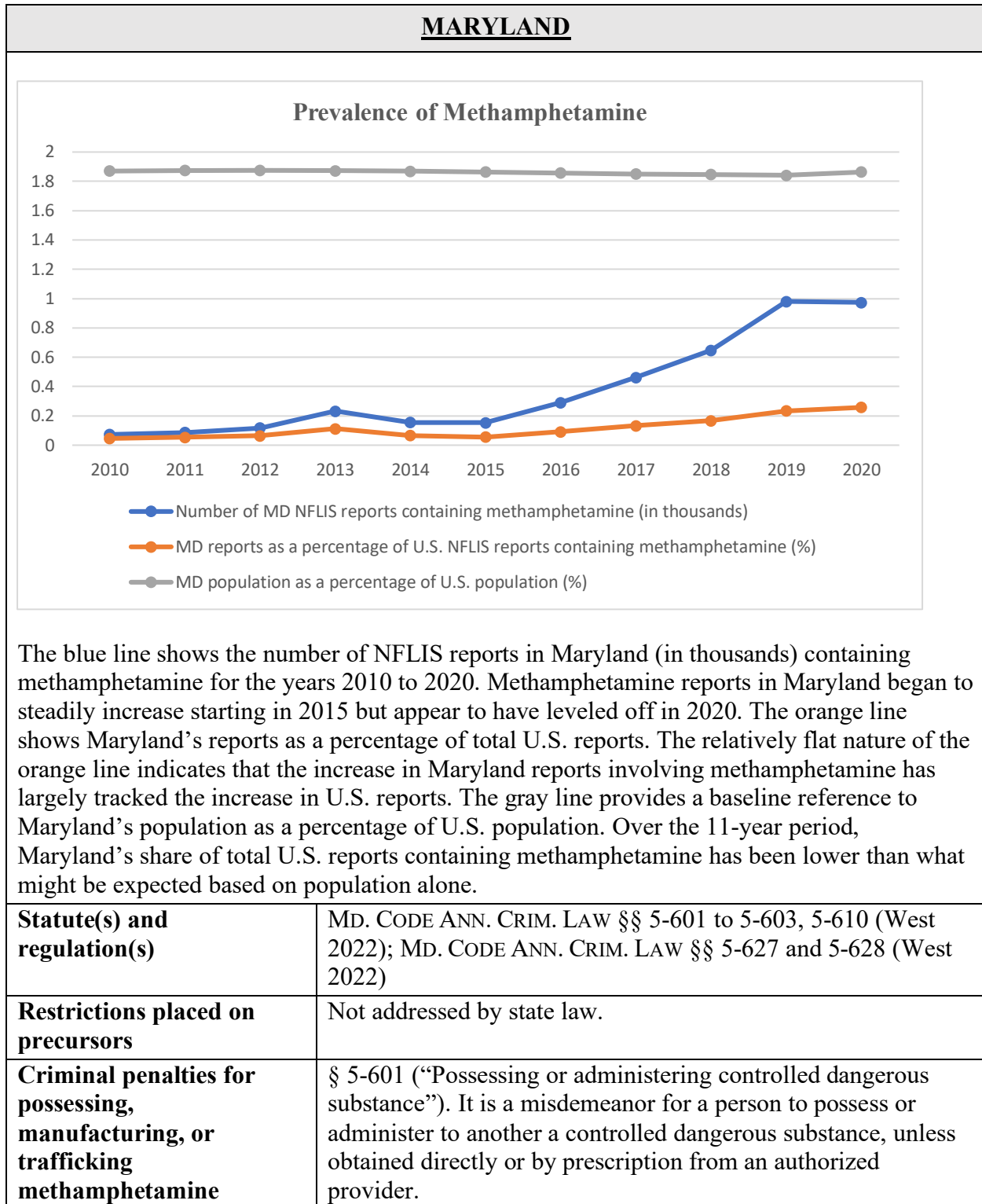


The blue line shows the number of NFLIS reports in Maine (in thousands) containing methamphetamine for the years 2010 to 2020. Methamphetamine reports in Maine slightly increased between 2013 and 2014 and drastically increased between 2017 and 2020. The orange line shows Maine’s reports as a percentage of total U.S. reports. The relatively flat nature of the orange line indicates that the increase in Maine reports involving methamphetamine has largely tracked the increase in U.S. reports. The gray line provides a baseline reference to Maine’s population as a percentage of U.S. population. Over the 11-year period, Maine’s share of total U.S. reports containing methamphetamine have been lower than what might be expected based on population alone.

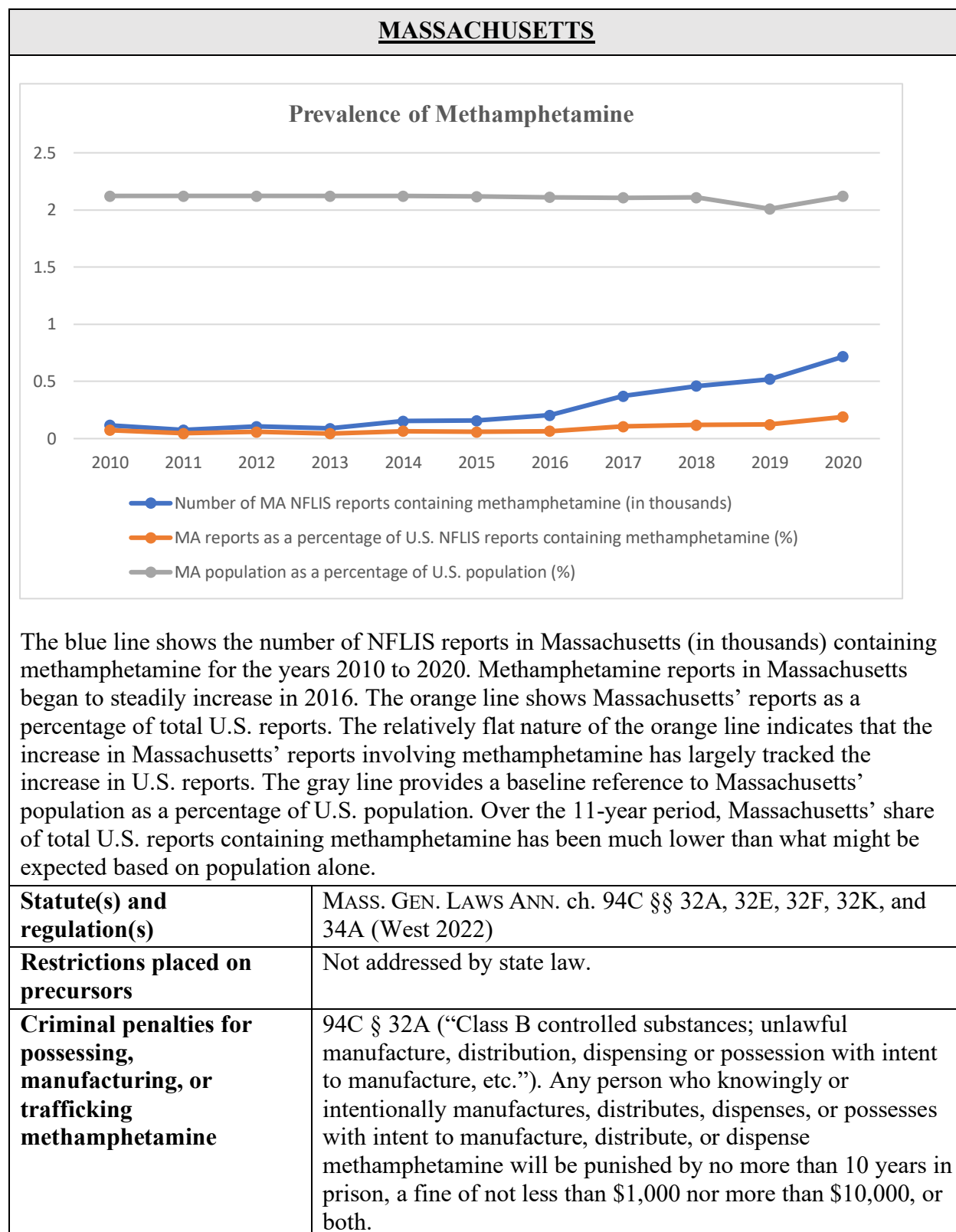
Statute(s) and regulation(s)	ME. REV. STAT. ANN. tit. 17-A §§ 1103, 1105-A, 1105-E, 1106, 1107-A, and 1111-B (West 2022); ME. REV. STAT. ANN. tit. 17-A § 1124 (West 2022); ME. REV. STAT. ANN. tit. 32 §§ 13795 and 13796 (West 2022)
Restrictions placed on precursors	32 § 13795 (“Photographic proof of identification; discretion to sell or dispense; immunity”). A pharmacist may demand, inspect, and record proof of identification from any patient presenting a prescription or any person acting on behalf of the patient or person purchasing a targeted methamphetamine precursor. The pharmacist has the right to refuse to fill any prescription, dispense any drug, or sell any targeted methamphetamine precursor if he or she is unsatisfied with the legitimacy of the prescription, the validity of the ID, or the

<u>MAINE</u>	
Restrictions placed on precursors (cont'd)	<p>intention of the customer to use the drug properly. The pharmacy may keep a log of information about the purchasers.</p> <p>32 § 13796 (“Retail sale of targeted methamphetamine precursors”). A person is prohibited from purchasing or selling more than 3.6 grams of ephedrine or pseudoephedrine in a 24-hour period or nine grams of ephedrine or pseudoephedrine in a 30-day period. Retailers are to keep targeted methamphetamine precursors in a location that is locked or not otherwise accessible by customers. The sale of targeted methamphetamine precursors can only be completed by a licensed pharmacist, licensed pharmacy technician, or an employee that works under the direct supervision of a pharmacist in the pharmacy area of the retail store. Information about the purchase must be logged into the electronic recording system. These provisions do not apply to targeted methamphetamine precursors that are obtained by a prescription.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>17-A § 1103 (“Unlawful trafficking in scheduled drugs”). The unlawful trafficking of methamphetamine is a Class B crime. Proof that a person intentionally or knowingly possessed 14 grams or more of methamphetamine gives rise to a permissible inference that the person is unlawfully trafficking in methamphetamine.</p> <p>17-A § 1105-A (“Aggravated trafficking of scheduled drugs”). A person is guilty of aggravated trafficking if the person: (1) traffics the drug with a child who is less than 18 years old; (2) has one or more prior convictions for any Class A, B, or C drug offense; (3) possesses a firearm in the furtherance of the offense, uses a firearm, carries a firearm, or is armed with a firearm; (4) is on a school bus or within 1,000 feet of a school; (5) enlists or solicits the aid of a child who is less than 18 years old; (6) traffics in 100 grams or more of methamphetamine; or (6) if the drug trafficked by the defendant is a contributing factor to the serious bodily injury or death of another person.</p> <p>17-A § 1105-E (“Aggravated unlawful operation of a methamphetamine laboratory”). A person is guilty of aggravated unlawful operation of a methamphetamine laboratory if: (1) the person has one or more prior convictions for any Class A, B, or C drug offense; (2) the person possessed a firearm in the furtherance of the offense, uses a firearm, carries a firearm, or is armed with a firearm; (3) the person is within 1,000 of a school; (4) the person enlists or solicits the aid</p>

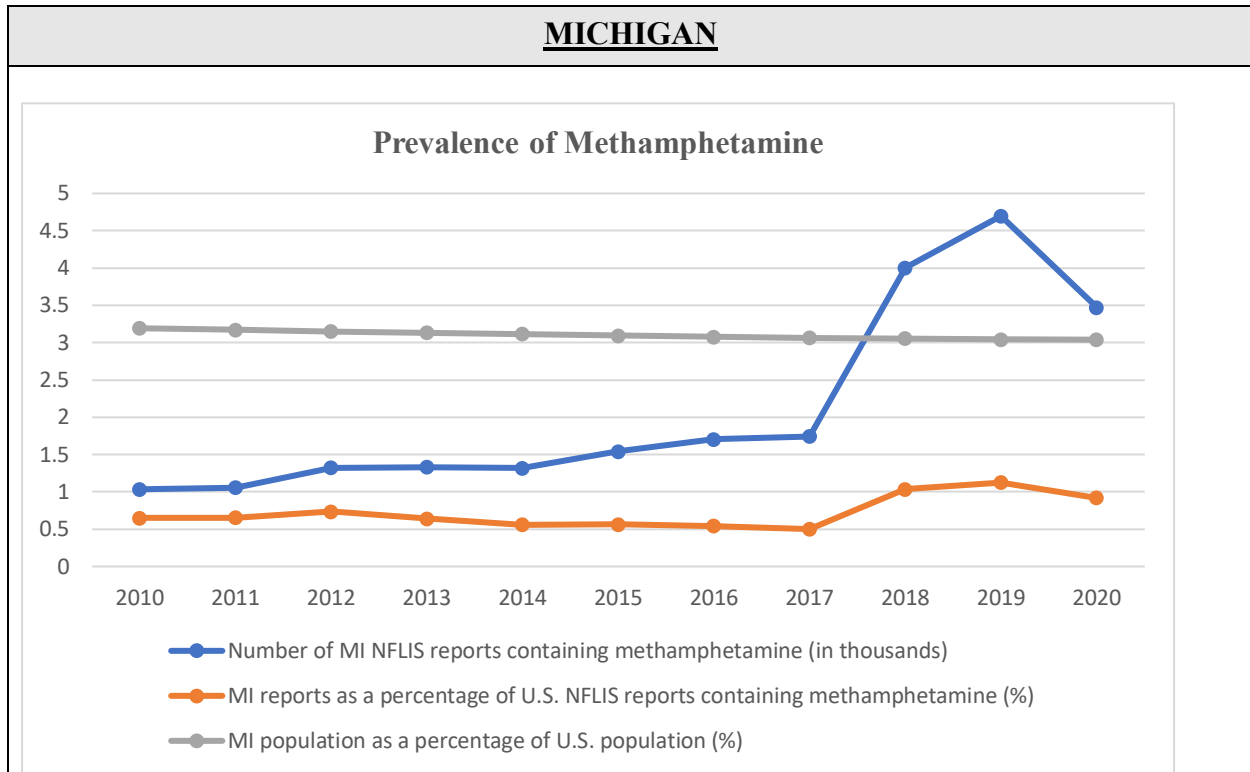
<u>MAINE</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>of a child who is less than 18 years old; (5) death or serious bodily injury was cause by the methamphetamine laboratory; or (6) the premise is the residence of a child who is less than 18 or is a multi-unit residential building.</p> <p>17-A § 1106 (“Unlawfully furnishing scheduled drugs”). A person is guilty of unlawfully furnishing methamphetamine if the person intentionally or knowingly furnishes what the person knows or believes to be a scheduled drug. Proof that a person possess more than 200 milligrams of methamphetamine gives rise to a permissible inference that the person is unlawfully furnishing methamphetamine.</p> <p>17-A § 1107-A (“Unlawful possession of scheduled drugs”). A person is guilty of unlawful possession of methamphetamine if the person intentionally or knowingly possesses what the person knows or believes to be methamphetamine. The crime level depends on the amount of methamphetamine possessed.</p> <p>17-A § 1124 (“Unlawful operation of a methamphetamine laboratory”). A person is guilty of unlawful operation of a methamphetamine laboratory, a Class B crime, if that person intentionally or knowingly produces, prepares, compounds, converts, or processes a precursor with the intent that methamphetamine be produced.</p>
Methamphetamine cleanup and disposal	Not addressed by state law.
Other statutory provisions of note	17-A § 1111-B (“Exemption from criminal liability for reporting a drug-related medical emergency or administering naloxone”). A person who in good faith seeks medical assistance for or administers naloxone hydrochloride to another person experiencing a drug-related overdose or who is experiencing a drug-related overdose and is in need of medical assistance may not be arrested or prosecuted for or subject to revocation of probation based on conduct that would otherwise constitute a violation of certain criminal offenses if the grounds for arrest or prosecution are obtained as a result of the person’s seeking medical assistance, administering naloxone hydrochloride, or experiencing a drug-related overdose.
Recently proposed legislation	None.



<u>MARYLAND</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 5-602 (“Manufacturing, distributing, possession with intent to distribute, or dispensing controlled dangerous substance”). It is illegal for a person to distribute or dispense a controlled dangerous substance or possess a controlled dangerous substance in a quantity enough to indicate under all circumstances an intent to distribute or dispense a controlled dangerous substance.</p> <p>§ 5-603 (“Equipment to produce controlled dangerous substance”). A person may not manufacture a controlled dangerous substance, or manufacture, distribute, or possess a machine, equipment, instrument, implement, device, or a combination of them that is adapted to produce a controlled dangerous substance under circumstances that reasonably indicates an intent to use it to produce, sell, or dispense a controlled dangerous substance.</p> <p>§ 5-627 (“Controlled dangerous substance near school”). A person may not manufacture, distribute, dispense, or possess with intent to distribute a controlled dangerous substance in a school vehicle, or in, on, or within 1,000 feet of a school. A person who violates this provision is guilty of a felony.</p> <p>§ 5-628 (“Use of minor”). A person may not hire, solicit, engage, or use a minor to manufacture, deliver, or distribute on behalf of that person a controlled substance. A person who violates this section is guilty of a felony.</p>
Methamphetamine cleanup and disposal	§ 5-610 (“Restitution”). A person who is convicted of manufacturing a controlled substance may be ordered by the court to pay restitution for actual costs reasonably incurred in cleaning up or remediating laboratories or other facilities operated for the illegal manufacture of a controlled dangerous substance.
Other statutory provisions of note	None.
Recently proposed legislation	None.



<u>MASSACHUSETTS</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>94C § 32E (“Trafficking in marijuana, cocaine, heroin, synthetic opioids, morphine, opium, etc.; eligibility for parole”). Any person who traffics in methamphetamine by knowingly or intentionally manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, or by bringing into the commonwealth a net weight of 18 grams or more of methamphetamine is guilty of a felony. The punishment is determined by the amount of methamphetamine trafficked.</p> <p>94C § 32F (“Unlawful manufacture, distribution, dispensing or possession with intent to manufacture, etc. of controlled substances in Classes A to C to minors”). Any person who knowingly or intentionally manufactures, distributes, dispenses, or possesses with intent to manufacture distribute or dispense methamphetamine to a person under the age of 18 faces a term of imprisonment of three to 15 years.</p> <p>94C § 32K (“Inducing or abetting minor to distribute or sell controlled substances”). Any person who knowingly causes, induces, or abets a person under the age of 18 to distribute, dispense, or possess with the intent to distribute or dispense methamphetamine will be punished by imprisonment for between five and 15 years.</p>
Methamphetamine cleanup and disposal	Not addressed by state law.
Other statutory provisions of note	94C § 34A (“Immunity from prosecution under Sec. 34 or finding of violation of condition of probation, pretrial release or parole for persons seeking medical assistance for self or other experiencing drug-related overdose”). A person who, in good faith, seeks medical assistance for someone experiencing a drug-related overdose, including themselves, will not be charged or prosecuted for possession of a controlled substance or found in violation of a condition of probation or pretrial release if the evidence for the charge was gained as a result of the seeking of medical assistance.
Recently proposed legislation	None.



The blue line shows the number of NFLIS reports in Michigan (in thousands) containing methamphetamine for the years 2010 to 2020. Methamphetamine reports in Michigan drastically increased between 2017 to 2019 and dropped significantly in 2020. The orange line shows Michigan reports as a percentage of total U.S. reports. The rise in the orange line between 2017 to 2019 indicates that Michigan’s increase in reports exceeded the increase in total U.S. reports those years. The gray line provides a baseline reference to Michigan’s population as a percentage of U.S. population. Over the 11-year period, Michigan’s share of total U.S. reports containing methamphetamine has been lower than what might be expected based on population alone.

Statute(s) and regulation(s)	MICH. COMP. LAWS ANN. § 125.485a (West 2022); MICH. COMP. LAWS ANN. §§ 333.17766c, 333.17766e, and 333.17766f (West 2022); MICH. COMP. LAWS ANN. § 333.7220 (West 2022); MICH. COMP. LAWS ANN. §§ 333.7340 and 333.7340c (West 2022); MICH. COMP. LAWS ANN. §§ 333.7401, 333.7401c, 333.7403, 333.7404, and 333.7410 (West 2022)
Restrictions placed on precursors	§ 333.17766c (“Purchase or possession of ephedrine or pseudoephedrine; prohibition; violation; penalties; exceptions”). A person is prohibited from purchasing more than 3.6 grams of ephedrine or pseudoephedrine within a single calendar day, purchasing more than nine grams of ephedrine or pseudoephedrine within a 30-day period, or possessing more than 12 grams of ephedrine or pseudoephedrine. A person is also prohibited from purchasing or possessing any amount of

<u>MICHIGAN</u>	
Restrictions placed on precursors (cont'd)	<p>ephedrine or pseudoephedrine knowing or having reason to know that it is to be used to manufacture methamphetamine. These provisions do not apply to a person who possesses ephedrine or pseudoephedrine pursuant to a prescription.</p> <p>§ 333.17766e (“Retail sale of products containing ephedrine or pseudoephedrine; security measures; identification and recordkeeping; penalties; report”). A retailer must keep ephedrine or pseudoephedrine products behind a counter or within a locked case that the customer cannot access. At the time of purchase, the customer must produce a valid government-issued photo ID and sign a log. The retailer is required to record information about the purchase into the NPLeX system. This provision does not apply to certain products, including pediatric products intended for children under 12 and products dispensed pursuant to a prescription.</p> <p>§ 333.17766f (“Retail sale of product containing ephedrine or pseudoephedrine; prohibited conduct; exceptions; violation; penalty; affirmative defense; rebuttal; conflict of local requirements”). A retailer is prohibited from selling any ephedrine or pseudoephedrine product to an individual under the age of 18. A retailer is also prohibited from selling in a single over-the-counter sale more than two personal convenience packages containing two tablets or capsules each of ephedrine or pseudoephedrine.</p> <p>§ 333.7340 (“Sale, distribution, delivery, or furnishing of products containing ephedrine or pseudoephedrine to individuals by sales through mail, internet, telephone, or other electronic means prohibited; exceptions; punishment”). It is illegal to sell, distribute, or deliver a product containing ephedrine or pseudoephedrine to an individual if the sale is transacted through use of the mail, Internet, telephone, or other electronic means.</p> <p>§ 333.7340c (“Soliciting another person to purchase or obtain ephedrine or pseudoephedrine to manufacture methamphetamine”). A person is prohibited from soliciting another person to purchase or otherwise obtain any amount of ephedrine or pseudoephedrine knowing that it is to be used for the purpose of illegally manufacturing methamphetamine.</p>

<u>MICHIGAN</u>	
Restrictions placed on precursors (cont'd)	<p>§ 333.7220 (“Schedule 5; substances included”). Ephedrine is a Schedule V substance in Michigan. However, a product containing ephedrine is not in Schedule V if the product meets certain stated conditions.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 333.7401 (“Manufacturing, creating, delivering, or possessing with intent to manufacture, create, or deliver controlled substance, prescription form, or counterfeit prescription form; dispensing, prescribing, or administering controlled substance; violations; penalties; consecutive terms; discharge from lifetime probation”). It is illegal for a person to manufacture, create, deliver, or possess with intent to manufacture, create, or deliver methamphetamine. This is a felony punishable by imprisonment for no more than 20 years, a fine of no more than \$25,000, or both.</p> <p>§ 333.7401c (“Manufacture of controlled substances; limitations on structures”). It is illegal for a person to: (1) own, possess, or use a vehicle, building, structure, place, or area that he or she knows or has reason to know is to be used as a location to manufacture a controlled substance; (2) own or possess any chemical or any laboratory equipment that he or she knows or has reason to know is to be used for the purpose of manufacturing a controlled substance; or (3) provide any chemical or laboratory equipment to another person knowing that the other person intends to use that chemical or laboratory equipment for the purpose of manufacturing a controlled substance. The violation of these provisions is a felony with punishment dependent on the presence of aggravating factors.</p> <p>§ 333.7403 (“Possession of controlled substance, controlled substance analogue, or prescription form; violations; penalties; reporting drug overdose or other medical emergency; exemption from prosecution; notification of parent, guardian, or custodian”). It is illegal for a person to knowingly or intentionally possess a controlled substance, unless it was obtained directly from a valid prescription. The possession of methamphetamine is a felony punishable by imprisonment for no more than 10 years, a fine of up to \$15,000, or both.</p> <p>§ 333.7404 (“Use of controlled substance or controlled substance analogue without prescription; violations; penalties; reporting drug overdose or other medical emergency; exemption from prosecution; notification of parent, guardian, or custodian”). The illegal use of methamphetamine is a</p>

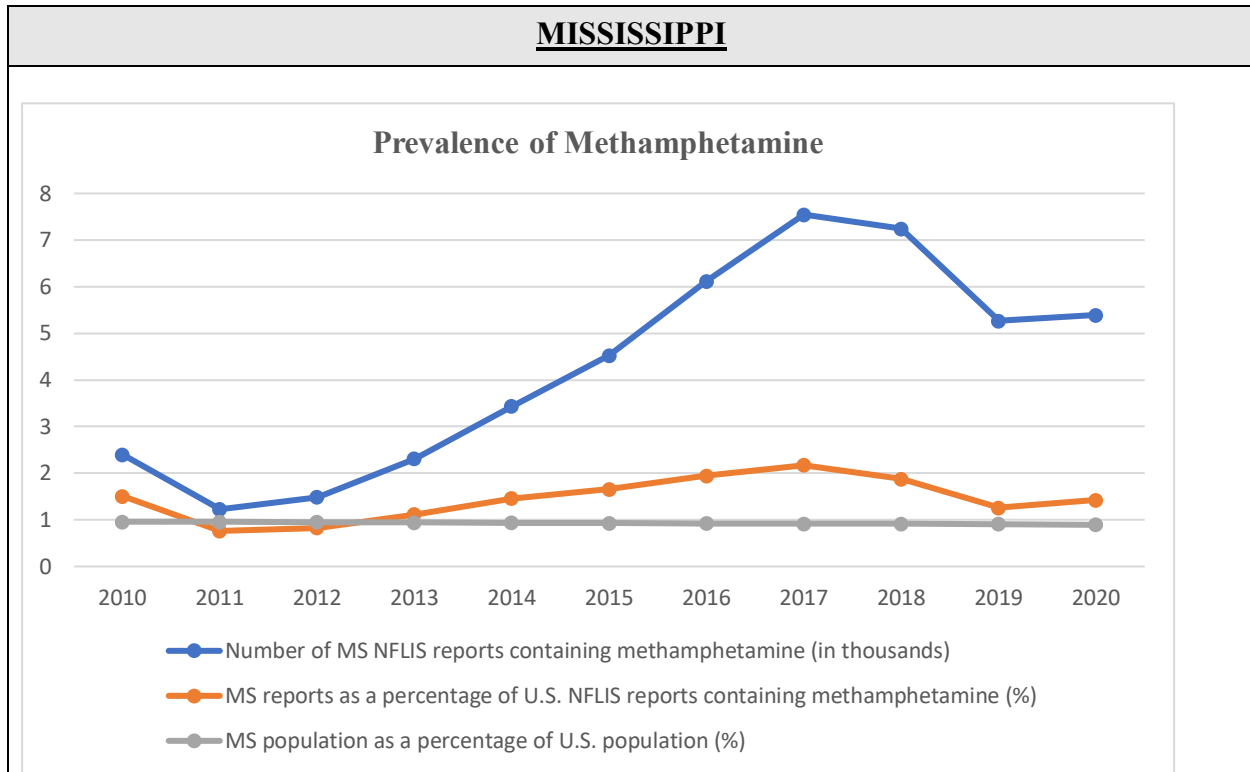
<u>MICHIGAN</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>misdemeanor punishable by imprisonment of up to one year, a fine of no more than \$2,000, or both.</p> <p>§ 333.7410 (“Distribution of controlled substance to minor; possession, distribution, or manufacture within 1,000 feet of school property or library”). An individual 18 years or older who manufactures methamphetamine on or within 1,000 feet of a school or library will be punished by a term of imprisonment, fine, or both, of no more than twice that proposed by the original crime.</p>
Methamphetamine cleanup and disposal	<p>§ 125.485a (“Illegal drug manufacturing site; protective measures”). Within 48 hours of discovering an illegal drug manufacturing site, law enforcement is required to notify the proper enforcing agency regarding the potential contamination of the property and post a warning on the premises stating that potential contamination exists. If the property is determined likely to be contaminated, the enforcing agency will issue an order requiring the property to be vacated until the property owner establishes that the property is decontaminated.</p>
Other statutory provisions of note	<p>§ 333.7403 (“Possession of controlled substance, controlled substance analogue, or prescription form; violations; penalties; reporting drug overdose or other medical emergency; exemption from prosecution; notification of parent, guardian, or custodian”). An individual who in good faith attempts to procure medical assistance for themselves, or another individual who requires medical assistance, for a drug overdose or other perceived medical emergency arising from the use of a controlled substance that he or she possesses or possessed in an amount sufficient only for personal use and the evidence of his or her violation of this section is obtained as a result of the individual’s attempting to procure medical assistance will not be charged with possession of controlled substance.</p>
Recently proposed legislation	None.

<u>MINNESOTA</u>																																																	
<p style="text-align: center;">Prevalence of Methamphetamine</p> <table border="1"> <caption>Data for Prevalence of Methamphetamine (2010-2020)</caption> <thead> <tr> <th>Year</th> <th>Number of MN NFLIS reports (thousands)</th> <th>MN reports as a percentage of U.S. reports (%)</th> <th>MN population as a percentage of U.S. population (%)</th> </tr> </thead> <tbody> <tr><td>2010</td><td>3.0</td><td>1.8</td><td>1.8</td></tr> <tr><td>2011</td><td>3.1</td><td>1.9</td><td>1.8</td></tr> <tr><td>2012</td><td>3.7</td><td>2.1</td><td>1.8</td></tr> <tr><td>2013</td><td>3.3</td><td>1.6</td><td>1.8</td></tr> <tr><td>2014</td><td>3.4</td><td>1.4</td><td>1.8</td></tr> <tr><td>2015</td><td>4.1</td><td>1.5</td><td>1.8</td></tr> <tr><td>2016</td><td>4.0</td><td>1.2</td><td>1.8</td></tr> <tr><td>2017</td><td>5.7</td><td>1.7</td><td>1.8</td></tr> <tr><td>2018</td><td>7.3</td><td>1.9</td><td>1.8</td></tr> <tr><td>2019</td><td>6.3</td><td>1.5</td><td>1.8</td></tr> <tr><td>2020</td><td>6.0</td><td>1.6</td><td>1.8</td></tr> </tbody> </table>		Year	Number of MN NFLIS reports (thousands)	MN reports as a percentage of U.S. reports (%)	MN population as a percentage of U.S. population (%)	2010	3.0	1.8	1.8	2011	3.1	1.9	1.8	2012	3.7	2.1	1.8	2013	3.3	1.6	1.8	2014	3.4	1.4	1.8	2015	4.1	1.5	1.8	2016	4.0	1.2	1.8	2017	5.7	1.7	1.8	2018	7.3	1.9	1.8	2019	6.3	1.5	1.8	2020	6.0	1.6	1.8
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Statute(s) and regulation(s)	<p>MINN. STAT. ANN. §§ 152.02, 152.021, 152.022, 152.023, 152.024, 152.0261, 152.0262, and 152.0275 (West 2022); MINN. STAT. ANN. § 152.137 (West 2022); MINN. STAT. ANN. § 446A.083 (West 2022)</p>																																																
Restrictions placed on precursors	<p>§ 152.02 (“Schedules of controlled substances; administration of chapter”). Ephedrine and pseudoephedrine are listed as Schedule V controlled substances in Minnesota. Individuals are prohibited from selling or purchasing in a single over-the-counter sale more than two packages of ephedrine or pseudoephedrine or any combination of packages exceeding a total weight of six grams. Methamphetamine precursor products must be kept behind a checkout counter and offered for sale only by a licensed pharmacist, a registered pharmacy</p>																																																

<u>MINNESOTA</u>	
Restrictions placed on precursors (cont'd)	<p>technician, or a pharmacy clerk. At the point of sale, the purchaser must provide a photo ID and sign a log. No person may acquire through over-the counter sales more than six grams of methamphetamine precursor drugs within a 30-day period. Customers must be 18 or older to purchase a methamphetamine precursor drug. These provisions do not apply to, among other things, pediatric products intended for administration to children under 12 years of age.</p> <p>§ 152.0262 (“Possession of substances with intent to manufacture methamphetamine crime”). A person is guilty of a crime if the person possesses any chemical reagents or precursors with the intent to manufacture methamphetamine; if convicted, the person faces imprisonment for no more than 10 years, a fine of no more than \$20,000, or both.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 152.137 (“Methamphetamine-related crimes involving children and vulnerable adults”). A person may not knowingly engage in any of the following activities in the presence of a child or vulnerable adult; in the residence of a child or a vulnerable adult; in a location where a child or vulnerable adult might reasonably be expected to be present; in a room offered to the public for overnight accommodation; or in any multiple unit residential building: (1) manufacturing or attempting to manufacture methamphetamine; (2) storing any chemical substance; (3) storing any methamphetamine waste products; or (4) storing any methamphetamine paraphernalia. A person may not knowingly cause or permit a child or vulnerable adult to inhale, be exposed to, have contact with, or ingest methamphetamine, a chemical substance, or methamphetamine paraphernalia. Violations are felonies, and a person faces imprisonment for not more than 5 years, a fine of no more than \$10,000, or both.</p> <p>§ 152.021 (“Controlled substance crime in the first degree”). A person is guilty of controlled substance crime in the first degree if on one or more occasions within a 90-day period, the person unlawfully sells: (1) 17 grams or more of methamphetamine; or (2) 10 grams or more of methamphetamine and the offense involves two aggravating factors. A person is guilty of controlled substance crime in the first degree if the person unlawfully possesses: (1) 50 grams or more of methamphetamine; or (2) 25 grams or more of methamphetamine and the offense involves two aggravating factors. A person is guilty of controlled substance crime in the</p>

<u>MINNESOTA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>first degree if the person manufactures any amount of methamphetamine. A person is guilty of aggravated controlled substance crime in the first degree if the person or an accomplice sells or possesses 100 or more grams of methamphetamine, and the offense involves two aggravating factors.</p> <p>§ 152.022 (“Controlled substance crime in the second degree”). A person is guilty of controlled substance crime in the second degree if on one or more occasions within a 90-day period, the person unlawfully sells three grams or more of methamphetamine and the offense involves three aggravating factors. It is a controlled substance crime in the second degree for a person to unlawfully sell methamphetamine in a school zone, park, public housing zone, or a drug treatment facility. A person is guilty of controlled substance crime in the second degree if the person unlawfully possesses (1) 25 grams or more of methamphetamine; or (2) 10 grams or more of methamphetamine and the offense involves three aggravating factors.</p> <p>§ 152.023 (“Controlled substance crime in the third degree”). A person is guilty of controlled substance crime in the third degree if the person unlawfully sells methamphetamine to a person under the age of 18 or the person conspires with or employs a person under the age of 8 to unlawfully sell methamphetamine. A person is guilty of controlled substance crime in the third degree if the person unlawfully possesses methamphetamine in a school zone, park, public housing zone, or drug treatment facility.</p> <p>§ 152.024 (“Controlled substance crime in the fourth degree”). A person is guilty of controlled substance crime in the fourth degree if the person unlawfully sells methamphetamine or the person unlawfully possesses methamphetamine.</p> <p>§ 152.0261 (“Importing controlled substances across state borders”). A person who crosses a state or international border into Minnesota while in possession of any amount of methamphetamine is guilty of importing controlled substances.</p>

<u>MINNESOTA</u>	
Methamphetamine cleanup and disposal	<p>§ 152.0275 (“Certain controlled substance offenses; restitution; prohibitions on property use; notice provisions”). A peace officer who arrests a person at a clandestine lab site is required to notify the appropriate county or local health department, state duty officer, and child protection services of the arrest and the location of the site. The Health Department will prohibit anyone from occupying or using the site until it has been assessed and remediated as provided in the Department of Health’s clandestine drug labs general cleanup guidelines.</p> <p>§ 446A.083 (“Methamphetamine laboratory cleanup revolving account”). Establishes a methamphetamine laboratory cleanup revolving account in the public facility authority fund to provide loans to counties and cities to remediate clandestine lab sites.</p>
Other statutory provisions of note	None.
Recently proposed legislation	None.

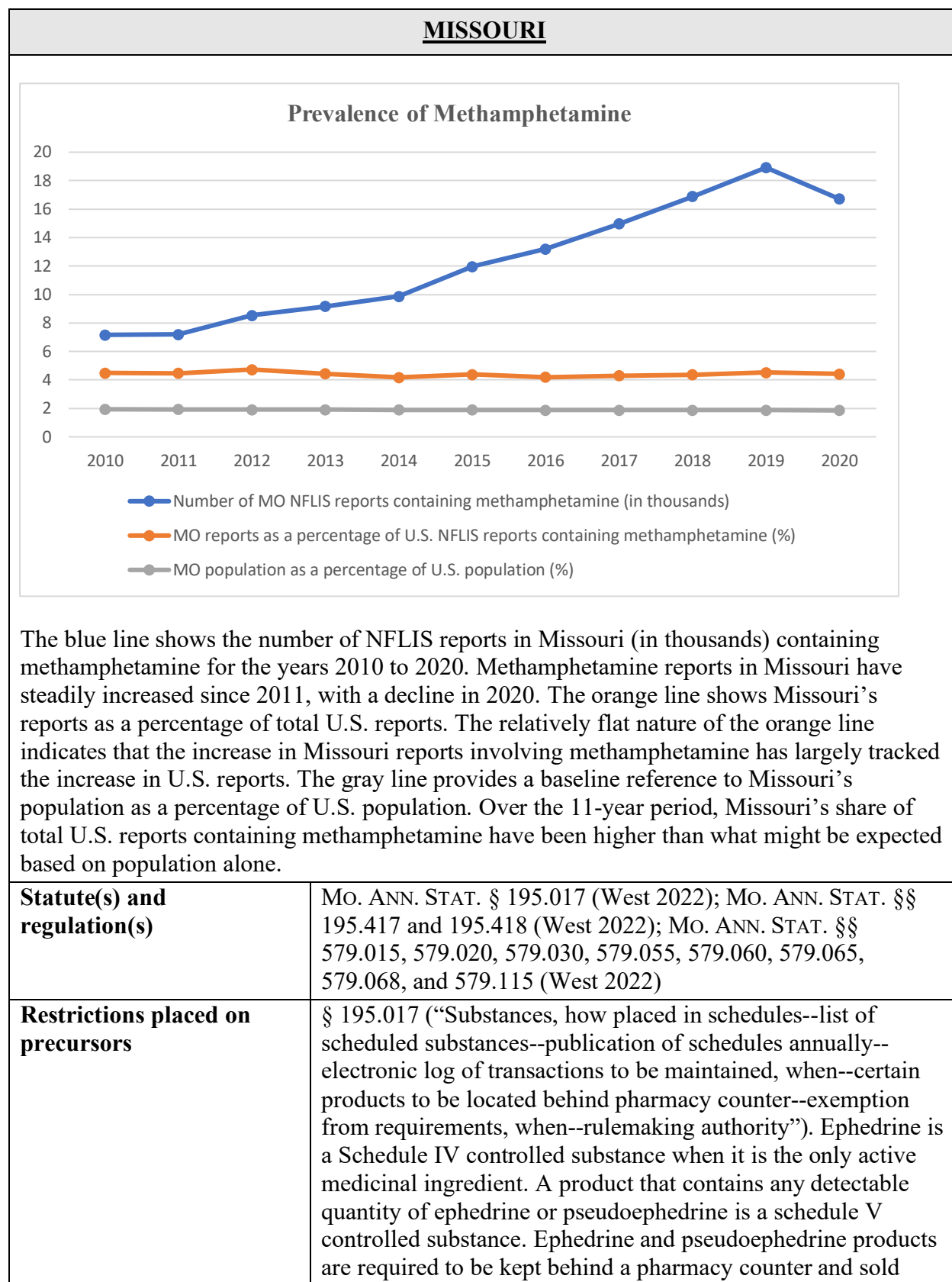


The blue line shows the number of NFLIS reports in Mississippi (in thousands) containing methamphetamine for the years 2010 to 2020. Methamphetamine reports in Mississippi have increased drastically from 2011 to 2017, dropped sharply from 2018 to 2019, and leveled off in 2020. The orange line shows Mississippi’s reports as a percentage of total U.S. reports. The rise in the orange line between 2012 to 2017 indicates that Mississippi’s increase in reports in those years exceeded the increase in total U.S. reports. The gray line provides a baseline reference to Mississippi’s population as a percentage of U.S. population. For the majority the 11-year period, Mississippi’s share of total U.S. reports containing methamphetamine has been higher than what might be expected based on population alone.

Statute(s) and regulation(s)	MISS. CODE ANN. § 41-29-117 (West 2022); MISS. CODE ANN. §§ 41-29-137 and 41-29-139 (West 2022); MISS. CODE ANN. §§ 41-29-142, 41-29-145, and 41-29-149.1 (West 2022); MISS. CODE ANN. §§ 41-29-313; MISS. CODE ANN. § 73-21-124 (West 2022)
Restrictions placed on precursors	§ 41-29-117 (“Schedule III”). Ephedrine and pseudoephedrine are listed as Schedule III controlled substances in Mississippi, except for any product that contains any quantity of ephedrine or pseudoephedrine that is sold subject to the quantity restrictions authorized in §73-21-124.

<u>MISSISSIPPI</u>	
Restrictions placed on precursors (cont'd)	<p>§ 41-29-137 (“Prescriptions”). Except when dispensed directly to an ultimate user by a practitioner other than a pharmacy, ephedrine or pseudoephedrine products are not to be dispensed without a valid prescription.</p> <p>§ 41-29-313 (“Precursor chemicals or drugs; presumption; unlawful manufacture of controlled substances; offenses; penalties”). It is unlawful for any person to knowingly or intentionally purchase, possess, transfer, manufacture, attempt to manufacture or distribute any two or more precursor chemicals or drugs in any amount with the intent to unlawfully manufacture a controlled substance. It is unlawful for any person to purchase, possess, transfer, or distribute 15 grams of pseudoephedrine or ephedrine, knowing, or under circumstances where one reasonably should know, that the pseudoephedrine or ephedrine will be used to unlawfully manufacture a controlled substance. The possession of more than 24 grams of ephedrine or pseudoephedrine creates a rebuttable presumption of intent to use as a precursor to methamphetamine.</p> <p>§ 73-21-124 (“Sale or distribution of products containing limited quantities of pseudoephedrine or ephedrine”). It is lawful for a pharmacy to sell or distribute to a person, without a prescription, products containing not more than 3.6 grams per day and not more than 7.2 grams per thirty-day period of pseudoephedrine or ephedrine, and it is lawful for a person to purchase products containing those ingredients from a registered pharmacy without a prescription. All products must be kept behind the pharmacy counter. Pharmacies selling products in this manner must use the NPLEx system before completing an over-the-counter sale of such products and shall maintain a log of required information for each transaction.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 41-29-139 (“Prohibited acts and penalties; indictments for trafficking”). It is unlawful for any person to sell, barter, transfer, manufacture, distribute, dispense, or possess with intent to sell, barter, transfer, manufacture, distribute, or dispense methamphetamine. The punishment is dependent on the amount of methamphetamine transferred or possessed. It is unlawful for any person to knowingly or intentionally possess methamphetamine. The punishment is dependent on the amount of methamphetamine possessed. Any person trafficking 30 or</p>

<u>MISSISSIPPI</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>more grams of methamphetamine will be guilty of a felony and, upon conviction, will be imprisoned for a term of no less than 10 years nor more than 40 years and fined no less than \$5,000 nor more than one million dollars. Any person trafficking in 200 grams or more of methamphetamine will be guilty of aggravated trafficking.</p> <p>§ 41-29-142 (“Proximity to school, enhanced penalty”). An additional penalty will be added to anyone who sells or transfers a controlled substance within 1,000 feet of a school, church, park, recreation center, or movie theater.</p> <p>§ 41-29-145 (“Distribution to people under 21”). Any person 21 or older who transfers or sells a controlled substance to another person who is under the age of 21 can be punished by imprisonment or fine up to twice of that authorized in the original crime.</p>
Methamphetamine cleanup and disposal	Not addressed by state law.
Other statutory provisions of note	<p>§ 41-29-149.1 (“Mississippi Medical Emergency Good Samaritan Act”). Any person who in good faith seeks medical assistance for someone who is experiencing a drug overdose shall not be arrested, charged, or prosecuted for a drug violation if there is evidence that the person is under the influence of a controlled substance or in possession of a controlled substance. Any person who is experiencing a drug overdose and, in good faith, seeks medical assistance or is the subject of a request for medical assistance shall not be arrested, charged, or prosecuted for a drug violation if there is evidence that the person is under the influence of a controlled substance or in possession of a controlled substance.</p>
Recently proposed legislation	None.



<u>MISSOURI</u>	
Restrictions placed on precursors (cont'd)	<p>only by a registered pharmacist or registered pharmacy technician. Purchasers of ephedrine or pseudoephedrine products must be at least 18 years old and present a valid state or federal photo ID at the time of purchase. The pharmacy is required to maintain an electronic log of each transaction, and the purchaser must sign the log at the point of sale.</p> <p>§ 195.417 (“Limit on sale or dispensing of certain drugs, exceptions--violations, penalty”). Within any 30-day period, no person can sell or purchase more than 7.2 grams of ephedrine or pseudoephedrine. Within any 24-hour period, no person can sell or purchase more than 3.6 grams of ephedrine or pseudoephedrine. Within any 12-month period, no person shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug containing any detectable amount of ephedrine or pseudoephedrine either as (1) the sole active ingredient; or (2) one of the active ingredients of a combination drug; or (3) a combination of any of the products specified in (1) or (2); in any total amount greater than 43.2 grams, without regard to the number of transactions. No prescription shall be required for any of the quantities mentioned above.</p> <p>§ 195.418 (“Limitations on the retail sale of methamphetamine precursor drugs--violations, penalty”). The retail sale of methamphetamine precursor drugs is limited to: (1) sales in packages containing not more than a total of three grams of one or more methamphetamine precursor drugs; and (2) for nonliquid products, sales in blister packs, each blister containing not more than two dosage units, or where the use of blister packs is technically infeasible, sales in unit dose packets or pouches.</p> <p>§ 579.115 (“Copy of suspicious transaction report for certain drugs to be submitted to chief law enforcement officer, when--suspicious transaction defined—penalty”). Any manufacturer or wholesaler who sells, transfers, or otherwise furnishes ephedrine or pseudoephedrine and is required by federal law to report any suspicious transaction to the United States Attorney General, is required to submit a copy of the report to the chief law enforcement official with jurisdiction before completion of the sale or as soon as practicable thereafter.</p>

<u>MISSOURI</u>	
Restrictions placed on precursors (cont'd)	<p>§ 579.060 (“Unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs--violation, penalty”). It is a class A misdemeanor to unlawfully sell, distribute, or purchase over-the-counter methamphetamine precursor drugs.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 579.015 (“Possession or control of a controlled substance—penalty”). The possession of methamphetamine is a class D felony.</p> <p>§ 579.020 (“Delivery of a controlled substance—penalties”). It is a class C felony for a person to: (1) knowingly distribute or deliver a controlled substance; (2) attempt to distribute or deliver a controlled substance; (3) knowingly possess a controlled substance with the intent to distribute or deliver any amount of it; or (4) knowingly permit a minor to purchase or transport illegally obtained controlled substances.</p> <p>§ 579.030 (“Distribution of a controlled substance in a protected location—penalty”). It is a class A felony for a person to distribute a controlled substance: (1) in, on, or within 2,000 feet of a school, or on any school bus; or (2) in, on, or within 1,000 feet of a park; or (3) in or on a public housing complex.</p> <p>§ 579.055 (“Manufacture of a controlled substance—penalties”). It is a class C felony to manufacture or attempt to manufacture any amount of a controlled substance. It is a class B felony to manufacture or attempt to manufacture any amount of controlled substance within 2,000 feet of a school. It is a class A felony if a person has suffered serious physical injury or has died as a result of a fire or explosion started in an attempt by the defendant to produce methamphetamine.</p> <p>§ 579.065 (“Trafficking drugs, first degree—penalty”). A person commits the offense of trafficking drugs in the first degree if a person knowingly distributes, delivers, manufactures, produces, or attempts to distribute, deliver, manufacture, or produce more than 30 grams but less than 90 grams of methamphetamine. The offense of trafficking drugs in the first degree is a class B felony.</p> <p>If the quantity involved is more than 90 grams of methamphetamine, the offense of trafficking drug in the first degree is a class A felony.</p>

<u>MISSOURI</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>If the quantity involved is more than 30 grams and the location of the offense was within 2,000 feet of real property comprising a public or private elementary, vocational, or secondary school, college, community college, university, or any school bus, in or on the real property comprising public housing or any other governmental assisted housing, or within a motor vehicle, or in any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests, trafficking drugs in the first degree is a class A felony.</p> <p>§ 579.068 (“Trafficking drugs in the second degree—penalty”). A person commits the offense of trafficking drugs in the second degree if the person knowingly possesses, purchases, or attempts to purchase, or brings into Missouri more than 30 grams but less than 90 grams of methamphetamine. The offense of trafficking drugs in the second degree is a class C felony.</p> <p>If the quantity involved is more than 90 grams but less than 450 grams, trafficking drugs in the second degree is a class B felony. It is a class A felony if the quantity involved is 450 grams or more.</p>
Methamphetamine cleanup and disposal	Not addressed by state law.
Other statutory provisions of note	None.
Recently proposed legislation	None.

<u>MONTANA</u>																																																	
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Statute(s) and regulation(s)	<p>MONT. CODE ANN. §§ 44-4-1001 to 44-4-1005 (West 2021); MONT. CODE ANN. § 45-5-622 (West 2021); MONT. CODE ANN. §§ 45-9-101 to 45-9-110, 45-9-125, 45-9-130, 45-9-132 (West 2021); MONT. CODE ANN. § 46-1-1115 (West 2021); MONT. CODE ANN. §§ 50-32-101, 50-32-501 to 50-32-503, 50-32-609 (West 2021); MONT. CODE ANN. § 53-1-203 (West 2021); MONT. CODE ANN. §§ 75-10-1301 to 75-10-1306 (West 2021); MONT. ADMIN. R. 20.7.901 to 20.7.919 (2022)</p>																																																
Restrictions placed on precursors	<p>§§ 44-4-1001 to 1005 (collectively, the “Methamphetamine Watch Program”).</p> <p>§ 44-4-1002 (“Establishment of Methamphetamine Watch Program”). Directs the state Department of Justice to develop a “methamphetamine watch program.” The purpose of the</p>																																																

<u>MONTANA</u>	
Restrictions placed on precursors (cont'd)	<p>program is to: (1) inform retailers of the problems associated with the illicit manufacture and use of methamphetamine; (2) establish procedures and develop forms for retailers and others to report to law enforcement any incidents of theft, suspicious purchases, or other transactions involving products that might be used to illicitly manufacture methamphetamine; (3) increase community awareness of methamphetamine; (4) encourage retailers, law enforcement, state and local agencies, and other persons to cooperate in efforts to reduce the diversion of legitimate products for use in the illicit manufacture of methamphetamine; and (5) assist local communities in addressing problems created by the illicit manufacture and use of methamphetamine.</p> <p>§ 44-4-1103 (“Retailer participation”). Provides that participation in the program by retailers is voluntary, and participating retailers shall make reasonable efforts to deter the theft or improper sale of products used in the illicit manufacture of methamphetamine.</p> <p>§ 44-4-1104 (“Grants”). Directs the department to “provide grants for public and private organizations to engage in initiatives designed to support the program.”</p> <p>§ 44-4-1105 (“Reporting—immunity from liability”). A person may not be held liable for any damages arising from an act relating to the reporting of information made in good faith and in substantial compliance with the reporting procedures established in § 44-4-1102.</p> <p>§ 50-32-501 (“Restricted possession, purchase, or other transfer of ephedrine or pseudoephedrine--exceptions—penalties”). Provides that a person may not acquire more than nine grams within any 30-day period or more than 3.6 grams per day of any product, mixture, or preparation containing any detectable quantity of ephedrine or pseudoephedrine. Except for certain specified cases, possession of more than nine grams constitutes a rebuttable presumption of the intent to use the product as a precursor to methamphetamine or another controlled substance. This limitation does not apply to products dispensed pursuant to a valid prescription. A person who knowingly or negligently violates this section is guilty of a misdemeanor and subject to a fine of not less than \$100 or more than \$500 and by imprisonment in the county jail for not more than 1 year.</p>

<u>MONTANA</u>	
Restrictions placed on precursors (cont'd)	<p>§ 50-32-502 (“Restricted sale and access to ephedrine or pseudoephedrine products--exceptions—penalties”). Retail sales may only be made in licensed pharmacies or, in cases where there is no pharmacy within a county, at a retail establishment certified by the state Department of Justice. Products must be stored behind the counter or in a locked case. Purchasers must present valid photo ID and sign a record of sale. Pharmacies or other selling retailers must maintain records. Negligent violation of this section is punishable by a fine of not more than \$500. A person who knowingly violates any provision of this section is guilty of a misdemeanor and shall be punished by a fine of \$100 to \$500 and by imprisonment in the county jail for not more than 10 days.</p> <p>§ 50-32-503 (“Electronic recordkeeping and monitoring system”). The state Department of Justice must provide for the state’s participation in a real-time electronic recordkeeping and monitoring system for the sale of ephedrine or pseudoephedrine to be used by retailers. System requirements are specified in the statute. Certain specified entities are exempted from the requirement to participate.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 45-5-622 (“Endangering welfare of children”). Among other things, the statute provides that a person (who need not be supervising the welfare of a child) commits the offense of endangering the welfare of a child under age 18 if the person, in an inside or outside location where a child might reasonably be expected to be present, knowingly: (1) produces, manufactures, or attempts to manufacture methamphetamine; (2) possesses certain dangerous precursor chemicals with the intent to manufacture methamphetamine; or (3) permits the child to inhale, ingest, or be exposed to methamphetamine or paraphernalia.</p> <p>§ 50-32-101 (“Definitions”). “Dangerous drug” is defined as “a drug, substance, or immediate precursor in Schedules I through V,” and includes methamphetamine.</p> <p>§ 45-9-101 (“Criminal distribution of dangerous drugs”). A person commits the offense of criminal distribution of dangerous drugs if the person sells, barter, exchanges, gives away, or offers to sell, barter, exchange, or give away a dangerous drug. A person convicted of criminal distribution of dangerous drugs not otherwise provided for by statute shall be imprisoned in the state prison for a term not to exceed 25 years</p>

<u>MONTANA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>or fined an amount not more than \$50,000, or both. A person who was an adult at the time of distribution, and who is convicted of criminal distribution of dangerous drugs to a minor, shall be sentenced as follows: (1) for a first offense, imprisoned in the state prison for a term not to exceed 40 years and fined not more than \$50,000; (2) for a second or subsequent offense, imprisoned for a term not to exceed life and fined not more than \$50,000. If the offense charged results in the death of an individual from the use of any dangerous drug that was distributed, the person shall be imprisoned in the state prison for a term of not more than 100 years and fined not more than \$100,000.</p> <p>§ 45-9-102 (“Criminal possession of dangerous drugs”). A person commits the offense of criminal possession of dangerous drugs if the person possesses dangerous drugs in an amount greater than permitted or for which a penalty is not specified by law. A person convicted of criminal possession of dangerous drugs shall be imprisoned in state prison for a term not to exceed five years or be fined an amount not to exceed \$5,000, or both. A person convicted of a first offense under this section is entitled to a deferred imposition of sentence of imprisonment.</p> <p>§ 45-9-103 (“Criminal possession with intent to distribute”). A person commits the offense of criminal possession with intent to distribute if the person possesses with intent to distribute any dangerous drug in an amount greater than permitted or for which a penalty is not specific by law. A person convicted of criminal possession with intent to distribute shall be imprisoned in the state prison for a term not to exceed 20 years or fined an amount not to exceed \$50,000, or both.</p> <p>§ 45-9-104 (“Criminal possession of precursors to dangerous drugs”). A person commits the offense of criminal possession of precursors to dangerous drugs if the person possesses any material, compound, mixture, or preparation that contains any combination of the listed substances with intent to manufacture dangerous drugs. A person convicted of criminal possession of precursors to dangerous drugs shall be imprisoned in the state prison for a term of not less than two years or more than 20 years or be fined an amount not to exceed \$50,000, or both.</p> <p>§ 45-9-109 (“Criminal distribution of dangerous drugs on or near school property—penalty—affirmative defense”). A</p>

<u>MONTANA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>person commits the offense of criminal distribution of dangerous drugs on or near school property if the person violates § 45-9-101 in, on, or within 1,000 feet of the real property comprising a public or private elementary or secondary school. A person convicted of this offense shall be imprisoned for a term of not less than three years or more than life and may be fined in an amount of not more than \$50,000. It is not a defense to prosecution that the person did not know the distance involved. It is an affirmative defense if the prohibited conduct took place entirely within a private residence and no person 17 years of age or under was present in the private residence at any time during commission of the offense.</p> <p>§ 45-9-110 (“Criminal production or manufacture of dangerous drugs”). A person commits the offense of criminal production or manufacture of dangerous drugs if the person knowingly or purposely produces, manufactures, prepares, cultivates, compounds, or processes a dangerous drug. A person convicted of this offense shall be imprisoned in the state prison for a term of not more than 25 years and may be fined in an amount not to exceed \$50,000.</p> <p>§ 45-9-125 (“Continuing criminal enterprise—penalty”). Provides that a person who engages in a continuing criminal enterprise is guilty of a crime punishable by a term of imprisonment and a fine not exceeding two times those for the underlying offense.</p> <p>§ 45-9-130 (“Mandatory fine for possession and storage of dangerous drugs--disposition of proceeds”). Provides that in addition to the punishments and fines set forth in this part, the court shall fine each person found to have possessed or stored dangerous drugs 35 percent of the market value of the drugs as determined by the court. In November 2019, this statute was found to be facially unconstitutional in <i>State v. Yang</i>, 452 P.3d 897 (Mont. 2019).</p> <p>§ 45-9-132 (“Operation of unlawful clandestine laboratory—penalties”). Provides that a person convicted of operation of an unlawful clandestine laboratory shall be fined an amount not to exceed \$25,000, be imprisoned in a state prison for a term not to exceed 40 years, or both. Enhanced penalties are available if the activity: (1) created a substantial risk of death of or serious</p>

<u>MONTANA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	bodily injury to another; (2) took place within 500 feet of a residence, business, church, or school; (3) took place in the presence of a person less than 18 years old; or (4) involved a firearm or booby trap.
Methamphetamine cleanup and disposal	§§ 75-10-1301 to 75-10-1306 (collectively, “Methamphetamine Contamination—Indoor Property Decontamination Standards”). As a whole, the statutes provide specific cleanup standards and authorize the state Department of Environmental Quality to establish a program that will provide for a property decontamination process for methamphetamine that will meet state standards.
Other statutory provisions of note	<p>§ 53-1-203 (“Powers and duties of department of corrections”). Among other things, the statute directs the state Department of Corrections to: (1) adopt rules necessary for the establishment and maintenance of residential methamphetamine treatment programs; and (2) contract with private, nonprofit Montana corporations or with community corrections facilities or programs or local or tribal governments to establish and maintain residential methamphetamine treatment programs for alternative sentencing.</p> <p>§ 46-1-1115 (“Treatment court support account--distribution of funds—report”). Creates a treatment court support account in the state special revenue fund for the purpose of expanding the capacity and quality of existing treatment courts and extend treatment courts to areas of the state that are unserved by a treatment court.</p> <p>§ 50-32-609 (“Good Samaritan protections”). Provides immunity from certain crimes for a person who, acting in good faith, seeks medical assistance for him or herself or another person who is experiencing an actual or reasonably perceived drug-related overdose if the evidence supporting an arrest, charge, or prosecution was obtained as a result of the person’s seeking medical assistance. Further, the provisions of §§ 45-9-102, 45-9-107, and 45-10-103 do not apply to a pregnant woman seeking or receiving evaluation, treatment, or support services for a substance use disorder.</p>

<u>MONTANA</u>	
Other statutory provisions of note (cont'd)	20.7.901 to 20.7.919 (collectively, "Establishment of a Methamphetamine Treatment Center"). Within the rules for the state Department of Corrections, this provides implementing regulations for the residential methamphetamine treatment programs authorized by law.
Recently proposed legislation	None.

<u>NEBRASKA</u>																																																	
<p style="text-align: center;">Prevalence of Methamphetamine</p> <table border="1"> <caption>Data for Prevalence of Methamphetamine (2010-2020)</caption> <thead> <tr> <th>Year</th> <th>Number of NE NFLIS reports (in thousands)</th> <th>NE reports as a percentage of U.S. reports (%)</th> <th>NE population as a percentage of U.S. population (%)</th> </tr> </thead> <tbody> <tr><td>2010</td><td>1.4</td><td>0.9</td><td>0.6</td></tr> <tr><td>2011</td><td>1.5</td><td>0.9</td><td>0.6</td></tr> <tr><td>2012</td><td>2.0</td><td>1.1</td><td>0.6</td></tr> <tr><td>2013</td><td>2.3</td><td>1.1</td><td>0.6</td></tr> <tr><td>2014</td><td>2.5</td><td>1.0</td><td>0.6</td></tr> <tr><td>2015</td><td>3.2</td><td>1.1</td><td>0.6</td></tr> <tr><td>2016</td><td>3.4</td><td>1.0</td><td>0.6</td></tr> <tr><td>2017</td><td>3.8</td><td>1.1</td><td>0.6</td></tr> <tr><td>2018</td><td>4.1</td><td>1.0</td><td>0.6</td></tr> <tr><td>2019</td><td>4.6</td><td>1.1</td><td>0.6</td></tr> <tr><td>2020</td><td>2.9</td><td>0.8</td><td>0.6</td></tr> </tbody> </table>		Year	Number of NE NFLIS reports (in thousands)	NE reports as a percentage of U.S. reports (%)	NE population as a percentage of U.S. population (%)	2010	1.4	0.9	0.6	2011	1.5	0.9	0.6	2012	2.0	1.1	0.6	2013	2.3	1.1	0.6	2014	2.5	1.0	0.6	2015	3.2	1.1	0.6	2016	3.4	1.0	0.6	2017	3.8	1.1	0.6	2018	4.1	1.0	0.6	2019	4.6	1.1	0.6	2020	2.9	0.8	0.6
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<p>The blue line shows the number of NFLIS reports in Nebraska (in thousands) containing methamphetamine for years 2010 to 2020. Recent years showed a drastic increase, starting in 2011, but 2020 brought a sharp decrease. The orange line shows Nebraska’s reports as a percentage of total U.S. reports. The orange line remains fairly level throughout the 11-year time period, which indicates that Nebraska’s percentage increase in reports generally tracks the increase in total U.S. reports. The gray line provides a baseline reference to Nebraska’s population as a percentage of U.S. population. Thus, for the period 2010 to 2019, Nebraska’s share of total U.S. reports containing methamphetamine is higher than what might be expected based on population alone.</p>																																																	
Statute(s) and regulation(s)	<p>NEB. REV. STAT. ANN. §§ 28-416, 28-450 to 28-462 (West 2022); NEB. REV. STAT. ANN. § A2-COP (West 2022); NEB. REV. STAT. §§ 71-2432 to 71-2435 (West 2022)</p>																																																
Restrictions placed on precursors	<p>§ 28-450 (“Unlawful sale, distribution, or transfer of ephedrine, pseudoephedrine, or phenylpropanolamine; immediate precursor; prohibited acts; violation; penalty”). Makes it a Class III misdemeanor to sell or distribute any drug product containing ephedrine, pseudoephedrine, or phenylpropanolamine, if the person knows that the transferee will use the drug product as an immediate precursor to any controlled substance.</p>																																																

<u>NEBRASKA</u>	
Restrictions placed on precursors (cont'd)	<p>§ 28-451 (“Anhydrous ammonia; possession; penalty”). Makes it a Class IV felony to possess anhydrous ammonia with the intent to manufacture methamphetamine.</p> <p>§ 28-452 (“Ephedrine, pseudoephedrine, or phenylpropanolamine; possession; penalty”). Makes it a Class IV felony to possess ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, with the intent to manufacture methamphetamine.</p> <p>§ 28-453 (“Methamphetamine; retailer education program”). Authorizes the Nebraska State Patrol to: (1) develop and maintain a program to inform retailers about illicit methamphetamine production, distribution, and use in Nebraska; and (2) devise procedures and forms for retailers to use in reporting to the patrol suspicious purchases, thefts, or other transactions.</p> <p>§§ 28-456 and 28-456.01 (“Phenylpropanolamine or pseudoephedrine”). Places restrictions on retail sales of precursors without a prescription addressing: (1) packaging requirements; (2) ages of seller and buyer (both 18 or older); (3) proper buyer identification; and (4) placement of product behind counter or in a locked case. Any person who sells drug products in violation of these requirements may be subject to a civil penalty of \$50 per day, and for a second or any subsequent violation, the penalty may be \$100 per day. Makes it a Class III misdemeanor to acquire more than 3.6 grams of precursor during a 24-hour period or nine grams within a 30-day period.</p> <p>§§ 28-458 to 28-462 (collectively “Methamphetamine precursor”). Provides that each seller shall, before completing a sale of a methamphetamine precursor, electronically submit required information to the National Precursor Log Exchange administered by the National Association of Drug Diversion Investigators. Makes it a Class IV misdemeanor to knowingly fail to submit information or submit incorrect information to the exchange.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 28-416 (“Prohibited acts; violations; penalties”). It is unlawful for any person knowingly or intentionally to: (1) manufacture, distribute, deliver, dispense, or possess with intent to manufacture, distribute, deliver, or dispense a controlled substance; or (2) create, distribute, or possess with intent to distribute a counterfeit controlled substance. With respect to</p>

<u>NEBRASKA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>methamphetamine, the penalties are: (1) for 140 grams or more, a Class IB felony; (2) for at least 28 grams but less than 140 grams, a Class IC felony; and (3) for at least 10 grams but less than 28 grams, a Class ID felony.</p> <p>§ 28-457 (“Methamphetamine; prohibited acts; violation; penalties”). Creates enhanced penalties for a person who knowingly or intentionally causes or permits a child or vulnerable adult to: (1) inhale or have contact with methamphetamine; (2) ingest methamphetamine; or (3) suffer serious bodily injury due to ingestion of or contact with methamphetamine.</p> <p>§ A2-COP (“Classification of Penalties”). Provides the felony classes and minimum/maximum for terms of imprisonment for all crimes by statutory citation.</p>
Methamphetamine cleanup and disposal	<p>§§ 71-2432 to 71-2435 (collectively, “Clandestine Drug Labs”). Requires disclosure of clandestine labs to the Nebraska State Patrol by property owners and local law enforcement agencies. The Patrol is directed to notify the state Department of Public Health & Welfare and Department of Environment and Energy. Requires the local public health department to monitor the rehabilitation of any contaminated property at such location in accordance with standards and procedures established or approved by the Department of Public Health & Welfare. Allows the local health department to charge fees from the property owner to cover the costs of rehabilitating the property.</p>
Other statutory provisions of note	<p>§ 28-455 (“Methamphetamine Awareness and Education Fund; created; use; investment”). Creates the Methamphetamine Awareness and Education Fund. Directs the Nebraska Commission on Law Enforcement and Criminal Justice to use the fund to support projects relating to educating retailers and the public methamphetamine.</p>
Recently proposed legislation	<p>L.B. 756, 107th Leg., 2nd Reg. Sess. (Neb. 2022) (indefinitely postponed; Apr. 20, 2022). “Change provisions related to properties contaminated by methamphetamine.” Amends the statutes related to methamphetamine cleanup and disposal, including deleting the definition of “clandestine drug lab.”</p>

<u>NEVADA</u>																																																	
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Statute(s) and regulation(s)	<p>NEV. REV. STAT. ANN. § 40.770 (West 2022); NEV. REV. STAT. ANN. § 439.4797 (West 2022); NEV. REV. STAT. ANN. §§ 453.316 to 453.322, 453.324, 453.3325 to 453.3361, 453.337, 453.3385, 453.352 to 453.359 (West 2022); NEV. REV. STAT. ANN. § 484C.110 (West 2022); NEV. REV. STAT. ANN. §§ 489.770 to 489.780 (West 2022); NEV. REV. STAT. ANN. §§ 639.400 to 639.450 (West 2022)</p>																																																
Restrictions placed on precursors	<p>§§ 453.352 to 453.3535 (“Definitions; ‘logbook’ defined; ‘product that is a precursor to methamphetamine’ defined; ‘retail distributor’ defined”).</p> <p>§ 453.354 (“Manner of keeping, storing, or placing methamphetamine precursor”). Requires a retail distributor to</p>																																																

<u>NEVADA</u>	
Restrictions placed on precursors (cont'd)	<p>store “a product that is a precursor to methamphetamine” in a locked cabinet or behind a counter.</p> <p>§ 453.355 (“Limitations on sale or transfer of methamphetamine precursor by retail distributor; exception”). Limits the amount that a retail distributor can sell to any one person without a prescription to 3.6 grams per day and 9 grams for every 30 days.</p> <p>§ 453.357 (“Retail distributor to maintain logbook; information required to be entered in logbook at time of sale or transfer of methamphetamine precursor; requirements for sale or transfer of methamphetamine precursor; notice concerning entering false statement or representation in logbook; maintenance of entries in logbook; limitation on accessing, using, sharing, or disclosing information in logbook”). Requires a retail distributor to maintain a logbook and ensure that the listed specific information is entered into the logbook at the time of sale or transfer of a product that is a precursor to methamphetamine. Prohibits a retail distributor from selling or transferring a methamphetamine precursor unless the prospective purchaser or transferee presents a photo ID and signs his or her name in the logbook.</p> <p>§ 453.358 (“Civil penalty for violation”). A retail distributor who violates the provisions of this act is subject to a civil penalty.</p> <p>§ 453.3585 (“Limitations on acquisition of methamphetamine precursor; exception; penalties”). Except as otherwise provided, a person shall not knowingly or intentionally purchase, receive, or otherwise acquire more than 3.6 grams of a product that is a methamphetamine precursor during any one calendar day or, during any 30-day period, more than 9 grams. A violation of this section is a misdemeanor.</p> <p>§ 453.359 (“Penalty for entering false statement or representation in logbook”). Makes it a category D felony to enter a false statement in a logbook.</p> <p>§ 639.410 (“Sales of products that are precursors to methamphetamine”). Prohibits any person or entity from selling or transferring a methamphetamine precursor unless such person or entity is a pharmacy.</p>

<u>NEVADA</u>	
Restrictions placed on precursors (cont'd)	<p>§ 639.420 (“Report of unusual or excessive loss or disappearance of products that are precursors to methamphetamine by pharmacy; requirement; exception; contents”). If a pharmacy becomes aware of any unusual or excessive loss or disappearance of a product that is a methamphetamine precursor while the product is under the control of the pharmacy, the pharmacy must make an oral report to the department of public safety as soon as possible and submit a written report to the department within 15 days.</p> <p>§ 639.430 (“Real-time, stop sale system: conditions for approval; regulations”). Allows the board to approve a real-time, stop sale system for use by pharmacies if certain provisions are met.</p> <p>§ 639.440 (“Real-time, stop sale system: notification to pharmacies; duties of pharmacy; civil immunity; penalty”). Requires the board to notify pharmacies once it approves a real-time, stop sale system. Requires pharmacies to obtain and use the system once notified. Provides that pharmacies must not sell or transfer a methamphetamine precursor if it receives an alert from the real-time, stop sale system that the sale or transfer might violate § 453.355. Failure to use the system as required is a misdemeanor.</p> <p>§ 639.450 (“Real-time, stop sale system: immunity of board from liability for unauthorized access or misuse of information collected by or derived from system”). Failure of the system to send an alert to a pharmacy does not establish a basis for any cause of action against the board. The board is immune from liability arising from or related to the unauthorized access or misuse of any information collected by or derived from the system.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 453.316 (“Unlawful to open or maintain place for unlawful sale, gift, or use of controlled substance; penalties; exceptions”). A person who opens or maintains any place for the purpose of unlawfully selling, giving away, or using any controlled substance is guilty of a category C felony.</p> <p>§ 453.321 (“Offer, attempt, or commission of unauthorized act relating to controlled or counterfeit substance unlawful; penalties; prohibition against probation or suspension of sentence for certain repeat offenders unless mitigating circumstances exist”). It is unlawful for a person to: (1) import,</p>

<u>NEVADA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>transport, sell, exchange, barter, supply, prescribe, dispense, give away, or administer a controlled or counterfeit substance; (2) manufacture or compound a counterfeit substance; or (3) offer or attempt to do any act set forth in (1) or (2). Unless a greater punishment is provided for elsewhere, a violation of this section with regard to a Schedule I or II substance is a category C felony for a first offense.</p> <p>§ 453.322 (“Offer, attempt, or commission of unauthorized act relating to manufacture or compounding of certain controlled substances unlawful; penalties; prohibition against probation of offenders”). It is unlawful for a person to knowingly or intentionally: (1) manufacture or compound a controlled substance other than marijuana; (2) possess, with intent to manufacture or compound a controlled substance other than marijuana, or sell, exchange, barter, supply, prescribe, dispense, or give away, with the intent that the chemical be used to manufacture or compound a controlled substance other than marijuana, any chemical identified in this section, or any chemical proven by expert testimony to be commonly used in the manufacture or compounding of a controlled substance; or (3) offer or attempt to do any act set forth in (1) or (2). Unless a greater penalty is provided for elsewhere, a violation of this section is a category B felony.</p> <p>§ 453.324 (“Unlawful to possess or dispose of methamphetamine manufacturing waste; exception; penalty”). A person who knowingly possesses or disposes of methamphetamine manufacturing waste is guilty of a category C felony unless certain exceptions apply.</p> <p>§ 453.3325 (“Unlawful to allow child to be present during commission of certain violations which involve controlled substances other than marijuana; penalties; probation or suspended sentence prohibited”). A person shall not intentionally allow a child to be present in any conveyance or upon any premises wherein a controlled substance other than marijuana: (1) is being used in violation of law; (2) is being sold, exchanged, bartered, supplied, prescribed, dispensed, given away, or administered in violation of law; or (3) is being or has been manufactured or compounded in violation of law. Unless a greater penalty is provided for elsewhere, penalties for violation of this section range from category C felony to substantial bodily harm to another person.</p>

<u>NEVADA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 453.3353 (“Additional and alternative penalties for commission of certain violations which involve controlled substances other than marijuana and result in death or substantial bodily harm to another person”). Unless a greater penalty is provided for elsewhere, if a person commits a violation of § 453.322 or § 453.3385, and the violation involves the manufacture or compounding of a substance other than marijuana and during the discovery or cleanup of the premises at, on, or in which the substance was manufactured or compounded, another person suffers substantial bodily harm other than death as a proximate result of the manufacturing or compounding of the controlled substance, the person shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the offense, which sentence shall run consecutively. If such violation results in the death of another person, the offense is a category A felony.</p> <p>§ 453.336 (“Unlawful possession not for purpose of sale: prohibition; penalties; exception”). Except as otherwise provided, a person shall not knowingly or intentionally possess a controlled substance without a prescription. Penalties for violation of this section range from a category E felony if the substance is a Schedule I or II substance and the person possesses less than 14 grams or a Schedule III – V substance and the quantity is less than 28 grams and it is a first offense, to a category B felony if the substance is listed in Schedule I or II and the amount is 42 grams or more but less than 100 grams.</p> <p>§ 453.3361 (“Unlawful possession not for purpose of sale: local ordinances adopting penalties for certain similar offenses; allocation of fines collected for violation of local ordinance”). Allows a local authority to enact ordinances adopting the penalties set forth for misdemeanors in § 453.336 for similar offenses.</p> <p>§ 453.337 (“Unlawful possession for sale of flunitrazepam, gamma-hydroxybutyrate and Schedule I or II substances; penalties”). Except as otherwise provided by law, it is unlawful for a person to possess for sale any controlled substance classified in Schedule I or II. Penalties range from category D felony to category B felony.</p>

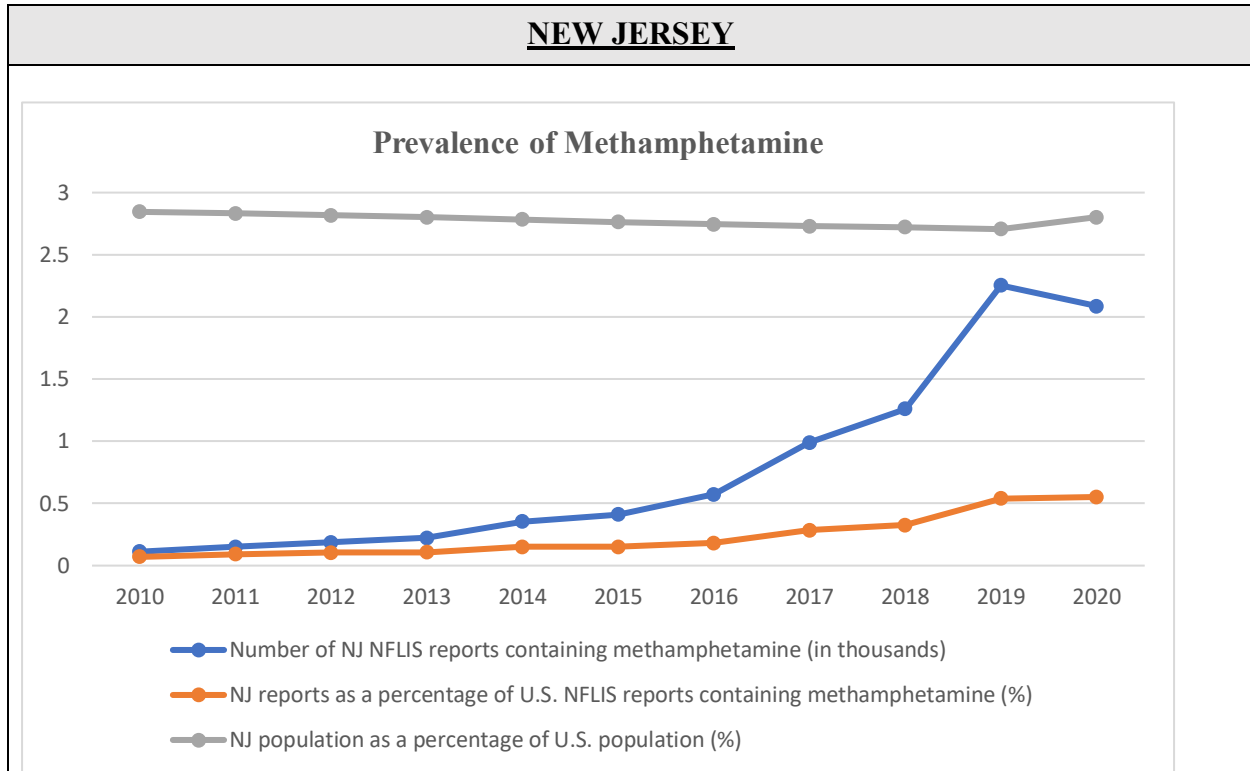
<u>NEVADA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 453.3385 (“Trafficking in controlled substances: flunitrazepam, gamma-hydroxybutyrate and Schedule I or II substances, except marijuana”). Except as otherwise provided by law, a person who knowingly or intentionally sells, manufactures, delivers, or brings into this state, or who is knowingly or intentionally in actual or constructive possession of a Schedule I or II controlled substance, except marijuana, or any mixture which contains any such controlled substance, unless a greater penalty is provided by law, if the quantity involved: (1) is 100 grams or more, but less than 400 grams, is guilty of low-level trafficking and shall be punished for a category B felony; or (2) is 400 grams or more, is guilty of high-level trafficking and shall be punished for a category A felony.</p>
Methamphetamine cleanup and disposal	<p>§ 40.770 (“Limitation on liability of seller, seller’s agent and buyer’s agent for failure to disclose certain facts concerning property”). Provides that the fact that a property is or has been the site of a crime that involves the manufacturing of methamphetamine is not material to a real estate transaction if: (1) all materials and substances involving methamphetamine have been removed from or remediated by a licensed entity; and (2) the property has been deemed safe for habitation by the board of health.</p> <p>§ 439.4797 (“Powers of boards of health; regulations by State Environmental Commission”). Requires the State Environmental Commission to adopt regulations establishing standards pursuant to which any property that is or has been the site of a crime that involves the manufacturing of any material, compound, mixture or preparation that contains any quantity of methamphetamine may be deemed safe for habitation.</p> <p>§ 453.324 (“Unlawful to possess or dispose of methamphetamine manufacturing waste; exception; penalty”). A person who knowingly possesses or disposes of methamphetamine manufacturing waste is guilty of a category C felony.</p> <p>§§ 489.770 to 489.780 (collectively, “Disclosure that Home, Building or Coach Has Been Used in Manufacture of Methamphetamine”). Provides requirements for when disclosure to any prospective purchaser is necessary.</p>

<u>NEVADA</u>	
Other statutory provisions of note	<p>§ 453.3335 (“Additional penalty for failing to render or seek medical assistance for person injured or killed by use of controlled substance under certain circumstances”). Creates an additional criminal penalty in cases where a person is in the presence of someone whose use of a controlled substance resulted in death or substantial bodily harm and the person failed to render or seek necessary medical assistance for the injured person in a timely manner.</p> <p>§ 484C.110 (“Unlawful acts; affirmative defense; additional penalty for violation committed in work zone or pedestrian safety zone”). Within Nevada’s drugged driving law, makes it unlawful for any person to drive or be in actual physical control of a vehicle with an amount of methamphetamine in his or her blood or urine that is equal to or greater than 500 (urine) or 100 (blood) nanograms per milliliter.</p>
Recently proposed legislation	None.

<u>NEW HAMPSHIRE</u>																																																	
<p>Prevalence of Methamphetamine</p> <table border="1"> <caption>Data for Prevalence of Methamphetamine</caption> <thead> <tr> <th>Year</th> <th>Number of NH NFLIS reports (in thousands)</th> <th>NH reports as a percentage of U.S. reports (%)</th> <th>NH population as a percentage of U.S. population (%)</th> </tr> </thead> <tbody> <tr><td>2010</td><td>0.00</td><td>0.00</td><td>0.42</td></tr> <tr><td>2011</td><td>0.00</td><td>0.00</td><td>0.42</td></tr> <tr><td>2012</td><td>0.08</td><td>0.05</td><td>0.42</td></tr> <tr><td>2013</td><td>0.08</td><td>0.05</td><td>0.42</td></tr> <tr><td>2014</td><td>0.08</td><td>0.05</td><td>0.42</td></tr> <tr><td>2015</td><td>0.28</td><td>0.10</td><td>0.42</td></tr> <tr><td>2016</td><td>0.38</td><td>0.12</td><td>0.42</td></tr> <tr><td>2017</td><td>0.82</td><td>0.22</td><td>0.42</td></tr> <tr><td>2018</td><td>1.02</td><td>0.25</td><td>0.42</td></tr> <tr><td>2019</td><td>1.25</td><td>0.28</td><td>0.42</td></tr> <tr><td>2020</td><td>1.05</td><td>0.28</td><td>0.42</td></tr> </tbody> </table>		Year	Number of NH NFLIS reports (in thousands)	NH reports as a percentage of U.S. reports (%)	NH population as a percentage of U.S. population (%)	2010	0.00	0.00	0.42	2011	0.00	0.00	0.42	2012	0.08	0.05	0.42	2013	0.08	0.05	0.42	2014	0.08	0.05	0.42	2015	0.28	0.10	0.42	2016	0.38	0.12	0.42	2017	0.82	0.22	0.42	2018	1.02	0.25	0.42	2019	1.25	0.28	0.42	2020	1.05	0.28	0.42
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<p>The blue line shows the number of NFLIS reports in New Hampshire (in thousands) containing methamphetamine for years 2010 to 2020. Prior to 2014, the number of reports was very low. Starting in 2014, the number has increased substantially. The orange line shows New Hampshire’s reports as a percentage of total U.S. reports. The rise in the orange line means that the rate of increase in New Hampshire’s reports since 2015 exceeds the overall U.S. increase. The gray line provides a baseline reference to New Hampshire’s population as a percentage of U.S. population. Throughout the 2010 to 2020 time period, New Hampshire’s share of total U.S. reports containing methamphetamine is lower than what might be expected based on population alone, although the difference has decreased in the last few years.</p>																																																	
Statute(s) and regulation(s)	<p>N.H. REV. STAT. ANN. §§ 318-B:26, 318-B:47 to 318-B:50 (West 2022); N.H. REV. STAT. ANN. §§ 318-D:1 to 318-D:5 (West 2022); N.H. REV. STAT. ANN. § 477:4-g (West 2022); N.H. REV. STAT. ANN. §§ 639-A:1 to 639-A:4 (West 2022)</p>																																																
Restrictions placed on precursors	<p>§§ 318-B:47 to 318-B:50 (collectively, “Ephedrine and Pseudoephedrine”).</p> <p>§ 318-B:48 (“Possession of ephedrine and pseudoephedrine; sale”). Provides that no person shall knowingly and unlawfully possess a drug product containing ephedrine, pseudoephedrine, or phenylpropanolamine with the intent to use it to manufacture methamphetamine. Requires retailers to keep products in a locked display or behind the counter. Prohibits retailers from</p>																																																

<u>NEW HAMPSHIRE</u>	
Restrictions placed on precursors (cont'd)	<p>allowing purchaser to acquire more than 3.6 grams within a 24-hour period or nine grams within a 30-day period.</p> <p>§ 318-B:49 (“Electronic registry system”). Requires retail establishments to use an electronic registry system to record the sale of products. Requires purchaser to present valid photo identification.</p> <p>§ 318-B:50 (“Penalty; exemption”). A violation is a class A misdemeanor.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 318-B:26 (“Penalties”). Penalty provision of New Hampshire’s controlled substances act. With respect to methamphetamine, the penalties for any person who manufactures, sells, prescribes, administers, or transports the drug, depend on the amount involved (less than one ounce, one ounce or more, and five ounces or more). Provides that any person who manufactures, sells, or dispenses methamphetamine is strictly liable for a death which results from the ingestion of that substance and may be sentenced to life imprisonment or for such term as the court may order.</p> <p>§§ 318-D:1 to D:5 (collectively, “Methamphetamine-related Offenses”).</p> <p>§ 318-D:2 (“Manufacture of methamphetamine”). It is unlawful for any person to knowingly manufacture or attempt to manufacture methamphetamine. Penalties range from imprisonment for not more than 30 years, a fine of not more than \$500,000, or both, to imprisonment for not less than 5 years and not more than life imprisonment, a fine of not more than \$500,000, or both.</p> <p>§ 318-D:3 (“Injury resulting from the manufacture of methamphetamine”). A person is guilty of an offense if that person recklessly causes serious bodily injury to a law enforcement officer, firefighter, emergency medical technician, ambulance operator, ambulance attendant, or social worker, civilian government employee, or hazardous material contractor acting in his or her official duties, as a result of the hazards posed by the person’s conduct in manufacturing or attempting to manufacture methamphetamine.</p> <p>§ 318-D:5 (“Anhydrous ammonia; prohibited conduct”). Sets out the crimes associated with anhydrous ammonia.</p>

<u>NEW HAMPSHIRE</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§§ 639-A:1 to 639-A:4 (collectively, “Methamphetamine-related Crimes”).</p> <p>§ 639-A:2 (“Prohibited conduct”). No person shall knowingly engage in any of the following activities in the presence of a child or vulnerable adult; in the residence of a child or vulnerable adult; in a building, structure, conveyance, or outdoor location where a child or vulnerable adult might reasonably be expected to be present; within any drug-free school zone; in a room offered to the public for overnight accommodation; or in any multiple unit residential building: (1) manufacturing or attempting to manufacture methamphetamine; (2) storing any chemical substance; (3) storing or disposing of any methamphetamine waste products; or (4) storing or disposing of any methamphetamine paraphernalia. No person shall knowingly cause or permit a child or vulnerable adult to inhale, be exposed to, have contact with, or ingest methamphetamine, a chemical substance, or methamphetamine paraphernalia, nor knowingly cause or permit a child or vulnerable adult to buy or obtain paraphernalia.</p> <p>§ 639-A:3 (“Penalties”). A person convicted of violating § 639-A:2 shall be guilty of a felony.</p>
Methamphetamine cleanup and disposal	<p>§ 318-D:2 (“Manufacture of methamphetamine”). A court may require a person convicted of manufacturing or attempting to manufacture methamphetamine, where the response to the crime involved an emergency response or a hazardous substance cleanup operation, to pay restitution to all public entities, or private entities under contract to a public entity, that participated in the response or cleanup. The restitution shall cover the reasonable costs of the entities’ participation in the response and the reasonable costs of site cleanup. In addition, the court may require a person to pay restitution to the property owner who incurred removal or remediation costs.</p> <p>§ 477:4-g (“Notification prior to sale, transfer, lease, or rental of real property on which methamphetamine has been produced”). Requires disclosure to prospective purchasers/lessees if the state Department of Environmental Resources has not yet certified property as remediated.</p>
Other statutory provisions of note	None.
Recently proposed legislation	None.



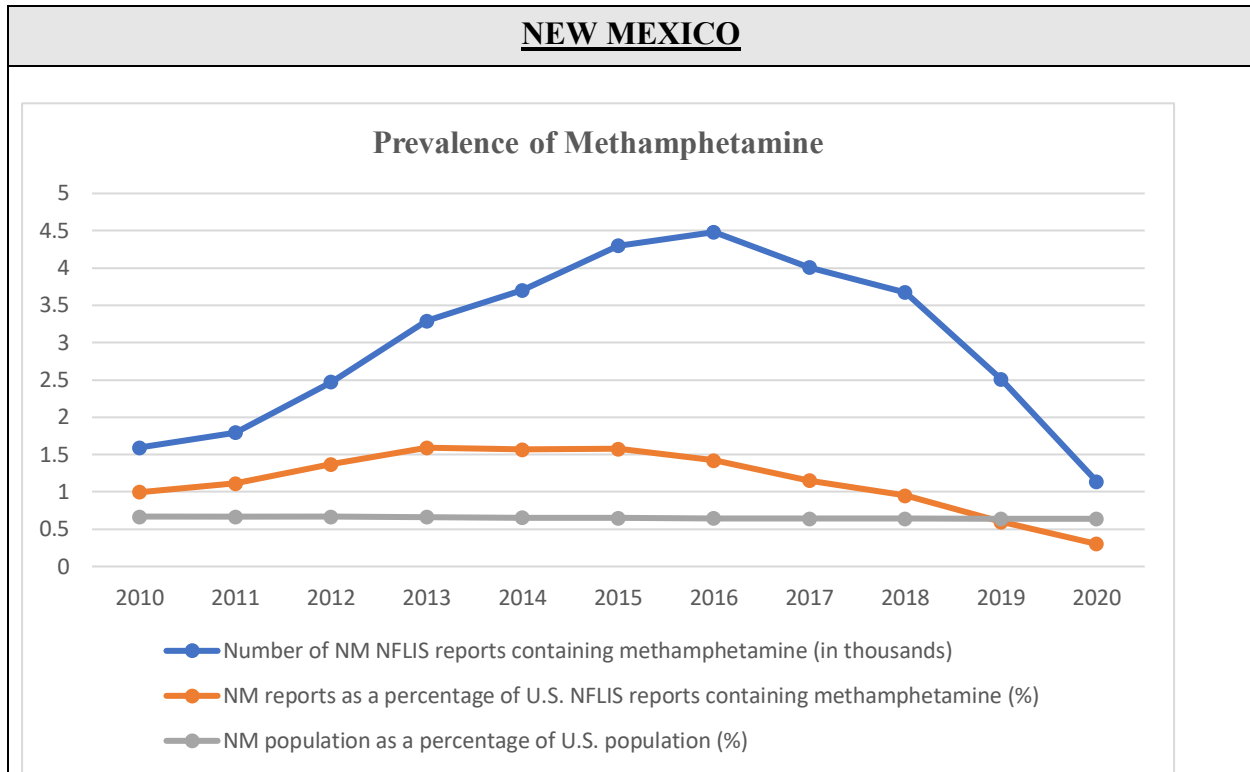
The blue line shows the number of NFLIS reports in New Jersey (in thousands) containing methamphetamine for years 2010 to 2020. As in most states, the number of reports containing methamphetamine has increased since 2013, with a sharp increase in 2019 and a slight decrease in 2020. The orange line shows New Jersey’s reports as a percentage of total U.S. reports. The relatively flat orange line indicates that the rate at which New Jersey reports have increased generally tracks the increase in total U.S. reports. The gray line provides a baseline reference to New Jersey’s population as a percentage of U.S. population. Throughout the 2010 to 2020 time period, New Jersey’s share of total U.S. reports containing methamphetamine is considerably lower than what might be expected based on population alone.

Statute(s) and regulation(s)	N.J. STAT. ANN. §§ 2C:35-3 to 2C:35-10 and 2C:35-25 to 2C:35-28 (West 2022)
Restrictions placed on precursors	<p>§ 2C:35-25 (“Restrictions on retail sales of ephedrine products; disorderly persons offense; exceptions”). Makes it a disorderly person’s offense for anyone to sell more than nine grams of ephedrine products in any one retail transaction.</p> <p>§ 2C:35-26 (“Reporting loss of ephedrine products to law enforcement authorities”). Requires every pharmacy, store, and other retail mercantile establishment to promptly tell local law enforcement the confirmed report or actual knowledge of a loss of 30 or more grams of any drug containing a sole active ingredient of ephedrine, pseudoephedrine, phenylpropanolamine.</p>

<u>NEW JERSEY</u>	
Restrictions placed on precursors (cont'd)	<p>§ 2C:35-27 (“Possession of certain amounts of ephedrine products to give rise to permissive inference of purpose to create methamphetamine”). Proof that a person has more than 30 grams or 10 packages of any drug containing a sole active ingredient of ephedrine, pseudoephedrine, phenylpropanolamine, gives rise to a permissive inference by the trier of fact that the person acted with a purpose to create methamphetamine.</p> <p>§ 2C:35-28 (“Unlawful possession of precursor with intent to manufacture methamphetamine; crime of second degree”). Provides that a person is guilty of the crime of unlawful possession of a precursor if he or she possesses certain precursors with the intent to manufacture methamphetamine. A violation is a crime of the second degree.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 2C:35-3 (“Leader of narcotics trafficking network”). A person is a leader of a narcotics trafficking network if he or she conspires with two or more others in a scheme or course of conduct to unlawfully manufacture, distribute, dispense, bring into or transport in New Jersey certain controlled substances, including methamphetamine, as a financier, or as an organizer, supervisor or manager of at least one other person. The offense is a crime of the first degree.</p> <p>§ 2C:35-4 (“Maintaining or operating a controlled dangerous substance production facility”). Any person who knowingly maintains or operates any premises, place, or facility used for the manufacture of methamphetamine or certain other controlled substances in an amount greater than five pounds or any person who knowingly aids, promotes, finances, or otherwise participates in the maintenance or operations of such premises, place, or facility, is guilty of a crime of the first degree.</p> <p>§ 2C:35-5 (“Manufacturing, distributing, or dispensing”). It is unlawful for any person knowingly or purposely to manufacture, distribute, or dispense or to possess or have under his control with intent to manufacture, distribute, or dispense, a controlled dangerous substance, including methamphetamine. If the violation involves methamphetamine in an amount of five ounces or more, it is a crime of the first degree. If the amount is less than five ounces but more than one-half ounce, it is a crime of the second degree. If the amount is less than one-half ounce, it is a crime of the third degree.</p>

<u>NEW JERSEY</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 2C:35-6 (“Employing a juvenile in a drug distribution scheme”). Unlawful for a person who is at least 18 years of age to knowingly use, solicit, direct, hire, or employ a person 17 years of age or younger to violate § 2C:35-4. A person who violates this provision is guilty of a crime of the second degree.</p> <p>§ 2C:35-7 (“Distributing, dispensing, or possessing controlled dangerous substance or controlled substance analog on or within 1,000 feet of school property or bus; penalty; defenses; approved or revised map; prima facie evidence; official record”). Any person who violates § 2C:35-5 by distributing, dispensing, or possessing with intent to distribute a controlled substance or analog while on any school property used for school purposes which is owned by or leased to any elementary or secondary school or school board, or within 1,000 feet of such school property or a school bus, or while on any school bus, is guilty of a crime of the third degree.</p> <p>§ 2C:35-7.1 (“Distributing, dispensing, or possessing controlled substances; proximity to public housing facilities, parks, or buildings”). Any person who violates § 2C:35-5 by distributing, dispensing, or possessing with intent to distribute a controlled substance while in, on, or within 500 feet of the real property comprising a public housing facility, a public park, or a public building is guilty of a crime of the second degree.</p> <p>§ 2C:35-8 (“Distribution to persons under age 18; enhanced punishment”). Upon application of the prosecuting attorney, any person being at least 18 years of age who is convicted of violating § 2C:25-5 by distributing a controlled substance to a pregnant female or a person 17 years of age or younger, shall be subject to twice the term of imprisonment, fine, and penalty.</p> <p>§ 2C:35-9 (“Strict liability for drug-induced deaths”). Provides that any person who manufactures, distributes, or dispenses methamphetamine or other controlled dangerous substances in violation of New Jersey law is strictly liable for a death which results from the injection, inhalation, or ingestion of that substance and is guilty of a crime of the first degree.</p>

<u>NEW JERSEY</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	§ 2C:35-10 (“Possession, use or being under the influence, or failure to make lawful disposition”). Makes it unlawful for any person, knowingly or purposely, to obtain, or to possess, actually or constructively, a controlled dangerous substance unless the substance was obtained directly, or pursuant to a valid prescription.
Methamphetamine cleanup and disposal	Not addressed by state law.
Other statutory provisions of note	None.
Recently proposed legislation	<p>A.B. 714, 220th Leg., First Ann. Sess. (N.J. 2022) (introduced; referred to law and public safety committee; Jan. 11, 2022).</p> <p>A.B. 2174, 220th Leg., First Ann. Sess. (N.J. 2022) (introduced; referred to judiciary committee; Feb. 7, 2022).</p> <p>S.B. 166, 220th Leg., First Ann. Sess. (N.J. 2022) (introduced; referred to judiciary committee; Jan. 11, 2022). Amends § 2C:35-5 to include references to units of drugs in addition to weight for purposes of degree of crime.</p> <p>A.B. 851, 220th Leg., First Ann. Sess. (N.J. 2022) (introduced; referred to women and children committee; Jan. 11, 2022). Amends § 2C:35-7 to include licensed child care center.</p>



The blue line shows the number of NFLIS reports (in thousands) in New Mexico containing methamphetamine for years 2010 to 2020. The number of reports containing methamphetamine increased considerably from 2011-2016 but has since steadily decreased to less than its 2010 levels. The orange line shows New Mexico’s reports as a percentage of total U.S. reports. From 2011-2013, the number of New Mexico reports increased faster than U.S. reports, a trend that reversed in recent years. The gray line provides a baseline reference to New Mexico’s population as a percentage of U.S. population. Throughout the 2010 to 2018 time period, New Mexico’s share of total U.S. reports containing methamphetamine was higher than what might be expected based on population alone, although that difference decreased beginning in 2019.

Statute(s) and regulation(s)	N.M. STAT. ANN. § 30-6-1 (West 2022); N.M. STAT. ANN. §§ 30-31-10, 30-31-20 to 30-31-23 (West 2022); N.M. STAT. ANN. §§ 30-31B-1 to 30-31B-18 (West 2022); N.M. CODE R. § 16.19.20.53 (2022); N.M. CODE R. § 20.4.5 (2022)
Restrictions placed on precursors	§ 30-31-10 (“Schedule V”). Schedule V includes any compound, mixture, or preparation that contains any detectable quantity of pseudoephedrine. Unless pursuant to a valid prescription, a person purchasing, receiving, or otherwise acquiring the compound, mixture, or preparation shall produce a photo ID, sign a written log, and be limited to no more than 9 grams of any product, mixture, or preparation within a 30-day period. The board may, by rule, exempt a product containing pseudoephedrine from Schedule V if the board determines that

<u>NEW MEXICO</u>	
Restrictions placed on precursors (cont'd)	<p>the product is formulated as to effectively prevent the conversion of pseudoephedrine into methamphetamine.</p> <p>§§ 30-31B-1 to 30-31B-18 (collectively, “Drug precursors”). These statutes address certain listed “drug precursors,” which include ephedrine and pseudoephedrine, and include prohibited acts and penalties. Note that a state appellate-level court concluded that over-the-counter pseudoephedrine cold tablets are not “drug precursors” under the “Drug Precursor Act.” <i>New Mexico v. Vance</i>, 145 N.M. 706, 204 P.3d 31 (N.M. Ct. App. 2008).</p> <p>16.19.20.53 (“Dispensing without a prescription”). Allows the dispensing of pseudoephedrine without a prescription to a person who shows valid photo ID, signs a purchasing log, and purchases no more than 3.6 grams per day or 9 grams per 30 days of product. Pharmacies must submit information about someone purchasing, receiving, or otherwise acquiring the pseudoephedrine compound, mixture, or preparation without a prescription electronically to the Board of Pharmacy.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 30-6-1 (“Abandonment or abuse of a child”). Evidence that demonstrates that a child has been knowingly and intentionally exposed to the use of methamphetamine shall be deemed prima facie evidence of abuse of the child.</p> <p>§ 30-31-20 (“Trafficking controlled substances; violation”). “Traffic” includes (1) the manufacture of a controlled substance in Schedules I – V; (2) distribution, sale, barter, or giving away of methamphetamine; and (3) possession with intent to distribute methamphetamine. It is unlawful for a person to intentionally traffic. Penalties range from second degree felony to first degree felony. Violation in a drug-free school zone excluding private residential property or used primarily as a residence is guilty of a first degree felony.</p> <p>§ 30-31-21 (“Distribution to a minor”). No person who is 18 years or older shall intentionally distribute a controlled substance to a person under the age of 18. A violation is a second degree felony.</p>

<u>NEW MEXICO</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 30-31-22 (“Controlled or counterfeit substances; distribution prohibited”). It is unlawful to intentionally distribute or possess with intent to distribute methamphetamine. A violation is a third degree felony. A person who violates this section in a drug-free school zone is guilty of a second degree felony.</p> <p>§ 30-31-23 (“Controlled substances; possession prohibited”). Unlawful to possess controlled substance unless such substance was obtained pursuant to a lawful prescription. A person who violates this section with regard to methamphetamine is guilty of a fourth degree felony.</p>
Methamphetamine cleanup and disposal	20.4.5 (“Clandestine drug laboratory remediation”). The rule applies to all law enforcement agencies who discover a clandestine drug laboratory, all persons who own a clandestine drug laboratory property, and all persons engaging in remediation of a clandestine drug laboratory. Upon identification by a law enforcement agency of a clandestine drug laboratory where chemicals and equipment were removed or residual contamination was observed, the property is presumed to constitute a site of a hazardous substance incident and a public nuisance until required remediation is completed.
Other statutory provisions of note	None.
Recently proposed legislation	None.

<u>NEW YORK</u>																																																	
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Statute(s) and regulation(s)	<p>N.Y. Exec. Law §§ 221-c and 221-d (McKinney 2022); N.Y. Gen. Mun. Law § 209-dd (McKinney 2022); N.Y. Mental Hyg. Law §§ 7.09 and 19.27 (McKinney 2022); N.Y. Penal Law §§ 220.06, 220.09, 220.16, 220.18, 220.29, 220.41, 200.43, 220.70, 220.71, 220.72, 220.73, 220.74, 220.75, and 220.76 (McKinney 2022); N.Y. Pub. Health Law § 3384 (McKinney 2022)</p>																																																
Restrictions placed on precursors	<p>Pub. Health Law § 3384 (“Information program for retailers”). Requires the state Department of Health to develop and maintain a program to inform retailers about the methamphetamine problem in New York State.</p>																																																

<u>NEW YORK</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>Penal Law § 220.06 (“Criminal possession of a controlled substance in the fifth degree”). A person is guilty of criminal possession of a controlled substance in the fifth degree if the person knowingly and unlawfully possesses a controlled substance with intent to sell it; or one or more preparations, compounds, mixtures, or substances containing a narcotic preparation in an aggregate weight of one-half ounce or more. Violation is a class D felony.</p> <p>Penal Law § 220.09 (“Criminal possession of a controlled substance in the fourth degree”). A person is guilty of criminal possession in the fourth degree when he or she knowingly and unlawfully possesses one or more preparations, compounds, mixtures, or substances containing methamphetamine in an aggregate weight of one-half ounce or more. Violation is a class C felony.</p> <p>Penal Law § 220.16 (“Criminal possession of a controlled substance in the third degree”). A person is guilty of criminal possession of a controlled substance in the third degree if he or she knowingly and unlawfully possesses one or more preparations, compounds, mixtures, or substances containing methamphetamine which are of an aggregate weight of 1/8th ounce or more. Violation is a class B felony.</p> <p>Penal Law § 220.18 (“Criminal possession of a controlled substance in the second degree”). A person is guilty of criminal possession of a controlled substance in the second degree if he or she knowingly or unlawfully possesses one or more preparations, compounds, mixtures, or substances containing methamphetamine in an aggregate weight of two ounces or more. Violation is a class A-II felony.</p> <p>Penal Law § 220.21 (“Criminal possession of a controlled substance in the first degree”). A person is guilty of criminal possession of a controlled substance in the first degree when the person knowingly and unlawfully possesses one or more preparations, compounds, mixtures, or substances containing a narcotic drug in an aggregate weight of eight ounces or more. Violation is a class A-I felony.</p> <p>Penal Law § 220.31 (“Criminal sale of a controlled substance in the fifth degree”). A person is guilty of criminal sale of a controlled substance in the fifth degree when he knowingly and</p>

<u>NEW YORK</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>unlawfully sells a controlled substance. Violation is a class D felony.</p> <p>Penal Law § 220.34 (“Criminal sale of a controlled substance in the fourth degree”). A person is guilty of criminal sale of a controlled substance in the fourth degree when the person knowingly and unlawfully sells a narcotic preparation; a controlled substance in violation of § 220.31, when such sale takes place on school grounds or a school bus; a controlled substance in violation of § 220.31, when sch sale takes place on the grounds of a child care or educational facility. Violation is a class C felony.</p> <p>Penal Law § 220.39 (“Criminal sale of a controlled substance in the third degree”). A person is guilty of criminal sale of a controlled substance in the third degree when the person knowingly and unlawfully sells one or more preparations, compounds, mixtures, or substances containing methamphetamine in an aggregate weight of 1/8th ounce or more. Violation is a class B felony.</p> <p>Penal Law § 220.41 (“Criminal sale of a controlled substance in the second degree”). A person is guilty of criminal sale of a controlled substance in the second degree when the person knowingly and unlawfully sells one or more preparations, compounds, mixtures, or substances containing methamphetamine in an aggregate weight of one-half ounce or more. Violation is a class A-II felony.</p> <p>Penal Law § 220.43 (“Criminal sale of a controlled substance in the first degree”). A person is guilty of criminal sale of a controlled substance in the first degree when the person knowingly and unlawfully sells one or more preparations, compounds, mixtures, or substances containing a narcotic drug in an aggregate weight of two ounces or more. Violation is a class A-I felony.</p> <p>Penal Law § 220.70 (“Criminal possession of methamphetamine manufacturing material in the second degree”). A person is guilty of criminal possession of methamphetamine manufacturing material in the second degree when he or she possesses a precursor, a chemical reagent, or a solvent to unlawfully produce, prepare, or manufacture methamphetamine. The violation is a class A misdemeanor.</p>

<u>NEW YORK</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>Penal Law § 220.71 (“Criminal possession of methamphetamine manufacturing material in the first degree”). If a person commits a violation of N.Y. Penal Law § 220.70 for the second time in five years, it is a violation of § 220.71 and a class E felony.</p> <p>Penal Law § 220.72 (“Criminal possession of precursors of methamphetamine”). A person is guilty of criminal possession of precursors of methamphetamine when he or she possesses at the same time a precursor and a solvent or chemical reagent with intent to unlawfully manufacture methamphetamine. A violation is a class E felony.</p> <p>Penal Law § 220.73 (“Unlawful manufacture of methamphetamine in the third degree”). A person is guilty of unlawful manufacture of methamphetamine in the third degree when he or she possesses at the same time and location, with intent to use or knowing that another intends to use each such product to unlawfully manufacture, prepare, or produce certain methamphetamine-listed items. A violation is a class D felony.</p> <p>Penal Law § 220.74 (“Unlawful manufacture of methamphetamine in the second degree”). If a person commits a violation of N.Y. Penal Law § 220.73: (1) in the presence of a person under age 16; or (2) the violation is the second methamphetamine-related violation in the past five years, it is a second degree crime. A violation is a class C felony.</p> <p>Penal Law § 220.75 (“Unlawful manufacture of methamphetamine in the first degree”). Unlawful manufacture of methamphetamine in the first degree occurs when the person commits a violation of § 220.74 for the second time in five years. A violation is a class B felony.</p>
Methamphetamine cleanup and disposal	<p>Penal Law § 220.76 (“Unlawful disposal of methamphetamine laboratory material”). A person is guilty of unlawful disposal of methamphetamine laboratory material when, knowing that such actions are in furtherance of a methamphetamine operation, he or she knowingly disposes of hazardous or dangerous material under circumstances that create a substantial risk to human health or safety or a substantial danger to the environment. A violation is a class E felony.</p>

<u>NEW YORK</u>	
Other statutory provisions of note	<p>Exec. Law § 221-c (“Statewide repository of data relating to unlawful methamphetamine laboratories”). Requires the division of state police to maintain a statewide repository of data relating to unlawful methamphetamine laboratories and develop and implement a program to provide for the collection of data and the reporting thereof by law enforcement agencies.</p> <p>Exec. Law § 221-d (“Discovery of an unlawful methamphetamine laboratory”). Requires law enforcement to notify the division of state policy regarding the location of a discovered methamphetamine lab. Requires the division of state police to notify the Department of Environment Conservation of the same.</p> <p>Gen. Mun. Law § 209-dd (“Discovery of unlawful drug laboratory”). Provides that all emergency services personnel shall be provided with information on recognizing the signs of an unlawful methamphetamine laboratory.</p> <p>Mental Hyg. Law § 7.09 (“Powers of the office and commissioner; how exercised”). Requires the commissioner of mental health, in conjunction with the commissioner of alcoholism and substance abuse services and the director of the division of veterans’ services, to develop a public education initiative designed to eliminate stigma and misinformation about mental illness and substance use among service members, veterans, and their families.</p> <p>Mental Hyg. Law § 19.27 (“Methamphetamine awareness and education program”). Requires the state Office of Alcoholism and Substance Abuse Services to serve as the principle source for the statewide dissemination of information on methamphetamines. The office shall establish a methamphetamine awareness and education program that shall include, but not be limited to, providing information about the dangers of methamphetamine production and use and how to report suspected methamphetamine laboratories.</p>
Recently proposed legislation	None.

<u>NORTH CAROLINA</u>																																																	
<p>Prevalence of Methamphetamine</p> <table border="1"> <caption>Data for Prevalence of Methamphetamine (2010-2020)</caption> <thead> <tr> <th>Year</th> <th>Number of NC NFLIS reports containing methamphetamine (in thousands)</th> <th>NC reports as a percentage of U.S. NFLIS reports containing methamphetamine (%)</th> <th>NC population as a percentage of U.S. population (%)</th> </tr> </thead> <tbody> <tr><td>2010</td><td>1.3</td><td>0.8</td><td>3.1</td></tr> <tr><td>2011</td><td>1.2</td><td>0.7</td><td>3.1</td></tr> <tr><td>2012</td><td>1.0</td><td>0.5</td><td>3.1</td></tr> <tr><td>2013</td><td>1.2</td><td>0.6</td><td>3.1</td></tr> <tr><td>2014</td><td>1.3</td><td>0.5</td><td>3.1</td></tr> <tr><td>2015</td><td>1.7</td><td>0.6</td><td>3.1</td></tr> <tr><td>2016</td><td>2.6</td><td>0.8</td><td>3.1</td></tr> <tr><td>2017</td><td>4.1</td><td>1.2</td><td>3.1</td></tr> <tr><td>2018</td><td>4.9</td><td>1.3</td><td>3.1</td></tr> <tr><td>2019</td><td>1.1</td><td>0.3</td><td>3.1</td></tr> <tr><td>2020</td><td>4.0</td><td>1.1</td><td>3.1</td></tr> </tbody> </table>		Year	Number of NC NFLIS reports containing methamphetamine (in thousands)	NC reports as a percentage of U.S. NFLIS reports containing methamphetamine (%)	NC population as a percentage of U.S. population (%)	2010	1.3	0.8	3.1	2011	1.2	0.7	3.1	2012	1.0	0.5	3.1	2013	1.2	0.6	3.1	2014	1.3	0.5	3.1	2015	1.7	0.6	3.1	2016	2.6	0.8	3.1	2017	4.1	1.2	3.1	2018	4.9	1.3	3.1	2019	1.1	0.3	3.1	2020	4.0	1.1	3.1
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Statute(s) and regulation(s)	<p>N.C. GEN. STAT. ANN. § 14-18.4 (West 2022); N.C. GEN. STAT. ANN. §§ 15A-534.6, 15A-1340.16 and 15A-1340.16D (West 2022); N.C. GEN. STAT. ANN. §§ 90-95, 90-95.3 to 90-95.7, 90-98, 90-113.50 to 90-113.69 (West 2022); N.C. GEN. STAT. ANN. § 114-43 (West 2022); N.C. GEN. STAT. ANN. § 120-226 (West 2022); N.C. GEN. STAT. ANN. § 130A-284 (West 2022); N.C. GEN. STAT. ANN. § 143B-925 (West 2022); 10A N.C. ADMIN. CODE 41D.0101 to 41D.0105 (2022)</p>																																																
Restrictions placed on precursors	<p>§§ 90-113.50. to 90-113.69 (collectively, “Control of Methamphetamine Precursors”).</p> <p>§ 90-113.52 (“Pseudoephedrine: restrictions on sales”). Requires that pseudoephedrine products be sold only in blister</p>																																																

<u>NORTH CAROLINA</u>	
Restrictions placed on precursors (cont'd)	<p>packages. Pseudoephedrine products sold as tablets or caplets must be sold behind the pharmacy counter. Purchasers without a prescription must be at least 18 years of age and must furnish a valid, unexpired, photo ID. requires information regarding the transaction to be entered on a form provided by the commissioner and signed by the purchaser.</p> <p>§ 90-113.52A (“Electronic record keeping”). Requires that retailers submit required information to the NPLEx system prior to sale of a pseudoephedrine product. Requires that the system generate a stop sale alert.</p> <p>§ 90-113.53 (“Pseudoephedrine transaction limits”). No person may deliver, or attempt to deliver, to any one person, purchase, or attempt to purchase, at retail more than 3.6 grams of any pseudoephedrine product per calendar day unless such product is dispensed pursuant to a valid prescription. No person shall purchase at retail more than 9 grams of pseudoephedrine products within a 30-day period unless such product is dispensed pursuant to a valid prescription.</p> <p>§ 90-113.56 (“Penalties”). If a retailer violates the provisions of this act, the retailer shall be guilty of a Class A1 or Class 1 misdemeanor or be subject to a fine up to \$500, dependent on the violation.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 14-18.4 (“Death by distribution of certain controlled substances; aggravated death by distribution of certain controlled substances; penalties”). Creates the crimes of death by distribution of certain controlled substances (class C felony) and aggravated death by distribution of certain controlled substance (class B2 felony), including methamphetamine.</p> <p>§ 15A-1340.16 (“Aggravated and mitigated sentences”). With respect to felony sentencing, lists the following two items as aggravating factors: (1) the offense is the manufacture of methamphetamine and was committed where a person under the age of 18 lives, was present, or was otherwise endangered by exposure to the drug, its ingredients, its by-products, or its waste; and (2) the offense is the manufacture of methamphetamine and was committed in a dwelling that is one of four or more contiguous dwellings.</p> <p>§ 15A-1340.16D (“Manufacturing methamphetamine; enhanced sentence”). Provides for enhanced sentences in cases where the</p>

<u>NORTH CAROLINA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>defendant committed the offense of manufacture of methamphetamine and: (1) as a result of the offense, a law enforcement officer, probation officer, parole officer, emergency medical services employee, or firefighter suffered serious injury while discharging or attempting to discharge his or her official duties; (2) a minor resided on the property or was present at a location where methamphetamine was being manufactured; or (3) a disabled or elder adult resided on the property or was present at a location where methamphetamine was being manufactured.</p> <p>§ 90-95 (“Violations; penalties”). It is unlawful for any person to manufacture, sell, or deliver, or possess with intent to manufacture, sell, or deliver, a controlled substance; or to possess a controlled substance. A person who violates this section with regard to the manufacture of methamphetamine shall be punished as a Class C felon. A person who violates this section with regard to the sale of methamphetamine shall be punished as a Class I felon.</p> <p>It is unlawful for any person to possess a pseudoephedrine product if the person has a prior conviction for the possession of methamphetamine, possession with intent to sell or deliver methamphetamine, sell or deliver methamphetamine, trafficking methamphetamine, possession of an immediate precursor chemical, or manufacture of methamphetamine. Any person who violates this section shall be punished as a Class F felon.</p> <p>Any person who sells, manufactures, delivers, transports, or possesses 28 grams or more of methamphetamine or any mixture containing such substance, shall be guilty of trafficking in methamphetamine. If the quantity is 28 grams or more but less than 200 grams, such person shall be punished as a Class F felon; 200 grams or more but less than 400 grams, punished as a Class E felony; 400 grams or more, punished as a Class C felon.</p> <p>§ 90-95.4 (“Employing or intentionally using minor to commit a drug law violation”). A person who is at least 18 years of age and less than 21 years who hires or intentionally uses a minor to violation § 90-95(a)(1) related to manufacture of controlled substances shall be guilty of a felony. If the minor was more than 13 years of age, then as a felony that is one class more</p>

<u>NORTH CAROLINA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>severe than the violation for which the minor was hired or intentionally used. If the minor was under 13 years of age, then as a felony that is two classes more severe than the violation for which the minor was hired or intentionally used. A person 21 years of age or older who hires or intentionally uses a minor to violate § 90-95(a)(1) shall be guilty of a felony. If the minor was more than 13 years of age, the felony is three classes more severe than the violation for which the minor was hired or intentionally used. If the minor was 13 years of age or younger, the felony is four classes more severe.</p> <p>§ 90-95.5 (“Civil liability—employing a minor to commit a drug offense”). A person 21 years of age or older who hires, employs, or intentionally uses a person under 18 years of age to commit a violation of § 90-95 is liable in a civil action for damages for drug addiction proximately caused by the violation.</p> <p>§ 90-95.6 (“Promoting drug sales by a minor”). A person who is 21 years of age or older is guilty of promoting drug sales by a minor if the person knowingly entices, forces, encourages, or otherwise facilitates a minor in violation § 90-95(a)(1) related to manufacture of controlled substances; or supervises, supports, advises, or protects the minor in violating § 90-95(a)(1). Violation is a Class D felony.</p> <p>§ 90-95.7 (“Participating in a drug violation by a minor”). A person 21 years of age or older who purchases or receives a controlled substance from a minor 13 years of age or younger who possesses, sells, or delivers the controlled substance in violation of § 90-95(a)(1) is guilty of participating in a drug violation of a minor. Violation is a Class G felony.</p> <p>§ 90-98 (“Attempt and conspiracy; penalties”). Any person who attempts or conspires to commit any offense defined in this Article is guilty of an offense that is the same class as the offense which was the object of the attempt or conspiracy.</p>
Methamphetamine cleanup and disposal	<p>§ 90-95.3 (“Restitution to law enforcement agencies for undercover purchases; restitution for drug analyses; restitution for seizure and cleanup of clandestine laboratories”). When any person is convicted of a controlled substance manufacturing offense, the court must order the person to make restitution for the actual cost of cleanup to the law enforcement agency, including overtime, equipment, and supplies.</p>

<u>NORTH CAROLINA</u>	
Methamphetamine cleanup and disposal (cont'd)	<p>§ 130A-284 (“Decontamination of property used for the manufacture of methamphetamine”). Requires the commission for public health to adopt rules establishing decontamination standards to ensure that certain property is reasonably safe for habitation.</p> <p>10A NCAC 41D.0101 to 41D.0105 (“Decontamination of Methamphetamine Sites”). The rules implement the provisions of N.C.G.S.A. § 130A-284 by establishing decontamination standards for property that has been used for the manufacture of methamphetamine.</p>
Other statutory provisions of note	<p>§ 15A-534.6 (“Bail in cases of manufacture of methamphetamine”). In all cases in which the defendant is charged with manufacture of methamphetamine, in determining bond and other conditions of release, the court shall consider any evidence that the person is dependent upon or regularly uses methamphetamine.</p> <p>§ 90-113.64 (“SBI annual report”). Requires the State Bureau of Investigation to determine the number of methamphetamine laboratories discovered each calendar year and report its findings to the Joint Legislative Oversight Committee on Justice and Public Safety by March 1 each calendar year.</p> <p>§ 114-43 (“Methamphetamine Watch Program -- good faith actions immune from civil and criminal liability”). Grants immunity for any person who, in good faith, takes one of several listed actions as part of a Methamphetamine Watch Program approved by the Department of Justice.</p> <p>§ 143B-925 (“Study and report on use of pseudoephedrine products to make methamphetamine”). Requires the State Bureau of Investigation to study issues regarding the use of pseudoephedrine products to make methamphetamine and report annually.</p>
Recently proposed legislation	None.

<u>NORTH DAKOTA</u>																																																	
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Statute(s) and regulation(s)	<p>N.D. CENT. CODE ANN. §§ 19-03.1-22.2 to 19-03.1-23.4, 19-03.1-45 (West 2022); N.D. CENT. CODE ANN. §§ 19-03.4-01, 19-03.4-03, 19-03.4-04, 19-03.4-07, and 19-03.4-08 (West 2022); N.D. CENT. CODE ANN. §§ 50-06-42 and 50-06-42.1 (West 2022)</p>																																																
Restrictions placed on precursors	<p>§ 19-03.4-01 (“Definition--drug paraphernalia”). The definition of drug paraphernalia includes “ingredients or components to be used or intended or designed to be used in manufacturing, producing, processing, preparing, testing, or analyzing a controlled substance . . . including . . . methamphetamine precursor drugs.”</p>																																																

<u>NORTH DAKOTA</u>	
Restrictions placed on precursors (cont'd)	<p>§ 19-03.4-03 (“Unlawful possession of drug paraphernalia—penalty”). Provides the penalties for possession of drug paraphernalia.</p> <p>§ 19-03.4-04 (“Unlawful manufacture or delivery of drug paraphernalia—penalty”). A person may not deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia if that person knows or should reasonably know that the drug paraphernalia will be used to violate the state controlled substances act.</p> <p>§ 19-03.4-07 (“Prima facie proof of intent”). Possession of more than 24 grams of a methamphetamine precursor drug or combination of precursor drugs is prima facie evidence of intent to violate §§ 19-03.4-03 and 19-03.4-04 relating to drug paraphernalia. The term “drug paraphernalia” includes methamphetamine precursor drugs.</p> <p>§ 19-03.4-08 (“Retail or over-the-counter sale of scheduled listed chemical products—penalty”). The retail sale of listed chemical products is limited to: (1) sales in packages containing not more than a total of 2.4 grams of one or more scheduled listed chemical products, calculated in terms of ephedrine base, pseudoephedrine base, and phenylpropanolamine base; and (2) sales in blister packs, each blister containing not more than two dosage units. A person may not deliver in a single over-the-counter sale more than two packages of a scheduled listed chemical product or combination of scheduled listed chemical products or, without regard to the number of over-the-counter sales, deliver more than a daily amount of 3.6 grams of scheduled listed products to a purchaser. Products shall be kept behind a counter or other barrier, or in a locked cabinet. Retailers shall require, obtain, and make a written record of the identification of the purchaser. The retailer shall keep a written list of sales that includes the required information, which the purchaser shall sign. Retailers may not sell a listed substance to a person under the age of 18. A person may not purchase more than 9 grams of ephedrine base, pseudoephedrine base, or phenylpropanolamine base in a 30-day period. Violations range from class A misdemeanor to infraction.</p>

<u>NORTH DAKOTA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 19-03.1-22.2 (“Endangerment of child or vulnerable adult”). Creates a class C felony crime for knowingly or intentionally causing or permitting a child or vulnerable adult to be exposed to, ingest, inhale, or have contact with a controlled substance or drug paraphernalia. If the child or vulnerable adult suffers bodily injury or death, then it is a class A felony.</p> <p>§ 19-03.1-23 (“Prohibited acts—penalties”). General statute covering state controlled substance act violations. It is unlawful for a person to willfully manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance in violation of the law. With respect to methamphetamine, the crime is a class B felony. A person at least 18 years of age who solicits, induces, intimidates, employs, hires, or uses a person under 18 to aid or assist in the crime is guilty of a class B felony.</p> <p>§ 19-03.1-23.1 (“Increased penalties for aggravating factors in drug offenses”). Provides enhanced penalties for an offense committed within 300 feet of a school if the actor was at least age 21 and intended to deliver the controlled substance to a minor. Provides for enhanced penalties if the offense involves 50 grams or more of a substance containing methamphetamine. Further provides for enhanced penalties if the defendant sells, distributes, delivers, or conspires to deliver a controlled substance to an individual which results in the death of the individual due to the use of that substance and the death would not have occurred in the absence of the defendant’s conduct. Penalties are increased as follows: (1) a class A felony if the violation is designated as a class B felony; (2) a class B felony if the violation is designated as a class C felony; and (3) a class C felony if the violation is designated as a class A misdemeanor.</p>
Methamphetamine cleanup and disposal	Not addressed by state law.

<u>NORTH DAKOTA</u>	
Other statutory provisions of note	<p>§ 19-03.1-23.4 (“Overdose prevention and immunity”). An individual is immune from criminal prosecution under portions of North Dakota law if in good faith that individual seeks medical assistance for another individual in need of emergency medical assistance due to a drug overdose.</p> <p>§ 19-03.1-45 (“Drug abuse assessment and treatment--Presentence investigation--Certified drug abuse treatment programs”). Certain first offenders pleading guilty are eligible for the court to order a presentence investigation that must include a drug and alcohol evaluation conducted by a licensed addiction counselor. If the licensed addiction counselor recommends treatment, the court shall require the person to participate in an addiction program licensed by the Department of Human Services as a condition of the probation.</p> <p>§ 50-06-42 (“Substance use disorder treatment voucher system”). Requires the Department of Human Services to establish and administer, within the limits of legislative appropriations, a voucher system to address underserved areas and gaps in the state’s substance abuse treatment system and to assist in the payment of addiction treatment services provided by licensed substance abuse treatment programs. Allows an out-of-state licensed substance abuse treatment program located within a bordering state to participate in the voucher program.</p> <p>§ 50-06-42.1 (“Substance use disorder treatment voucher system grants”). A licensed substance abuse treatment program may apply for a competitive substance use disorder treatment voucher system grant. Programs are eligible for a one-time grant award.</p>
Recently proposed legislation	None.

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<p>Prevalence of Methamphetamine</p> <table border="1"> <caption>Data for Prevalence of Methamphetamine in Ohio</caption> <thead> <tr> <th>Year</th> <th>Number of OH NFLIS reports (in thousands)</th> <th>OH reports as a percentage of U.S. reports (%)</th> <th>OH population as a percentage of U.S. population (%)</th> </tr> </thead> <tbody> <tr><td>2010</td><td>1.5</td><td>1.0</td><td>4.0</td></tr> <tr><td>2011</td><td>1.5</td><td>1.0</td><td>4.0</td></tr> <tr><td>2012</td><td>2.5</td><td>1.5</td><td>4.0</td></tr> <tr><td>2013</td><td>3.5</td><td>1.5</td><td>4.0</td></tr> <tr><td>2014</td><td>4.0</td><td>1.5</td><td>4.0</td></tr> <tr><td>2015</td><td>6.0</td><td>2.0</td><td>4.0</td></tr> <tr><td>2016</td><td>9.0</td><td>3.0</td><td>4.0</td></tr> <tr><td>2017</td><td>14.0</td><td>4.0</td><td>4.0</td></tr> <tr><td>2018</td><td>22.0</td><td>6.0</td><td>4.0</td></tr> <tr><td>2019</td><td>28.0</td><td>7.0</td><td>4.0</td></tr> <tr><td>2020</td><td>24.0</td><td>7.0</td><td>4.0</td></tr> </tbody> </table>		Year	Number of OH NFLIS reports (in thousands)	OH reports as a percentage of U.S. reports (%)	OH population as a percentage of U.S. population (%)	2010	1.5	1.0	4.0	2011	1.5	1.0	4.0	2012	2.5	1.5	4.0	2013	3.5	1.5	4.0	2014	4.0	1.5	4.0	2015	6.0	2.0	4.0	2016	9.0	3.0	4.0	2017	14.0	4.0	4.0	2018	22.0	6.0	4.0	2019	28.0	7.0	4.0	2020	24.0	7.0	4.0
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<p>Statute(s) and regulation(s)</p>	<p>OHIO REV. CODE ANN. § 109.60 (West 2022); OHIO REV. CODE ANN. § 1547.11 (West 2022); OHIO REV. CODE ANN. § 2919.22 (West 2022); OHIO REV. CODE ANN. §§ 2925.03 to 2925.05, 2925.11, 2925.52, 2925.55 to 2925.58 (West 2022); OHIO REV. CODE ANN. § 2933.33 (West 2022); OHIO REV. CODE ANN. §§ 3715.05 and 3715.06 (West 2022); OHIO REV. CODE ANN. § 3745.13 (West 2022); OHIO REV. CODE ANN. § 4511.19 (West 2022)</p>																																																
<p>Restrictions placed on precursors</p>	<p>§ 2925.55 (“Unlawful purchase of pseudoephedrine product or ephedrine product; underage purchase of pseudoephedrine product or ephedrine product; using false information to purchase pseudoephedrine product or ephedrine product; improper purchase of pseudoephedrine product or ephedrine product”). No person shall knowingly purchase, receive, or otherwise acquire an amount of pseudoephedrine product or</p>																																																

<u>OHIO</u>	
Restrictions placed on precursors (cont'd)	<p>ephedrine product that is greater than 3.6 grams with a single day or 9 grams in a 30-day period unless such product is dispensed on a valid prescription. No individual under the age of 18 may receive a pseudoephedrine or ephedrine product unless such product is dispensed on the valid prescription of a physician. No individual under the age of 18 shall knowingly give false information for the purpose of purchasing, receiving, or otherwise acquiring such products. Penalties for violations of this section range from first degree misdemeanor to fourth degree misdemeanor.</p> <p>§ 2925.56 (“Unlawfully selling pseudoephedrine product or ephedrine product; unlawfully selling pseudoephedrine product or ephedrine product to minor; improper sale of pseudoephedrine product or ephedrine product; failing to submit information to national precursor log exchange”). No retailer or terminal distributor of dangerous drugs shall knowingly sell, offer, to sell, hold for sale, deliver, or otherwise provide to any individual any amount of pseudoephedrine product or ephedrine product that is greater than 3.6 grams within a single day or 9 grams in a 30-day period unless such product is dispensed on a valid prescription. No retailer or terminal distributor of dangerous drugs shall sell, offer to sell, hold for sale, deliver, or otherwise provide a pseudoephedrine or ephedrine product to an individual under 18 without a valid prescription. Penalties for violations of this section range from first degree misdemeanor to \$1,000 fine per violation.</p> <p>§ 2825.57 (“Seller may perform transaction scan on driver’s license or identification card; engaging in illegal pseudoephedrine product or ephedrine product transaction scan”). A seller may perform a transaction scan to check the validity of a driver’s license or identification card presented by a purchaser as a condition for selling, giving away, or otherwise distributing to the card holder a pseudoephedrine or ephedrine product. If the information fails to match the information printed on the license or ID card, or if the transaction scan indicates the information is false or fraudulent, the seller shall not sell, give away, or otherwise distribute a pseudoephedrine or ephedrine product to the card holder.</p>

<u>OHIO</u>	
Restrictions placed on precursors (cont'd)	<p>§§ 3715.05 to 3715.06 (various retailer requirements). Retailers selling a pseudoephedrine product or ephedrine product must: (1) segregate products away from other merchandise so that purchasers must seek direct assistance of a pharmacist or other authorized employee of the retailer; (2) examine purchaser's proof of age and national precursor log exchange information; and (3) maintain a logbook of pseudoephedrine product or ephedrine product purchases. Sections 3715.051 and 3715.052 provide more information about the logbook and submission of information to the national precursor log exchange.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 2919.22 ("Endangering children). Among other penalties, the statute provides that no person shall allow a child under age 18, or a mentally or physically handicapped child, to be on the same parcel of real property and within 100 feet of, or, in the case of more than one housing unit on the same parcel of real property, in the same housing unit and within 100 feet of, any act in violation of controlled substance manufacturing laws.</p> <p>§§ 2925.03 ("Trafficking offenses"). No person shall: (1) sell or offer to sell a controlled substance; or (2) prepare for shipment, ship, transport, deliver, prepare for distribution, or distribute a controlled substance when the offender knows or has reason to know such substance is intended for resale by another person, with certain listed exceptions. Violation for a Schedule I or II substance, with the exception of marijuana, cocaine, LSD, heroin, or any fentanyl-related compound, hashish, or a controlled substance analog, is guilty of aggravated trafficking, a felony of the fourth degree. If the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance use disorder services provider or a recovering addict, aggravated trafficking in drugs is a felony in the third degree. If the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, it is a felony of the third degree. If the amount equals or exceeds five times the bulk amount but is less than 50 times the bulk amount, it is a felony of the second degree. If the amount equals or exceeds 50 times the bulk amount but is less than 100 times the bulk amount, and regardless of whether the offense was committed in the vicinity of a school, juvenile, or substance use disorder services provider, or recovering addict, it is a felony of the first degree.</p>

<u>OHIO</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 2925.04 (“Illegal manufacture of drugs; illegal cultivation of marihuana”). No person shall knowingly manufacture or otherwise engage in any part of the production of a controlled substance. Any person who violates this section is guilty of illegal manufacture of drugs. If the drug involved is methamphetamine, the penalty for violation shall be a felony of the second degree. If the drug involved is methamphetamine and the violation was committed in the vicinity of a school, juvenile, or on public premises, violation is a felony of the first degree.</p> <p>§ 2925.041 (“Illegal assembly or possession of chemicals for the manufacture of drugs”). No person shall assemble or possess one or more chemicals that may be used to manufacture a controlled substance in Schedule I or II with the intent to manufacture a controlled substance in Schedule I or II. Whoever violates this section is guilty of assembly or possession of chemicals for the manufacture of drugs, a felony of the third degree. If the offense was committed in the vicinity of a school or a juvenile, violation is a felony of the second degree.</p> <p>§ 2925.05 (“Aggravated funding of drug trafficking; funding of drug trafficking; funding of marihuana trafficking”). No person shall knowingly provide money or other items of value to another person with the purpose that the recipient of the money or items of value use them to obtain any controlled substance for the purpose of selling or offering to sell the substance. If the drug to be sold is a Schedule I or II substance, with the exception of marijuana, cocaine, LSD, heroin, any fentanyl-related compound, or hashish, an amount that equals or exceeds the bulk amount of the drug, the person is guilty of aggravated funding of drug trafficking, a felony of the first degree.</p> <p>§ 2925.11 (“Drug possession offenses”). No person shall knowingly obtain, possess, or use a controlled substance unless pursuant to a valid prescription.</p>

<u>OHIO</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 2925.52 (“Destruction of chemicals used to produce methamphetamine; preservation of samples”). If a person is charged with a violation of illegal assembly or possession of manufacturing chemicals, the law enforcement agency that has custody of the chemicals may file a motion with the court in which the charges are pending requesting the court to order the chemicals destroyed.</p> <p>§ 2933.33 (“Search of premises for illegal manufacture of methamphetamine”). Provides that the risk of explosion or fire from the illegal manufacture of methamphetamine is a sufficiently exigent circumstance to allow a warrantless search.</p>
Methamphetamine cleanup and disposal	<p>§ 3745.13 (“Recovery of costs from persons causing environmental emergencies or contamination by operation of illegal methamphetamine laboratory”). Any person responsible for causing or allowing an unauthorized spill, release, or discharge of material into or upon the environment or responsible for the operation of an illegal methamphetamine manufacturing laboratory that has caused contamination of the environment is liable for the necessary and reasonable, additional, or extraordinary costs to the public/governmental agency(ies) responsible for cleanup incurred in investigating, mitigating, minimizing, removing, or abating the spill, release, discharge, or contamination, in the course of its emergency action.</p>
Other statutory provisions of note	<p>§ 109.60 (“Duty of sheriffs and chiefs of police to take fingerprints; report; exception”). Each law enforcement agency that arrests any person for a violation based on the manufacture of methamphetamine or a methamphetamine product shall prepare an annual report containing information specified in the statute and shall send the annual report to the Bureau of Criminal Identification and Investigation.</p> <p>§ 1547.11 (“Operating under influence of alcohol or drugs prohibited; evidence; immunity from liability for person drawing blood; testimony and evidence regarding field sobriety test”). It is unlawful to operate a watercraft if the driver has a concentration of methamphetamine in the person’s urine of at least 500 nanograms of methamphetamine per milliliter or has a concentration of methamphetamine in the person’s whole blood or blood serum or plasma of at least 100 nanograms of methamphetamine per milliliter.</p>

<u>OHIO</u>	
Other statutory provisions of note (cont'd)	§ 4511.19 (“Driving while under the influence of alcohol or drugs; tests; presumptions; penalties; immunity for those withdrawing blood”). It is unlawful to operate a vehicle if the driver has a concentration of methamphetamine in the person’s urine of at least 500 nanograms of methamphetamine per milliliter or has a concentration of methamphetamine in the person’s whole blood or blood serum or plasma of at least 100 nanograms of methamphetamine per milliliter.
Recently proposed legislation	None.

<u>OKLAHOMA</u>																																																	
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Statute(s) and regulation(s)	<p>OKLA. STAT. ANN. tit. 41, § 118 (West 2022); OKLA. STAT. ANN. tit. 60, § 833 (West 2022); OKLA. STAT. ANN. tit. 63, §§ 2-212, 2-321 to 2-333, 2-341, 2-401 to 2-402, 2-408, 2-414 to 2-420, and 2-701 (West 2022)</p>																																																
Restrictions placed on precursors	<p>§ 2-212 (“Schedule V”). Pseudoephedrine is a Schedule V controlled substance, and must be dispensed, sold, or distributed only by, or under the supervision of, a licensed pharmacist or a registered pharmacy technician. Upon receipt of payment, the seller shall access the methamphetamine offender registry and verify if the seller is listed in the registry. If the purchaser is listed in the registry, the seller shall not complete the sale. If the purchaser is not listed in the registry, the purchaser shall produce a photo ID and shall sign a written or</p>																																																

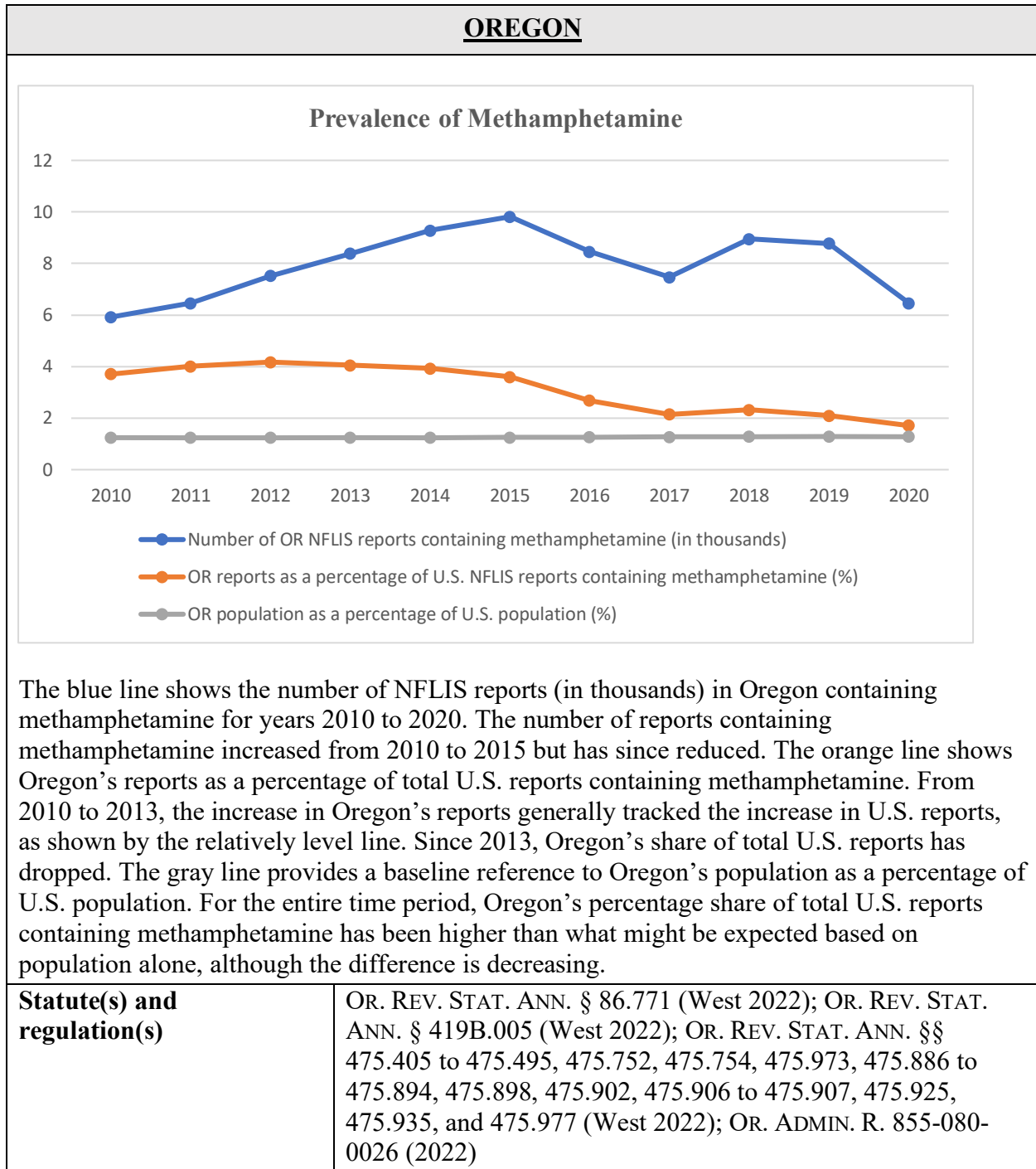
<u>OKLAHOMA</u>	
Restrictions placed on precursors (cont'd)	<p>electronic log, receipt, or other program or mechanism approved by the Bureau of Narcotics and Dangerous Drugs Control. No person shall purchase, receive, or otherwise acquire more than 3.6 grams of any product, mixture, or preparation per day or more than 7.2 grams within a 30-day period, or 60 grams within a 12-month period. Once an individual has received the daily limit, the individual may not acquire any additional product within a 72-hour period following the last permitted purchase. These limitations do not apply to products received pursuant to a valid prescription.</p> <p>§ 2-321 to 2-333 (collectively, the “Precursor Substances Act”). Substances must be kept in a locked environment that is within view of the pharmacy or behind the pharmacy counter. The pharmacist and those with access to the pseudoephedrine products have an affirmative duty to guard against the theft and diversion of the products. Sales limitations are 3.6 grams per day or 7.2 grams per 30 days. Purchasers must show photo ID. Possession of more than 7.2 grams of ephedrine, pseudoephedrine, or phenylpropanolamine constitutes a rebuttable presumption of the intent to use the product as a precursor to methamphetamine or another controlled substance and is a felony punishable by not less than seven years nor more than life and by a fine of not less than \$50,000. It is unlawful for any person to knowingly sell any product containing ephedrine, pseudoephedrine, or phenylpropanolamine if the person knows that the purchaser will use the product as a precursor to manufacture methamphetamine or another controlled illegal substance. Such a violation is a felony punishable by imprisonment of not more than 10 years.</p> <p>§ 2-341 (“Pharmacy electronic drug tracking service”). Any pharmacy that dispenses any compound mixture or preparation containing any detectable quantity of base pseudoephedrine or ephedrine shall maintain an electronic record of the sale. Each pharmacy must access and use a real-time electronic methamphetamine precursor tracking service which is approved by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control. A person who violates these provisions can be found guilty of a misdemeanor punishable by a fine of not more than \$1,000.00.</p>

<u>OKLAHOMA</u>	
Restrictions placed on precursors (cont'd)	<p>§ 2-701 (“Oklahoma State Bureau of Narcotics and Dangerous Drugs Control registry”). Creates a registry of persons who have been convicted of a crime or attempted to commit a crime including, but not limited to, unlawful possession, conspiring, endeavoring, manufacturing, distribution, or trafficking of a precursor to methamphetamine. It is unlawful for any person who knows that he or she is subject to the registry to purchase, possess, or have control of any Schedule V compound containing any detectable quantity of pseudoephedrine.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 2-401 (“Prohibited acts A—penalties”). It shall be unlawful for any person to distribute, dispense, transport with intent to distribute or dispense, possess with intent to manufacture, distribute, or dispense, a controlled substance, or to solicit the use of or use the services of a person under the age of 18 to cultivate, distribute, or dispense controlled substances. A violation with respect to a controlled substance in Schedule I or II is a felony. It is unlawful to manufacture or distribute a controlled substance except as otherwise authorized by law. A violation is a felony. Sentences increase if a person over the age of 18 solicits or uses the services of a minor or if the individual transports with intent to distribute or dispense, distributes or possesses with intent to distribute a controlled substance to a person in, on, or within 2,000 feet of the real property comprising a public or private elementary or secondary school, public vocational school, public or private college or university, or other institution of higher education, recreation center or public park, including state parks and recreation areas, public housing project, or child care facility.</p> <p>It shall be unlawful for any person to manufacture or attempt to manufacture any controlled substance or possess any substance specifically listed or any substance containing any detectable amount of pseudoephedrine with intent to use such substance to manufacture a controlled substance. Violation is a felony. Any person violating the provisions of this subsection with respect to the unlawful manufacturing or attempting to unlawfully manufacture 50 grams or more of methamphetamine is guilty of aggravated manufacturing a controlled substance.</p> <p>A person who has been convicted of manufacturing or attempting to manufacture methamphetamine and who, after conviction, purchases or attempts to purchase, receive, or otherwise acquire any product, mixture, or preparation</p>

<u>OKLAHOMA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>containing any detectable quantity of base pseudoephedrine or ephedrine shall, upon conviction, be guilty of a felony.</p> <p>§ 2-402 (“Prohibited acts B—penalties;” text of section as amended by Laws 2016, c. 220, § 1). It shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order from, a practitioner. A person who violates this section with regard to a Schedule I or II controlled substance is guilty of a felony. A person who violates this section by possessing or purchasing a controlled substance from any person in, on, or within 1,000 feet of the real property comprising a public or private elementary or secondary school, public vocational school, public or private college or university, or other institution of higher education, recreation center or public park, including state parks and recreation areas, or in the presence of any child under 12 years of age, shall be guilty of a felony.</p> <p>§ 2-402 (“Prohibited acts B—penalties;” text of section as amended by State Question No. 780, Initiative Petition No. 404, § 3, eff. July 1, 2017). It shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order from, a practitioner. A violation of this section is a misdemeanor.</p> <p>§ 2-408 (“Offering, soliciting, attempting, endeavoring, or conspiring to commit offense—penalties”). Any person who offers, solicits, attempts, endeavors, or conspires to commit an offense under this chapter shall be subject to the penalty prescribed for the offense.</p> <p>§§ 2-414 to 2-420 (collectively, “Trafficking in Illegal Drugs Act”). Applies to persons convicted of crimes related to several substances, including methamphetamine.</p> <p>§ 2-415 (“Application—fines and penalties”). It shall be unlawful for any person to (1) knowingly distribute, manufacture, bring into this state, or possess a specified controlled substance in the quantities specified in this section; (2) possess any controlled substance with the intent to manufacture a specified controlled substance in the quantities specified in this section; or (3) solicit or use the services of a</p>

<u>OKLAHOMA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>minor to distribute or manufacture a specified controlled substance in the quantities specified in this section. Violation shall be known as trafficking in illegal drugs. In the case of a violation involving methamphetamine: (1) 20 grams or more of a mixture or substance containing a detectable amount of methamphetamine shall be punishable by a fine of not less than \$25,000 or more than \$200,000; (2) 200 grams or more shall be punishable by a fine of not less than \$50,000 or more than \$500,000; and (3) 450 grams or more shall be deemed aggravated trafficking punishable by a fine of not less than \$50,000 or more than \$500,000. In addition, violators shall receive a sentence ranging from four years to life imprisonment, depending on the number and severity of the violation.</p> <p>§ 2-419.1 (“Use of minors in transportation, sale, etc. of controlled dangerous substances—penalties”). It is unlawful for any individual 18 years of age or older to solicit, employ, hire, or use an individual under 18 to unlawfully transport, carry, sell, give away, prepare for sale, or peddle any controlled dangerous substance.</p>
Methamphetamine cleanup and disposal	<p>§ 118 (“Duties of landlord and tenant”). Prior to the commencement of a rental agreement, if a landlord knows or has reason to know that the dwelling unit or any part of the premises was used in the manufacture of methamphetamine, the landlord shall disclose this information to a prospective tenant. This requirement does not apply if the property has been decontaminated below a specified level.</p> <p>§ 2-333 (“Knowingly selling, transferring, distributing, or dispensing products to be used in the production of certain controlled substances--penalty—damages”). Any person who sells, transfers, distributes, dispenses, or in any manner furnishes any product containing pseudoephedrine or phenylpropanolamine with knowledge or reason to know that the product will be used as a precursor to manufacture methamphetamine or any other illegal controlled substance shall be liable for any and all costs of detecting, investigating, and cleaning up or remediating clandestine or other unlawfully operated or maintained laboratories, any and all costs of prosecuting criminal cases arising from such manufacture, and any and all consequential and punitive damages otherwise allowed by law.</p>

<u>OKLAHOMA</u>	
Methamphetamine cleanup and disposal (cont'd)	§ 833 (“Disclaimer and disclosure statements”). Property disclosure statements must include statements regarding the existence of prior manufacturing of methamphetamine.
Other statutory provisions of note	§ 2-417 (“Drug Abuse Education Revolving Fund”). Creates the “Drug Abuse Education Revolving Fund,” consisting of fines collected pursuant to the Trafficking in Illegal Drugs Act. All monies accruing to the credit of the fund is hereby appropriated and may be budgeted and expended by the State Board of Education for drug abuse education programs.
Recently proposed legislation	S.B. 1590, 58 th Leg., 2 nd Reg. Sess. (Okla. 2022) (referred to appropriations committee; Feb. 15, 2022). S.B. 1646, 58 th Leg., 2 nd Reg. Sess. (Okla. 2022) (second reading; referred to judiciary – criminal in House; March 30, 2022). Amends existing criminal statutes to amend penalty provisions. Creates a new law which provides that a Class B2 crime includes (1) possessing a drug containing ephedrine, pseudoephedrine, or phenylpropanolamine with intent to use such product as a precursor to manufacture methamphetamine or another controlled substance; and (2) aggravated trafficking of methamphetamine. Creates new law which provides that a Class B3 crime includes: (1) purchasing or attempting to purchase, receive, or otherwise acquire any product, mixture, or preparation containing any detectable quantity of base pseudoephedrine or ephedrine after a conviction of manufacturing methamphetamine; (2) trafficking 20 grams or more of methamphetamine; and (3) trafficking 200 grams or more of methamphetamine. Creates new law which provides that a Class B4 crime includes: (1) selling, transferring, distributing, or dispensing any product containing ephedrine, pseudoephedrine, or phenylpropanolamine to another with knowledge that the purchaser will use such product as a precursor to manufacture methamphetamine or another controlled substance; and (2) purchasing or possessing any quantity of pseudoephedrine by a person who is subject to the Oklahoma Methamphetamine Offender Registry Act. Creates a new law which provides that a Class D2 crime includes assisting another in the purchase of pseudoephedrine products, second or subsequent offense.



<u>OREGON</u>	
Restrictions placed on precursors	<p>855-080-0026 (“Schedule V”). Products containing pseudoephedrine, ephedrine, and phenylpropanolamine are Schedule V substances. In order to provide non-prescription pseudoephedrine or ephedrine to a purchaser, a pharmacy must store all pseudoephedrine and ephedrine behind the counter in an area that is inaccessible to the public; utilize an appropriate electronic system; train staff on the requirements of the Combat Methamphetamine Epidemic Act of 2005, the Combat Methamphetamine Enhancement Act of 2010, and the electronic system; ensure that only a pharmacist, intern, or pharmacy technician provides the substance to the purchaser after verifying that the purchaser is 18 years of age or older, verifying the identity via a photo ID, and confirming the purchase is allowed through the electronic system; and maintain an electronic log. Sales of pseudoephedrine and ephedrine are subject to the following limits: no more than 3.6 grams in a 24-hour period and no more than 9 grams in a 30-day period unless dispensed pursuant to a valid prescription.</p> <p>§ 475.754 (“Affirmative defenses”). It is an affirmative defense to a charge of violating § 475.752 (see below) by unlawfully possessing pseudoephedrine that the person: (1) obtained the pseudoephedrine lawfully; (2) possessed no more than six grams of pseudoephedrine; and (3) possessed the pseudoephedrine under circumstances that are consistent with typical medicinal or household use.</p> <p>§ 475.973 (“Unlawful possession of ephedrine, pseudoephedrine or phenylpropanolamine; unlawful distribution of ephedrine, pseudoephedrine or phenylpropanolamine”). The State Board of Pharmacy may not adopt rules that exempt a product containing ephedrine or pseudoephedrine from classification as a controlled substance. The Schedule III classification may be modified if the State Board of Pharmacy finds that restrictions on products containing ephedrine, pseudoephedrine, or phenylpropanolamine do not significantly reduce the number of methamphetamine laboratories within the state. Records of transactions involving products containing ephedrine, pseudoephedrine, or phenylpropanolamine are subject to inspection by the State Board of Pharmacy and law enforcement agencies.</p>

<u>OREGON</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 475.752 (“Prohibited acts generally; penalties”). Provides that it is unlawful for any person to manufacture or deliver a controlled substance. Violation with respect to a Schedule I controlled substance is a Class A felony. It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a practitioner. Violation with respect to a Schedule I substance is a Class E violation.</p> <p>§ 475.886 (“Manufacture of methamphetamine”). Except as otherwise authorized, it is unlawful for any person to manufacture methamphetamine, a Class B felony.</p> <p>§ 475.888 (“Unlawful manufacture of methamphetamine within 1,000 feet of a school”). Except as otherwise authorized, it is unlawful for any person to manufacture methamphetamine within 1,000 feet of a public or private elementary, secondary, or career school attended primarily by minors. Violation is a Class A felony.</p> <p>§ 475.890 (“Delivery of methamphetamine”). Except as otherwise authorized, it is unlawful for any person to deliver methamphetamine. Violation is a Class B felony. If delivered to a minor, violation is a Class A felony.</p> <p>§ 475.892 (“Unlawful delivery of methamphetamine within 1,000 feet of a school”). Except as otherwise authorized, it is unlawful for any person to deliver methamphetamine within 1,000 feet of a public or private elementary, secondary, or career school attended primarily by minors. Violation is a Class A felony.</p> <p>§ 475.894 (“Possession of methamphetamine”). It is unlawful for any person knowingly or intentionally to possess methamphetamine unless the substance was obtained directly from, or pursuant to, a valid prescription. Violation is a Class E violation if the person possesses two grams or more. If the possession is a commercial drug offense or the person possesses a substantial quantity, the violation is a Class C felony.</p> <p>§§ 475.906 and 475.907 (“Delivery to minors” and “Sentencing for unlawful delivery of cocaine, methamphetamine, heroin or ecstasy to minors convictions”). It is unlawful for any person to</p>

<u>OREGON</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>deliver a controlled substance to a person under 18 years of age. When a person is convicted of the unlawful delivery of cocaine, methamphetamine, heroin, or ecstasy to a person under 18 years of age, the court shall sentence the person to a term of incarceration ranging from 34 months to 72 months, depending on the person's criminal history.</p> <p>§ 475.925 ("Sentencing for unlawful delivery or manufacture of a controlled substance convictions"). When a person is convicted of the unlawful delivery or manufacture of a controlled substance, the court shall sentence the person to a term of incarceration ranging from: (1) 58 months to 130 months, if the delivery or manufacture involves 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine; and (2) 34 months to 72 months, if the delivery or manufacture involves 100 grams or more of a mixture or substance containing a detectable amount of methamphetamine.</p> <p>§ 475.935 ("Manufacture or delivery of methamphetamine; sentencing"). When the court sentences a person convicted of delivery of methamphetamine under § 475.890 or § 475.892, the presumptive sentence is 19 months of incarceration, unless the rules of the Oregon Criminal Justice Commission prescribe a longer presumptive sentence.</p>
Methamphetamine cleanup and disposal	<p>§ 86.771 ("Notice of sale; contents"). Without limiting the trustee's disclaimer of representations or warranties, Oregon law requires the trustee to state in this notice that some residential property sold at a trustee's sale may have been used in manufacturing methamphetamines."</p> <p>§§ 475.405 to 475.495 (collectively, "Illegal drug cleanup"). Upon the request of a law enforcement agency, the Department of Environmental Quality may identify, clean up, store, and dispose of chemicals located at an alleged illegal drug manufacturing site. These statutes address the standards for that cleanup. The Environmental Quality Commission shall consult with the law enforcement agencies in adopting rules necessary for the Department of Environmental Quality to carry out its responsibilities.</p>

<u>OREGON</u>	
Methamphetamine cleanup and disposal (cont'd)	§ 475.977 (“Possessing or disposing of methamphetamine manufacturing waste”). A person commits the crime of possessing or disposing of methamphetamine manufacturing waste if the person knowingly possesses or disposes of such waste. A violation is a class C felony.
Other statutory provisions of note	<p>§ 419B.005 (“Definitions”). The definition of “child abuse” includes permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured.</p> <p>§ 475.898 (“Medical assistance for drug-related overdose; immunity from arrest or prosecution”). The immunity provided by this section applies to unlawful possession of methamphetamine as described in ORS § 475.894.</p> <p>§ 475.902 (“Directives to Oregon Criminal Justice Commission”). Requires the Oregon Criminal Justice Commission to amend its rules and appendices to prohibit persons convicted of manufacturing substantial quantities of methamphetamine from being eligible for an optional probation sentence.</p>
Recently proposed legislation	None.

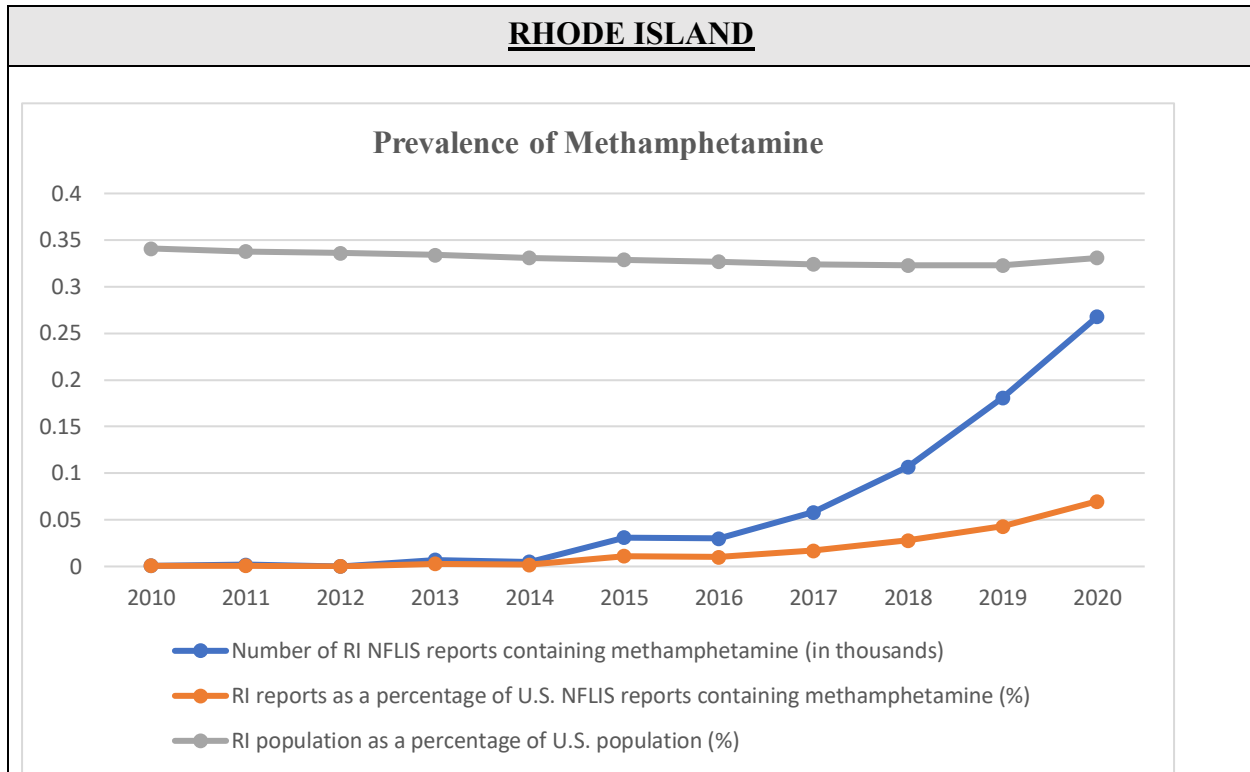
<u>PENNSYLVANIA</u>																																																	
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Statute(s) and regulation(s)	<p>18 PA. STAT. AND CONS. STAT. ANN. §§ 1110, 3313, 6316, 7508 to 7508.2 (West 2022); 23 PA. STAT. AND CONS. STAT. ANN. § 6303 (West 2022); 35 PA. STAT. AND CONS. STAT. ANN. §§ 780-113, 780-113.2 to 780-113.7, and 780-114 (West 2022); 204 PA. CODE §§ 303.14 and 303.15 (West 2022)</p>																																																
Restrictions placed on precursors	<p>§ 6316 (“Selling or furnishing certain stimulants to minors”). A person commits a summary offense if he or she knowingly sells, or purchases with the intent to sell, ephedrine to a person who is less than 18 years of age. A person who is convicted of violating this section may be sentenced to a fine of not less than \$250 nor more than \$500 for the first violation and a fine of \$500 for each subsequent violation.</p>																																																

<u>PENNSYLVANIA</u>	
Restrictions placed on precursors (cont'd)	<p>§ 780-113.6 (“Ephedrine and pseudoephedrine; electronic tracking”). Retailers are prohibited from making sales to an individual, and an individual is prohibited from purchasing, ephedrine or pseudoephedrine base, in excess of 3.6 grams per day and nine grams per 30-day period. Nonprescription products containing ephedrine or pseudoephedrine shall be maintained behind the counter or in a locked case where the customer does not have direct access. Purchasers must present a valid photo ID. A retail seller must maintain a logbook of sales. Before completing a sale, the retailer must electronically submit the required information to an electronic tracking system. A violation is a misdemeanor punishable by fine only.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 7508 (“Drug trafficking sentencing and penalties”). This statute was held to be unconstitutional in <i>Commonwealth v. DiMatteo</i>, 644 Pa. 463, 177 A.3d 182 (2018). Provides that a person convicted of certain offenses with regard to methamphetamine shall be sentenced, upon conviction, to a mandatory minimum term of imprisonment based on the aggregate weight of the substance at issue.</p> <p>§ 7508.2 (“Operation of methamphetamine laboratory”). A person commits the offense of operating a methamphetamine laboratory if the person knowingly causes a chemical reaction involving ephedrine, pseudoephedrine, or phenylpropanolamine for the purposes of manufacturing methamphetamine or preparing a precursor or reagent substance for the manufacture of methamphetamine. This offense is a felony of the second degree and is subject to restitution for the cleanup.</p> <p>§ 6303 (“Definitions”). The definition of “child abuse” in Pennsylvania law includes causing a child to be present at a location while a violation of 18 § 7508.2 (see above) is occurring, provided that the violation is being investigated by law enforcement.</p> <p>§ 780-113 (“Prohibited acts; penalties”). Lists the following acts, among others, which are prohibited: (1) the acquisition or obtaining of possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge, the violation of which with regard to methamphetamine is a felony; (2) except as authorized by law, the manufacture, delivery, or possession with intent to manufacture or deliver, a controlled substance by a person not registered under this act, violation of which with regard to methamphetamine is a felony; (3) the</p>

<u>PENNSYLVANIA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>unlawful manufacture of methamphetamine in a structure where any child under 18 years of age is present or where the manufacturing of methamphetamine causes any child under 18 years to suffer bodily injury, violation of which is a felony of the second or third degree; and (4) the knowing possession of ephedrine, pseudoephedrine, or phenylpropanolamine with the intent to manufacture methamphetamine, violation of which is a misdemeanor.</p> <p>§ 780-113.3 (“Methamphetamine production”). Provides that proof that a person had in his or her possession more than 40 grams or 15 packages of any drug containing ephedrine, pseudoephedrine, or phenylpropanolamine gives rise to a rebuttable presumption that the person acted with intent to manufacture methamphetamine. Also, proof that a person had in his or her possession any amount of ephedrine, pseudoephedrine, or phenylpropanolamine and at the same time possessed any amount of any other precursor or reagent substance gives rise to a rebuttable presumption that the person acted with intent to manufacture methamphetamine.</p> <p>§ 780-113.4 (“Operating a methamphetamine laboratory and illegal dumping of methamphetamine waste”). A person commits the offense of operating a methamphetamine laboratory if the person knowingly causes a chemical reaction involving ephedrine, pseudoephedrine, or phenylpropanolamine for the purpose of manufacturing methamphetamine or preparing a precursor or reagent substance for the manufacture of methamphetamine. If the chemical reaction occurs within 1,000 feet of a school, college or university, or a nursery school or daycare center, or within 250 feet of a recreation center or playground, then the offense is considered a felony of the first degree.</p> <p>§ 780-114 (“Distribution to persons under age eighteen”). Any person who is at least 21 years of age and who is not a drug dependent person who violates this act by distributing a controlled substance listed in Schedules I through VI to a person under 18 years of age who is at least four years his junior is punishable by a term of imprisonment up to twice that otherwise authorized.</p>

<u>PENNSYLVANIA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 303.14 (“Guideline sentence recommendations-economic sanctions”). Provides that a fine, within the limits established by law, shall be considered by the court when the offender is convicted of an offense within 35 P.S. § 780-113(a) (see above), and the drug involved includes methamphetamine.</p> <p>§ 303.15 (“Offense listing”). Contains sentencing guidelines for offenses, including those that are methamphetamine related.</p>
Methamphetamine cleanup and disposal	<p>§ 1110 (“Restitution for cleanup of clandestine laboratories”). When any person is convicted of an offense under state controlled substance laws involving the manufacture of a controlled substance, the court shall order the person to make restitution for the costs incurred in the cleanup, including labor costs, equipment, and supplies, of any clandestine laboratory used by the person to manufacture the controlled substance.</p> <p>§ 3313 (“Illegal dumping of methamphetamine waste”). A person commits a felony of the third degree if he intentionally, knowingly, or recklessly deposits, stores, or disposes on any property a precursor or reagent substance, chemical waste, or debris, resulting from or used in the manufacture of methamphetamine or the preparation of a precursor or reagent substance for the manufacture of methamphetamine.</p> <p>§ 780-113.4 (“Operating a methamphetamine laboratory and illegal dumping of methamphetamine waste”). A person commits a felony of the third degree if he intentionally, knowingly, or recklessly deposits, stores, or disposes on any property a precursor or reagent substance, chemical waste, or debris used in or resulting from the manufacture of methamphetamine or the preparation of a precursor or reagent substance for the manufacture of methamphetamine.</p> <p>§ 780-113.5 (“Environmental costs”). In addition to restitution under 18 Pa.C.S. § 1110 (see above), a person who is convicted of an offense involving the operation of a methamphetamine laboratory or the possession or use of a precursor or reagent substance to manufacture methamphetamine shall be ordered to reimburse the public agencies for the costs of cleaning up the environmental hazards associated with the laboratory.</p>

<u>PENNSYLVANIA</u>	
Other statutory provisions of note	<p>§ 7508.1 (“Substance Abuse Education and Demand Reduction Fund”). Creates the Substance Abuse Education and Demand Reduction Fund. Provides for a mandatory cost of \$100 to be automatically assessed on any individual found guilty of certain acts, including violations of the controlled substances act. Of the amount collected, 50 percent shall remain at the county level to be used for substance abuse treatment or prevention programs and the remaining 50 percent deposited into the Fund.</p> <p>§ 780-113.2 (“Clandestine drug laboratory data repository”). The Pennsylvania State Police shall maintain a statewide repository of data relating to clandestine drug laboratories, clandestine drug laboratory dump sites, and the seizure of chemicals and other implements associated with manufacturing.</p> <p>§ 780-113.7 (“Drug overdose response immunity”). A person cannot be charged and will be immune from prosecution for certain crimes and probation and parole violations if the person can establish either that (1) law enforcement only became aware of the person’s commission of an offense because the person transported a person experiencing a drug overdose to a law enforcement agency or health care facility, or (2) all of the following apply: (i) the person reported the drug overdose in good faith, (ii) the person provided his or her own name and location and cooperated with law enforcement, and (iii) the person remained with the person needing medical attention until law enforcement or emergency services arrived.</p>
Recently proposed legislation	None.



The blue line shows the number of NFLIS reports (in thousands) in Rhode Island containing methamphetamine for years 2010 to 2020. The number of reports containing methamphetamine has been very low for all years, not even topping 100 reports until 2018. The orange line shows Rhode Island’s reports as a percentage of total U.S. reports containing methamphetamine. The increase in reports since 2018 appears to be larger than the overall increase in U.S. reports. The gray line provides a baseline reference to Rhode Island’s population as a percentage of U.S. population. For the entire 11-year time period, Rhode Island’s percentage share of total U.S. reports containing methamphetamine has been lower than what might be expected based on population alone.

Statute(s) and regulation(s)	21 R.I. GEN. LAWS ANN. §§ 21-28-4.01 to 21-28-4.01.2, 21-28-4.07, 21-28-4.07.1, and 21-28-4.17.1 (West 2022)
Restrictions placed on precursors	Not addressed by state law.
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	§ 21-28-4.01 (“Prohibited acts A—penalties”). Except as otherwise authorized, it shall be unlawful for a person to manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance. Violation by any person who is not a drug-addicted person with respect to a Schedule I or II controlled substance is guilty of a crime and may be imprisoned for a term up to life or fined not more than \$500,000 nor less than \$10,000, or both. Any person, except as outlined above, who violates this section with respect to a Schedule I or II controlled substance is guilty of a crime and, upon conviction,

<u>RHODE ISLAND</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>may be imprisoned for not more than 30 years or fined not more than \$100,000 nor less than \$3,000, or both. It is unlawful for any person to knowingly or intentionally possess a controlled substance unless upon a valid prescription. Violation with respect to: (1) 10 grams or less of a mixture containing a detectable amount of a Schedule I – V substance, except marijuana, is guilty of a misdemeanor; or (2) more than 10 grams but less than one ounce of a mixture or substance containing a detectable amount of a Schedule I – V substance, except marijuana, is guilty of a felony.</p> <p>§ 21-28-4.01.1 (“Certain quantities of controlled substances”). Except as otherwise authorized, it shall be unlawful for any person to manufacture, sell, or possess with intent to manufacture or sell, a controlled substance classified in Schedule I or II or to possess or deliver one ounce to one kilogram of methamphetamine. Violation is a crime and, upon conviction, person may be imprisoned for a term up to 50 years and fined not more than \$500,000.</p> <p>§ 21-28-4.01.2 (“Certain quantities of controlled substances”). Except as otherwise authorized, it shall be unlawful for any person to possess, manufacture, sell, or deliver more than one kilogram of methamphetamine. Violation is a crime and, upon conviction, person may be imprisoned for a term up to life and fined not more than one million dollars.</p> <p>§ 21-28-4.07 (“Distribution to persons under age 18”). Any person over age 18 who violates § 21-28-4.01 by distributing a controlled substance, except marijuana, listed in Schedules I or II to a person under 18 years of age who is at least three years his or her junior shall be imprisoned to a term of not less than 15 years to life, fined not more than \$500,000, or both.</p> <p>§ 21-28-4.07.1 (“Distribution or manufacturing in or near schools”). Any person who violates law by distributing or manufacturing a controlled substance listed in Schedules I or II in the building or on the grounds, or within 300 yards of the grounds, of a public or private elementary, vocational, or secondary school, or public park or playground shall be punished by a term of imprisonment or fine, or both, up to twice that authorized by § 21-28-4.01 or -4.07, but not exceeding life imprisonment.</p>

<u>RHODE ISLAND</u>	
Methamphetamine cleanup and disposal	Not addressed by state law.
Other statutory provisions of note	§ 21-28-4.17.1 (“Assessment for drug education, counseling and treatment”). Provides that any person convicted of a controlled substance offense other than possession must, in addition to any other sentence and/or fine imposed, be assessed \$400. This assessment is placed in a drug education, assessment, and treatment account to be used by the state Department of Mental Health, Retardation and Hospitals and the Department of Health for the purpose of administration, drug education, and treatment.
Recently proposed legislation	None.

<u>SOUTH CAROLINA</u>																																																	
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Statute(s) and regulation(s)	S.C. CODE ANN. §§ 16-1-90, 16-1-100 (2022); S.C. CODE ANN. § 23-3-1200 (2022); S.C. CODE ANN. §§ 44-53-365, 44-53-370, 44-53-375, 44-54-376, 44-53-378, 44-53-398, and 44-53-1920 (2022)																																																
Restrictions placed on precursors	§ 23-3-1200 (“SLED electronic monitoring system; collection, storage and use of information”). Provides that the State Law Enforcement Division (SLED) shall serve as the statewide, central repository for log information submitted electronically in real time in order to monitor the sales and purchases of nonprescription products containing ephedrine, pseudoephedrine, or phenylpropanolamine.																																																

<u>SOUTH CAROLINA</u>	
Restrictions placed on precursors (cont'd)	<p>§ 44-53-398 (“Sale of products containing ephedrine or pseudoephedrine; penalties; training of sales personnel”). Nonprescription products whose sole active ingredient is ephedrine, pseudoephedrine, or phenylpropanolamine can only be sold in blister packaging and must be kept behind a counter or other barrier so that they are not directly accessible to the public. In a single day, a person may not sell or purchase more than 3.6 grams of ephedrine, pseudoephedrine, or phenylpropanolamine. Within a 30-day period a person may not sell or purchase more than nine grams of ephedrine, pseudoephedrine, or phenylpropanolamine. At the point of sale, the purchaser is required to produce a government issued photo ID and sign an electronic log. Retailers who sell these products are required to provide training on these requirements to all employees who are responsible for delivering these products to purchasers. This provision does not apply to pediatric products, products that are formulated in a way as to prevent the conversion of the active ingredient into methamphetamine, or single sales packages containing no more than 60 mg of pseudoephedrine.</p> <p>§ 16-1-90 (“Crimes classified as felonies”). The trafficking of ephedrine, pseudoephedrine, or phenylpropanolamine is a felony. The felony level is determined by the amount of drug that is trafficked and whether the crime is a first time or subsequent offense.</p> <p>§ 16-1-100 (“Crimes classified as misdemeanors”). Purchasing a product containing ephedrine or pseudoephedrine from any person other than a manufacturer or registered wholesale distributor is a misdemeanor.</p> <p>§ 44-53-375 (“Possession, manufacture, and trafficking of methamphetamine and cocaine base and other controlled substances; penalties”). It is unlawful for any person, other than a manufacturer, practitioner, dispenser, distributor, or retailer to knowingly possess any product that contains nine grams or more of ephedrine, pseudoephedrine, or phenylpropanolamine. A person who violates this subsection is guilty of a felony known as “trafficking in ephedrine, pseudoephedrine, or phenylpropanolamine.” The punishment is determined by the amount of ephedrine, pseudoephedrine, or phenylpropanolamine possessed and whether the crime is a first or a subsequent offense.</p>

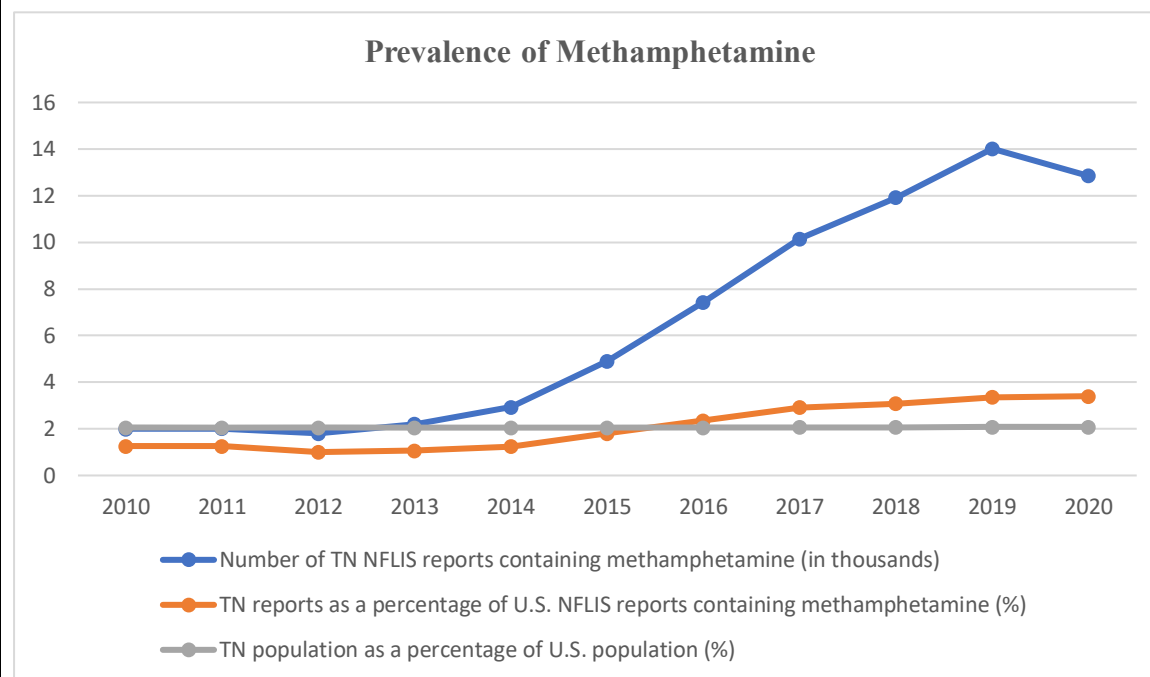
<u>SOUTH CAROLINA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 16-1-90 (“Crimes classified as felonies”). Establishes the manufacture, distribution, and possession of methamphetamine as a felony. The felony level is determined by the amount of methamphetamine involved and whether the crime is a first time or subsequent offense. Knowingly disposing any waste from the production of methamphetamine is also a felony.</p> <p>§ 16-1-100 (“Crimes classified as misdemeanors”). The possession of less than one gram of methamphetamine is a misdemeanor.</p> <p>§ 44-53-365 (“Theft of controlled substance; penalty”). It is unlawful for a person to take or exercise control over a controlled substance, the immediate precursor of a controlled substance, or ephedrine, pseudoephedrine, or phenylpropanolamine belonging to another person or entity with the intent to deprive the person or entity of the substance.</p> <p>§ 44-53-370 (“Prohibited acts A; penalties”). It is unlawful for any person to manufacture, distribute, dispense, deliver, purchase, aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, purchase, or possess with the intent to manufacture, distribute, dispense, deliver, or purchase a controlled substance or a controlled substance analogue. A violation of this provision involving methamphetamine is a felony which will result in no more than five years imprisonment, a fine of no more than \$5,000, or both. The penalty increases with subsequent offenses.</p> <p>§ 44-53-375 (“Possession, manufacture, and trafficking of methamphetamine and cocaine base and other controlled substances; penalties”). The possession of less than one gram of methamphetamine is a misdemeanor. A person who manufactures, distributes, dispenses, delivers, purchases, or otherwise aids, abets, attempts, or conspires to manufacture, distribute, dispense, deliver, purchase, or possesses with intent to distribute, dispense, or deliver methamphetamine is guilty of a felony. The possession of one or more grams of methamphetamine is prima facie evidence of a violation of this subsection. A person who knowingly sells, manufactures, delivers, purchases, or who provides financial assistance or otherwise aids, abets, attempts, or conspires to sell, manufacture, deliver, or purchase ten grams or more of methamphetamine is guilty of a felony which is known as</p>

<u>SOUTH CAROLINA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>“Trafficking in methamphetamine.” The punishment is determined by the amount of methamphetamine trafficked and whether it was a first or subsequent offense. The possession of equipment or paraphernalia used in the manufacture of methamphetamine is prima facie evidence of the intent to manufacture. A person 18 years of age or older may be charged with unlawful conduct toward a child pursuant to S.C. Code § 63-5-70, if a child was present at any time during the unlawful manufacturing of methamphetamine.</p> <p>§ 44-53-376 (“Disposal of waste from production of methamphetamine; penalty; emergency or environmental response restitution; exemptions”). It is a felony for a person to knowingly dispose any waste from the production of methamphetamine or knowingly assist, solicit, or conspire with another to dispose of methamphetamine waste.</p> <p>§ 44-53-378 (“Exposing child to methamphetamine”). It is unlawful for a person who is 18 years of age or older to: (1) unlawfully manufacture methamphetamine in the presence of a minor child; (2) knowingly permit a child to be in an environment involving methamphetamine; or (3) knowingly permit a child to be in an environment where drug paraphernalia or volatile, toxic, or flammable chemicals are stored.</p>
Methamphetamine cleanup and disposal	<p>§ 44-53-376 (“Disposal of waste from production of methamphetamine; penalty; emergency or environmental response restitution; exemptions”). If a person unlawfully disposes of methamphetamine waste in a manner that requires an emergency or environmental response, the person will be required to make restitution to all public entities involved in the emergency response.</p>
Other statutory provisions of note	<p>§ 44-53-1920 (“Limited immunity for a person who seeks medical assistance for another”). A person who seeks medical assistance for another person who appears to be experiencing a drug or alcohol-related overdose may not be prosecuted for possessing less than one gram of methamphetamine if the evidence for prosecution was obtained as a result of the person seeking medical assistance for the apparent overdose on the premises or immediately after seeking medical assistance.</p>
Recently proposed legislation	<p>S.B. 1190, 124th Leg., 2nd Reg. Sess. (S.C. 2022) (referred to committee on medical affairs; March 23, 2022). Repeals § 44-53-365.</p>

<u>SOUTH DAKOTA</u>																																																	
<p>Prevalence of Methamphetamine</p> <table border="1"> <caption>Data for Prevalence of Methamphetamine (2010-2020)</caption> <thead> <tr> <th>Year</th> <th>Number of SD NFLIS reports containing methamphetamine (in thousands)</th> <th>SD reports as a percentage of U.S. NFLIS reports containing methamphetamine (%)</th> <th>SD population as a percentage of U.S. population (%)</th> </tr> </thead> <tbody> <tr><td>2010</td><td>0.15</td><td>0.10</td><td>0.25</td></tr> <tr><td>2011</td><td>0.15</td><td>0.08</td><td>0.25</td></tr> <tr><td>2012</td><td>0.20</td><td>0.10</td><td>0.25</td></tr> <tr><td>2013</td><td>0.40</td><td>0.18</td><td>0.25</td></tr> <tr><td>2014</td><td>0.55</td><td>0.22</td><td>0.25</td></tr> <tr><td>2015</td><td>0.50</td><td>0.18</td><td>0.25</td></tr> <tr><td>2016</td><td>0.70</td><td>0.22</td><td>0.25</td></tr> <tr><td>2017</td><td>0.95</td><td>0.25</td><td>0.25</td></tr> <tr><td>2018</td><td>1.15</td><td>0.28</td><td>0.25</td></tr> <tr><td>2019</td><td>1.35</td><td>0.35</td><td>0.25</td></tr> <tr><td>2020</td><td>0.95</td><td>0.25</td><td>0.25</td></tr> </tbody> </table>		Year	Number of SD NFLIS reports containing methamphetamine (in thousands)	SD reports as a percentage of U.S. NFLIS reports containing methamphetamine (%)	SD population as a percentage of U.S. population (%)	2010	0.15	0.10	0.25	2011	0.15	0.08	0.25	2012	0.20	0.10	0.25	2013	0.40	0.18	0.25	2014	0.55	0.22	0.25	2015	0.50	0.18	0.25	2016	0.70	0.22	0.25	2017	0.95	0.25	0.25	2018	1.15	0.28	0.25	2019	1.35	0.35	0.25	2020	0.95	0.25	0.25
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<p>The blue line shows the number of NFLIS reports in South Dakota (in thousands) containing methamphetamine for years 2010 to 2020. Reports of methamphetamine steadily increased in South Dakota from 2012 through 2019, apart from a small dip in reports between 2014-2015. The orange line shows South Dakota’s reports as a percentage of total U.S. reports. The rise in the orange line since 2015 indicates that South Dakota’s increase in reports in those years exceeded the increase in total U.S. reports. The gray line provides a baseline reference to South Dakota’s population as a percentage of U.S. population. Prior to 2017, South Dakota’s share of total U.S. reports containing methamphetamine was lower than what might be expected based on population alone.</p>																																																	
Statute(s) and regulation(s)	S.D. CODIFIED LAWS § 22-42-4.3, 22-42-5, and 22-42-5.1 (2022); S.D. CODIFIED LAWS §§ 34-20D-1 to 34-20D-3, 34-20D-8, and 34-20D-10 (2022)																																																
Restrictions placed on precursors	§ 34-20D-1 (“Sale of packages containing pseudoephedrine or ephedrine--number in single transaction limited--exception—misdemeanor”). A retailer is prohibited from selling more than two packages containing pseudoephedrine or ephedrine as an active ingredient in a single transaction. This restriction does not apply to any sale made pursuant to a valid prescription. Any retailer who violates this provision is guilty of a Class 1 misdemeanor.																																																

<u>SOUTH DAKOTA</u>	
Restrictions placed on precursors (cont'd)	<p>§ 34-20D-2 (“Purchase of packages containing pseudoephedrine or ephedrine--number in single transaction limited--exception—misdemeanor”). A person is prohibited from purchasing more than two packages containing pseudoephedrine or ephedrine as an active ingredient in a single transaction. This restriction does not apply to any purchases made with a valid prescription. Any person who violates this provision is guilty of a Class 1 misdemeanor.</p> <p>§ 34-20D-3 (“Requirements for display and offer of product containing pseudoephedrine or ephedrine as active ingredient”). Pseudoephedrine and ephedrine products must be kept behind a counter where the public is not permitted or in a locked case so that a customer must ask a store employee for assistance.</p> <p>§ 34-20D-8 (“Identification and record of buyer of product containing pseudoephedrine, ephedrine, or phenylpropanolamine--reporting--stop-sale alert”). At the point of sale, the retailer is required to make a record of the identification of the person purchasing the product. This information is then required to be inputted into the electronic record-keeping system prior to completing the sale.</p> <p>§ 34-20D-10 (“Possession of product, mixture, or preparation containing ephedrine base, pseudoephedrine base, or phenylpropanolamine base restricted--exception—misdemeanor”). A person is prohibited from possessing, receiving, or otherwise acquiring more than nine grams of ephedrine or pseudoephedrine products within any 30-day period. This restricting does not apply to products obtained with a valid prescription. The possession of more than nine grams of ephedrine or pseudoephedrine products constitutes a rebuttable presumption of intent to use the product as a precursor to methamphetamine. A violation of this section is a Class 1 misdemeanor.</p>

<u>SOUTH DAKOTA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 22-42-4.3 (“Unauthorized manufacture, distribution, counterfeiting, or possession of methamphetamine as felony--Mandatory sentences”). No person may manufacture, distribute, or dispense more than five grams of methamphetamine or possess with the intent to manufacture, distribute, or dispense methamphetamine. A violation of this provision is a Class 3 felony. However, it is a Class 2 felony if the person is in possession of three or more of the following: (1) more than \$300 of cash; (2) a weapon; (3) bulk materials used to package methamphetamine; (4) materials used to manufacture methamphetamine; or (5) drug transaction records or customer lists. The manufacture, distribution, or dispensing of methamphetamine to a minor is a Class 1 felony.</p> <p>§ 22-42-5 (“Unauthorized possession of controlled drug or substance as felony”). No person may knowingly possess a controlled substance unless the substance was obtained through a valid prescription. A violation of this section for a substance in Schedules I or II is a Class 5 felony.</p> <p>§ 22-42-5.1 (“Unauthorized ingestion of controlled drug or substance as felony”). No person may knowingly ingest a controlled substance unless the substance was obtained through a valid prescription. A violation of this section for a substance in Schedules I or II is a Class 5 felony.</p>
Methamphetamine cleanup and disposal	Not addressed by state law.
Other statutory provisions of note	None.
Recently proposed legislation	None.

TENNESSEE

The blue line shows the number of NFLIS reports in Tennessee (in thousands) containing methamphetamine for years 2010 to 2020. Reports of methamphetamine have been steadily increasing in Tennessee since 2013. The orange line shows Tennessee’s reports as a percentage of total U.S. reports. The rise in the orange line from 2014 to 2020 indicates that Tennessee’s increase in reports in those years exceeded the increase in total U.S. reports. The gray line provides a baseline reference to Tennessee’s population as a percentage of U.S. population. Starting in 2016, Tennessee’s share of total U.S. reports containing methamphetamine has been higher than what might be expected based on population alone.

Statute(s) and regulation(s)	TENN. CODE ANN. §§ 39-17-417, 39-17-418, 39-17-431, 39-17-433 to 39-17-435, and 39-17-439 (West 2022); TENN. CODE ANN. §§ 68-212-502, 68-212-503, and 68-212-509 (West 2022); TENN. COMP. R. & REGS. 0400-15-02-.01 and 0400-15-02-.02 (2022)
Restrictions placed on precursors	§ 39-17-431 (“Products containing immediate methamphetamine precursors; violations and penalties”). Any product that contains any immediate methamphetamine precursor may be dispensed only by a licensed pharmacy. A pharmacy cannot sell, and a person cannot purchase, more than 5.76 grams of ephedrine or pseudoephedrine products in a 30-day period, or more than 28.8 grams of ephedrine or pseudoephedrine products in a one-year period. At the point of sale, the customer is required to present a valid government issued photo ID. The pharmacist must counsel the person

<u>TENNESSEE</u>	
Restrictions placed on precursors (cont'd)	<p>purchasing the products to determine his or her reasons for needing the product; the pharmacist may decline the sale if he or she believes the sale is not for a legitimate medical purpose. Information about each sale is required to be recorded in the electronic record keeping system. All methamphetamine precursor products are required to be maintained behind-the-counter of the pharmacy or in a locked case within view, and 25 feet, of the counter.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 39-17-417 (“Offenses; violations, fines; habitual drug offenders”). It is an offense to knowingly manufacture, deliver, or sell a controlled substance or possess a controlled substance with the intent to manufacture, deliver, or sell the controlled substance. A violation of this provision with 0.5 grams or more of methamphetamine is a Class B felony with a potential fine of up to \$100,000. A violation involving less than 0.5 grams of methamphetamine is a Class C felony. A violation involving 26 grams or more of methamphetamine is a Class B felony with a potential fine of up to \$200,000. A violation involving 300 grams or more of methamphetamine is a Class A felony with a potential fine of up to \$500,000.</p> <p>§ 39-17-418 (“Simple possession; casual exchange”). It is an offense for a person to knowingly possess or casually exchange a controlled substance, unless the substance was obtained pursuant to a valid prescription. A violation of this provision with respect to any amount of methamphetamine is punishable by not less than 30 days imprisonment, and the person shall serve at least 100 percent of the 30-day minimum. This requirement does not preclude an individual sentenced under this section from participating in a drug or recovery court program, and may receive a sentence credit for the entire 30-day minimum.</p> <p>§ 39-17-433 (“Promotion of methamphetamine manufacture”). It is an offense for a person to promote methamphetamine manufacture. A person promotes methamphetamine manufacture if that person: (1) sells, purchases, acquires, or delivers any chemical, drug, ingredient, or apparatus that can be used to produce methamphetamine, knowing that it will be used to produce methamphetamine or with reckless disregard of its intended use; (2) purchases or possesses more than nine grams of a methamphetamine precursor with the intent to manufacture methamphetamine; or (3) permits a person to use any structure or real property owned or controlled, knowing that the person</p>

<u>TENNESSEE</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>intends to use the structure to manufacture methamphetamine or with reckless disregard of the person's intent. Possession of more than 15 grams of an immediate methamphetamine precursor will be prima facie evidence of intent to violate this provision.</p> <p>§ 39-17-434 ("Methamphetamine"). It is an offense to knowingly manufacture, deliver, or sell methamphetamine, or possess methamphetamine with the intent to manufacture, deliver, or sell methamphetamine. It is also an offense for a person to knowingly possess or casually exchange methamphetamine.</p> <p>§ 39-17-435 ("Initiation of methamphetamine manufacture process"). It is an offense for a person to knowingly initiate a process intended to result in the manufacture of any amount of methamphetamine. A violation is a Class B felony.</p>
Methamphetamine cleanup and disposal	<p>§ 68-212-502 ("Property used to manufacture methamphetamine; persons authorized to perform clean-up"). The Commissioner of Environment and Conservation is required to compile and maintain a list of certified industrial hygienists that are qualified to perform a methamphetamine waste site cleanup.</p> <p>§ 68-212-503 ("Quarantine of property"). Any property in which the manufacture of methamphetamine is occurring or has occurred may be quarantined by law enforcement. It is an offense for any person to knowingly inhabit quarantined property, to enter onto quarantined property without authorization, to offer such property to the public for temporary or indefinite habitation, or to remove any signs or notices of the quarantine.</p> <p>§ 68-212-509 ("Registry of quarantined property"). The Department of Environment and Conservation is required to maintain a registry of all properties reported by law enforcement that have been under order of quarantine for at least 60 days. The registry is required to be available to the public and be posted on the Department's website.</p> <p>0400-15-02-.01 and 0400-15-02-.02 ("Standards for Testing and Cleaning Quarantined Clandestine Drug Manufacturing Sites;" adopted 5.23.2012). Sample collection and clean up of contaminated properties can only be performed by a</p>

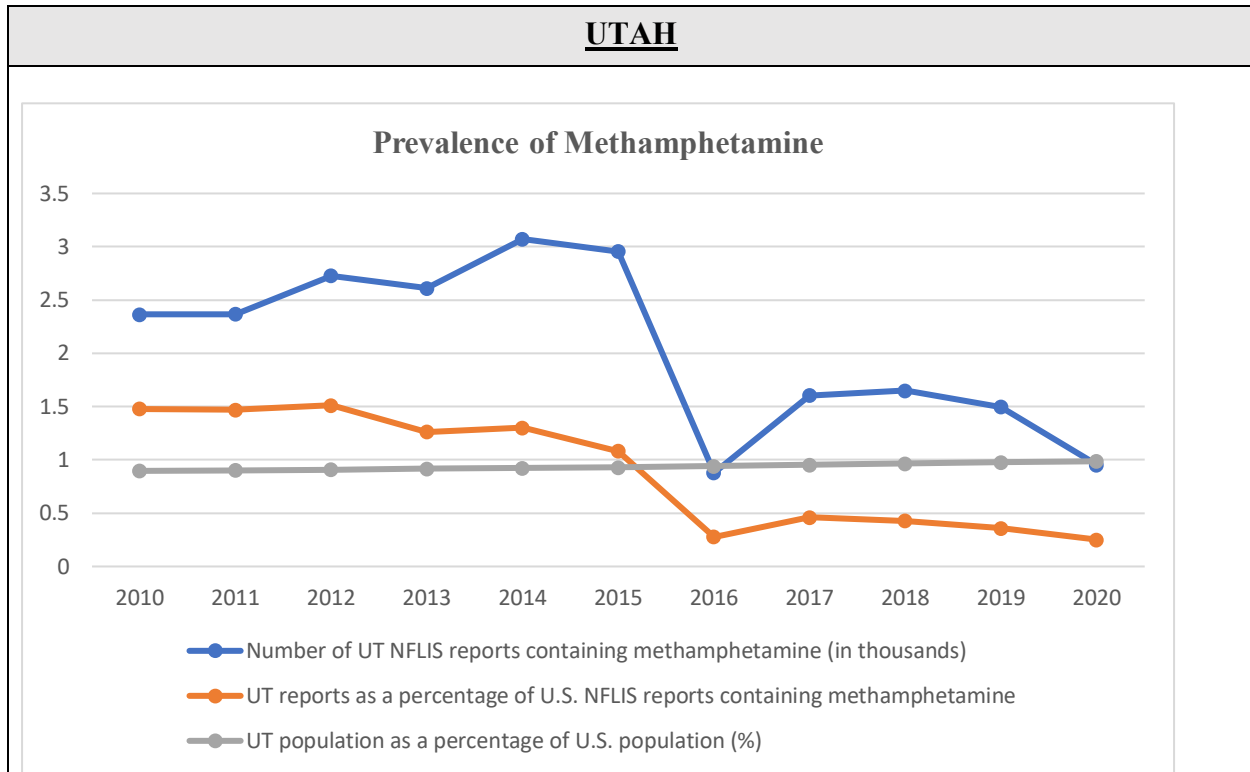
<u>TENNESSEE</u>	
Methamphetamine cleanup and disposal (cont'd)	professional or company certified by the Commissioner as being able to perform the services of cleaning up sites used to manufacture methamphetamine.
Other statutory provisions of note	§ 39-17-439 (“Alcohol and drug addiction treatment fee”). In addition to all other fines, fees, costs, and punishments prescribed by law, an alcohol and drug addiction treatment fee of \$100 will be assessed for each conviction of a drug violation. All proceeds will be transmitted to the commissioner of mental health and substance abuse services for deposit in the alcohol and drug addiction treatment fund.
Recently proposed legislation	None.

<u>TEXAS</u>																																																	
<p>Prevalence of Methamphetamine</p> <p>The graph displays three data series from 2010 to 2020. The blue line (Number of TX NFLIS reports containing methamphetamine in thousands) starts at approximately 14 in 2010 and rises to about 50 by 2020. The orange line (TX reports as a percentage of U.S. NFLIS reports containing methamphetamine) starts at about 8% in 2010, peaks at 14% in 2015, and ends at 13% in 2020. The gray line (TX population as a percentage of U.S. population) remains constant at approximately 8% throughout the period.</p> <table border="1"> <caption>Estimated Data from Prevalence of Methamphetamine Graph</caption> <thead> <tr> <th>Year</th> <th>Number of TX NFLIS reports (in thousands)</th> <th>TX reports as a percentage of U.S. NFLIS reports (%)</th> <th>TX population as a percentage of U.S. population (%)</th> </tr> </thead> <tbody> <tr><td>2010</td><td>14</td><td>8</td><td>8</td></tr> <tr><td>2011</td><td>13</td><td>9</td><td>8</td></tr> <tr><td>2012</td><td>18</td><td>10</td><td>8</td></tr> <tr><td>2013</td><td>22</td><td>11</td><td>8</td></tr> <tr><td>2014</td><td>31</td><td>13</td><td>8</td></tr> <tr><td>2015</td><td>38</td><td>14</td><td>8</td></tr> <tr><td>2016</td><td>42</td><td>13</td><td>8</td></tr> <tr><td>2017</td><td>48</td><td>14</td><td>8</td></tr> <tr><td>2018</td><td>50</td><td>13</td><td>8</td></tr> <tr><td>2019</td><td>49</td><td>12</td><td>8</td></tr> <tr><td>2020</td><td>50</td><td>13</td><td>8</td></tr> </tbody> </table>		Year	Number of TX NFLIS reports (in thousands)	TX reports as a percentage of U.S. NFLIS reports (%)	TX population as a percentage of U.S. population (%)	2010	14	8	8	2011	13	9	8	2012	18	10	8	2013	22	11	8	2014	31	13	8	2015	38	14	8	2016	42	13	8	2017	48	14	8	2018	50	13	8	2019	49	12	8	2020	50	13	8
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<p>The blue line shows the number of NFLIS reports in Texas (in thousands) containing methamphetamine for years 2010 to 2020. Reports of methamphetamine have been steadily increasing in Texas since 2011. The orange line shows Texas’s reports as a percentage of total U.S. reports. The orange line rises from 2011-2015 before leveling off; this indicates that Texas’s increase in reports in those years exceeded the increase in total U.S. reports. The gray line provides a baseline reference to Texas’s population as a percentage of U.S. population. For the 11-year period, Texas’s share of total U.S. reports containing methamphetamine has been at or above what might be expected based on population alone.</p>																																																	
Statute(s) and regulation(s)	<p>TEX. HEALTH & SAFETY CODE ANN. § 431.022 (West 2022); TEX. HEALTH & SAFETY CODE ANN. §§ 481.077, 481.0771, 481.112, 481.1122, 481.115, 481.124, 481.137, and 481.141 (West 2022); TEX. HEALTH & SAFETY CODE ANN. §§ 486.013, 486.014, and 486.0141 (West 2022)</p>																																																
Restrictions placed on precursors	<p>§ 431.022 (“Offense: transfer of product containing ephedrine”). A person commits a Class C misdemeanor if the person knowingly sells, transfers, or otherwise furnishes a product containing ephedrine to a person 17 years of age or younger.</p> <p>§ 481.077 (“Chemical precursor records and reports”). A person who sells, transfers, or otherwise furnishes a chemical precursor to another person is required to make a record of the transaction and maintain the record for at least two years after</p>																																																

<u>TEXAS</u>	
Restrictions placed on precursors (cont'd)	<p>the date of the transaction. Prior to selling a chemical precursor to a person, the retailer must obtain information from the person and the person's signature. A retailer who discovers a loss or theft of a chemical precursor must report the theft no later than three days after the date that the retailer learns of the loss. This section does not apply to the sale of ephedrine or pseudoephedrine that is in liquid, liquid capsule, or liquid gel capsule form.</p> <p>§ 481.0771 ("Records and reports on pseudoephedrine"). A wholesaler who sells an ephedrine or pseudoephedrine product to a retailer is required to make an accurate record of the transaction and maintain the record for at least two years after the date of the transaction. A wholesaler is required to report delivery requests of suspicious quantities of ephedrine or pseudoephedrine within 10 business days after receipt of the order.</p> <p>§ 486.013 ("Restriction of access to ephedrine, pseudoephedrine, and norpseudoephedrine"). Retailers that sell ephedrine or pseudoephedrine products over the counter are required to keep the products behind the pharmacy counter or in a locked case within 30 feet and in direct line of sight.</p> <p>§ 486.014 ("Prerequisites to and restrictions on sale"). At the point of sale of an over-the-counter ephedrine or pseudoephedrine product, the customer is required to present a government issued photo ID indicating that he or she is 16 years of age or older, and sign for the purchase. A business cannot sell to an individual more than 3.6 grams of ephedrine or pseudoephedrine within any calendar day or more than nine grams of ephedrine or pseudoephedrine within any 30-day period.</p> <p>§ 486.0141 ("Transmission of sales information to real-time electronic logging system"). Before completing an over-the-counter sale of an ephedrine or pseudoephedrine product, a retailer is required to submit information about the transaction to a real-time electronic logging system.</p> <p>§ 481.124 ("Offense: possession or transport of certain chemicals with intent to manufacture controlled substance"). A person commits an offense if, with the intent to unlawfully manufacture a controlled substance, the person possesses or</p>

<u>TEXAS</u>	
Restrictions placed on precursors (cont'd)	<p>transports a chemical precursor to methamphetamine. An intent to unlawfully manufacture methamphetamine is presumed if the actor possesses or transports more than nine grams, three containers packaged for retail sale, or 300 tablets or capsules of a product containing ephedrine or pseudoephedrine and at least three other ingredients or pieces of equipment for producing methamphetamine.</p> <p>§ 481.137 (“Offense: transfer of precursor substance for unlawful manufacture”). A person commits an offense if the person sells, transfers, or otherwise furnishes a chemical precursor with the knowledge or intent that the recipient will use the chemical precursor to unlawfully manufacture a controlled substance. This offense is a felony of the third degree.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 481.112 (“Offense: manufacture or delivery of substance in penalty group 1”). A person commits an offense if the person knowingly manufactures or delivers methamphetamine or possesses with the intent to deliver methamphetamine. It is a state jail felony if the amount is less than one gram. It is a felony of the second degree if the amount is one gram or more but less than four grams. It is a felony of the first degree if the amount is four grams or more but less than 200 grams. An amount of 200 grams or more but less than 400 grams is punishable by imprisonment for life or for a term of not more than 99 years or less than 10 years. An amount of 400 grams or more is punishable by imprisonment for life or for a term of not more than 99 years or less than 15 years.</p> <p>§ 481.1122 (“Manufacture of substance in penalty group 1: presence of child”). The manufacture of methamphetamine in the presence of a child younger than 18 years old will result in the punishment specified in the original crime to be increased by one degree and the minimum term of imprisonment to increase by five years.</p> <p>§ 481.115 (“Offense: possession of substance in penalty group 1 or 1-B”). A person commits an offense if the person knowingly or intentionally possesses a controlled substance listed in Penalty Group 1 or 1-B, unless obtained pursuant to a valid prescription. If the aggregate weight of such substance is less than one gram, it is a state jail felony. If the weight is one gram or more but less than four grams, it is a felony of the third degree. If the weight is four grams or more but less than 200</p>

<u>TEXAS</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>grams, it is a felony of the second degree. If the weight is 200 grams or more but less than 400 grams, it is a felony of the first degree. If the amount of the substance is 400 grams or more, violation is punishable by imprisonment for life or for a term of not more than 99 years or less than 10 years, and a fine not to exceed \$100,000.</p> <p>§ 481.141 (“Manufacture or delivery of controlled substance causing death or serious bodily injury”). If it is determined beyond a reasonable doubt that a person died or suffered serious bodily injury as a result of using any amount of the controlled substance manufactured or delivered by the defendant, the punishment for the offense is increased by one degree.</p>
Methamphetamine cleanup and disposal	Not addressed by state law.
Other statutory provisions of note	None.
Recently proposed legislation	None.



The blue line shows the number of NFLIS reports in Utah (in thousands) containing methamphetamine for years 2010 to 2020. Unlike many states, reports of methamphetamine in Utah have largely decreased since 2015. The orange line shows Utah’s reports as a percentage of total U.S. reports. The gray line provides a baseline reference to Utah’s population as a percentage of U.S. population. Between 2010 and 2015, Utah’s share of total U.S. reports containing methamphetamine was higher than what might be expected based on population alone. Since 2016, the reports have been lower than what might be expected based on population alone.

Statute(s) and regulation(s)	UTAH CODE ANN. §§ 19-6-903 and 19-6-905 (West 2022); UTAH CODE ANN. § 58-37-8 (West 2022); UTAH CODE ANN. §§ 58-37c-20 and 58-37c-20.5 (West 2022); UTAH CODE ANN. §§ 58-37d-4 and 58-37d-5 (West 2022); UTAH ADMIN. CODE r. R392-600 (2022)
Restrictions placed on precursors	<p>§ 58-37c-20 (“Possession of ephedrine, pseudoephedrine, or phenylpropanolamine—penalties”). It is a class A misdemeanor for a person to possess more than nine grams of ephedrine or pseudoephedrine without a valid prescription.</p> <p>§ 58-37c-20.5 (“Pseudoephedrine products--Limitations on retail sale”). A person is prohibited from selling or purchasing more than 3.6 grams of ephedrine or pseudoephedrine during any 24-hour period, or 7.5 grams of ephedrine or pseudoephedrine during any 30-day period. A retailer is</p>

<u>UTAH</u>	
Restrictions placed on precursors (cont'd)	required to keep ephedrine and pseudoephedrine products in an area that is not accessible to customers. A customer is required to present a valid government photo ID at the time of purchase, and the retailer is required to record information about the purchase in an electronic log. This section does not apply to an individual sales transaction in which the purchaser purchases a single package containing no more than 60 mg of pseudoephedrine.
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 58-37d-4 (“Prohibited acts--second degree felony”). It is unlawful for any person to knowingly or intentionally: (1) possess a controlled substance precursor with the intent to engage in a clandestine laboratory operation; (2) possess laboratory equipment or supplies with the intent to engage in a clandestine laboratory operation; (3) sell, distribute, or otherwise supply a controlled substance, controlled substance precursor, laboratory equipment, or laboratory supplies, knowing or having reasonable cause to believe any of these items will be used for a clandestine laboratory operation; (4) evade the recordkeeping provisions of the Utah Controlled Substance Precursor Act; (5) conspire with or aid another to engage in a clandestine laboratory operation; (6) produce or manufacture or possess with intent to produce or manufacture a controlled or counterfeit substance; (7) transport or convey a controlled or counterfeit substance with the intent to distribute or to be distributed by another; or (8) engage in compounding, synthesis, concentration, purification, separation, extraction, or other physical or chemical processing of any substance, knowing or having reasonable cause to believe that the substance be used in the illegal manufacture of specified controlled substances.</p> <p>§ 58-37d-5 (“Prohibited acts--first degree felony”). A person who violates certain provisions of § 58-37d-is guilty of a first degree felony if any one of the following conditions occurred in conjunction with that violation: (1) possession of a firearm; (2) use of a booby trap; (3) illegal possession, transportation, or disposal of hazardous or dangerous material creating a substantial risk to human health or safety or a danger to the environment; (4) the intended laboratory operation was to or did take place within 500 feet of a residence, place of business, church, or school; (5) the clandestine laboratory operation actually produced any amount of a specified controlled substance or a counterfeit opioid; or (6) the intended</p>

<u>UTAH</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>clandestine laboratory operation was for the production of cocaine base or methamphetamine base.</p> <p>§ 58-37-8 (“Prohibited acts—penalties”). Except as otherwise authorized, it is unlawful for a person to knowingly and intentionally: (1) produce, manufacture, or dispense or to possess with intent to produce, manufacture, or dispense, a controlled substance; (2) distribute a controlled substance, or agree, consent, offer, or arrange to distribute a controlled substance; (3) possess a controlled substance with intent to distribute; or (4) engage in a continuing criminal enterprise where the person participates, directs, or engages in conduct that results in a criminal violation. A violation with regard to a Schedule I or II controlled substance is guilty of a second degree felony. A person convicted of engaging in a continuing criminal enterprise is guilty of a first degree felony.</p> <p>It is unlawful for a person to knowingly and intentionally possess or use a controlled substance unless obtained pursuant to a valid prescription. Violation with regard to a Schedule I or II controlled substance is a class A misdemeanor.</p> <p>A person who is convicted of a violation of this section, who is found to have committed such act in a public or private elementary or secondary school or on the grounds of those schools between the hours of 6am and 10pm; in a private or public vocational school or postsecondary institution or on the grounds of such schools during the hours of 6am and 10pm; in or on the grounds of a preschool or child-care facility during their hours of operation; in a public park, amusement park, arcade, or recreation center when such venues are open to the public; in or on the grounds of a house of worship; in or on the grounds of a public library when open to the public; within an area that is within 100 feet of any structure, facility or grounds mentioned above; in the presence of a person younger than 18 years, regardless of where the act occurs; or for the purpose of facilitating, arranging, or causing the transport, delivery, or distribution of a substance in violation of this section to an inmate or on the grounds of a correctional facility, is guilty of a first degree felony.</p>

<u>UTAH</u>	
Methamphetamine cleanup and disposal	<p>§ 19-6-903 (“Law enforcement reporting and records--removal from list”). When law enforcement discovers a clandestine drug laboratory operation, the agency is required to report the location to the local health department. The local health department is required to maintain a searchable record of properties which are contaminated and make those records available to the public.</p> <p>§ 19-6-905 (“Notification of property owner--notification of municipality or county”). If the local health department determines that a property is contaminated, it is required to notify the property owner that the property has been placed on the contamination list and provide the owner with information regarding remediation options and the requirements necessary to clean up the property.</p> <p>R392-600 (“Illegal Drug Operation Decontamination Standards”). Rule R392-600 details Utah’s illegal drug operations decontamination standards. A decontamination specialist is required to determine the nature of and extent of damage and contamination of the property from illegal drug operations by performing a preliminary assessment prior to decontamination activities. Decontamination specialists are required to comply with all applicable laws, rules, ordinances, and regulations in decontaminating the property.</p>
Other statutory provisions of note	None.
Recently proposed legislation	None.

<u>VERMONT</u>																																																	
<p>Prevalence of Methamphetamine</p> <table border="1"> <caption>Data for Prevalence of Methamphetamine (2010-2020)</caption> <thead> <tr> <th>Year</th> <th>Number of VT NFLIS reports (in thousands)</th> <th>VT reports as a percentage of U.S. reports (%)</th> <th>VT population as a percentage of U.S. population (%)</th> </tr> </thead> <tbody> <tr><td>2010</td><td>0.03</td><td>0.02</td><td>0.20</td></tr> <tr><td>2011</td><td>0.01</td><td>0.01</td><td>0.20</td></tr> <tr><td>2012</td><td>0.02</td><td>0.01</td><td>0.20</td></tr> <tr><td>2013</td><td>0.01</td><td>0.01</td><td>0.20</td></tr> <tr><td>2014</td><td>0.01</td><td>0.005</td><td>0.20</td></tr> <tr><td>2015</td><td>0.01</td><td>0.005</td><td>0.20</td></tr> <tr><td>2016</td><td>0.04</td><td>0.015</td><td>0.20</td></tr> <tr><td>2017</td><td>0.02</td><td>0.005</td><td>0.20</td></tr> <tr><td>2018</td><td>0.01</td><td>0.005</td><td>0.20</td></tr> <tr><td>2019</td><td>0.025</td><td>0.005</td><td>0.20</td></tr> <tr><td>2020</td><td>0.04</td><td>0.01</td><td>0.20</td></tr> </tbody> </table>		Year	Number of VT NFLIS reports (in thousands)	VT reports as a percentage of U.S. reports (%)	VT population as a percentage of U.S. population (%)	2010	0.03	0.02	0.20	2011	0.01	0.01	0.20	2012	0.02	0.01	0.20	2013	0.01	0.01	0.20	2014	0.01	0.005	0.20	2015	0.01	0.005	0.20	2016	0.04	0.015	0.20	2017	0.02	0.005	0.20	2018	0.01	0.005	0.20	2019	0.025	0.005	0.20	2020	0.04	0.01	0.20
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<p>The blue line shows the number of NFLIS reports in Vermont (in thousands) containing methamphetamine for years 2010 to 2020. Reports of methamphetamine have remained relatively stable over the years, apart from spikes in 2010, 2016, and 2020. The orange line shows Vermont’s reports as a percentage of total U.S. reports. The gray line provides a baseline reference to Vermont’s population as a percentage of U.S. population. For the entire 11-year period, Vermont’s share of total U.S. reports containing methamphetamine was lower than what might be expected based on population alone.</p>																																																	
<p>Statute(s) and regulation(s)</p>	<p>VT. STAT. ANN. tit. 18, §§ 4234a, 4234b, 4236, and 4237 (West 2022)</p>																																																
<p>Restrictions placed on precursors</p>	<p>§ 4234b (“Ephedrine and pseudoephedrine”). A person is prohibited from knowingly and unlawfully possessing ephedrine or pseudoephedrine with the intent to use the product as a precursor to manufacture methamphetamine. If the offense involves possession of less than nine grams of ephedrine or pseudoephedrine the person will be imprisoned for no more than one year, fined no more than \$2,000, or both. If the offense involves possession of nine or more grams of ephedrine or pseudoephedrine, the person will be imprisoned no more than five years, fined no more than \$100,000, or both. A retailer is required to keep ephedrine and pseudoephedrine products in a locked display case or behind the counter out of the public’s reach. A retailer is prohibited from selling to an individual a total of more than 3.6 grams of ephedrine or pseudoephedrine</p>																																																

<u>VERMONT</u>	
Restrictions placed on precursors (cont'd)	within a 24-hour period or nine grams of ephedrine or pseudoephedrine within a 30-day period. These provisions do not apply to drugs dispensed pursuant to a valid prescription. A customer is required to present a valid, government-issued photo ID at the point of sale, and the retailer is required to record information about the purchase in the electronic registry system.
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 4234a (“Methamphetamine”). A person who knowingly and unlawfully possesses methamphetamine will be imprisoned for no more than one year, fined no more than \$2,000, or both. If the amount in possession is 2.5 grams or more, then the person will be imprisoned for no more than five years, fined no more than \$100,000, or both. If the amount in possession is 25 grams or more, then the person will be imprisoned no more than 10 years, fined no more than \$250,000, or both. A person knowingly and unlawfully selling methamphetamine will be imprisoned for no more than five years, fined no more than \$100,000.00, or both. If the amount sold is 2.5 grams or more, then the person will be imprisoned no more than 10 years, fined no more than \$250,000, or both. If the amount sold is 25 grams or more, then the person will be imprisoned no more than 20 years, fined no more than \$1,000,000, or both. A person who knowingly and unlawfully possesses methamphetamine in an amount of 300 grams or more will be imprisoned no more than 30 years, fined no more than \$1,000,000, or both.</p> <p>§ 4237 (“Selling or dispensing to minors; selling on school grounds”). A person knowingly and unlawfully dispensing any regulated drug to a minor who is at least three years that person’s junior shall be sentenced to a term of imprisonment of not more than five years. A person knowingly and unlawfully selling any regulated drug to a minor shall, in addition to any other penalty, be sentenced to a term of imprisonment of not more than 10 years. The selling of drugs on school grounds will result in a penalty of a term of imprisonment of no more than 10 years.</p> <p>§ 4236 (“Manufacture or cultivation”). A person knowingly and unlawfully manufacturing or cultivating a regulated drug will be imprisoned for no more than 20 years, fined no more than \$1,000,000.00, or both.</p>
Methamphetamine cleanup and disposal	Not addressed by state law.

<u>VERMONT</u>	
Other statutory provisions of note	None.
Recently proposed legislation	H.B. 644, Leg. Sess. (Vt. 2022) (read first time and referred to committee; Jan. 14, 2022). Amends certain penalty provisions of 18 §§ 4234a and 4234b to make possession of a personal amount of drug subject to a civil penalty.

<u>VIRGINIA</u>																																																	
<p>Prevalence of Methamphetamine</p> <table border="1"> <caption>Data for Prevalence of Methamphetamine in Virginia (2010-2020)</caption> <thead> <tr> <th>Year</th> <th>Number of VA NFLIS reports containing methamphetamine (in thousands)</th> <th>VA reports as a percentage of U.S. NFLIS reports containing methamphetamine (%)</th> <th>VA population as a percentage of U.S. population (%)</th> </tr> </thead> <tbody> <tr><td>2010</td><td>1.0</td><td>0.8</td><td>2.5</td></tr> <tr><td>2011</td><td>1.2</td><td>0.9</td><td>2.5</td></tr> <tr><td>2012</td><td>1.5</td><td>1.0</td><td>2.5</td></tr> <tr><td>2013</td><td>2.0</td><td>1.1</td><td>2.5</td></tr> <tr><td>2014</td><td>2.5</td><td>1.2</td><td>2.5</td></tr> <tr><td>2015</td><td>3.0</td><td>1.3</td><td>2.5</td></tr> <tr><td>2016</td><td>4.8</td><td>1.5</td><td>2.5</td></tr> <tr><td>2017</td><td>6.8</td><td>1.8</td><td>2.5</td></tr> <tr><td>2018</td><td>9.2</td><td>2.2</td><td>2.5</td></tr> <tr><td>2019</td><td>12.0</td><td>2.8</td><td>2.5</td></tr> <tr><td>2020</td><td>11.8</td><td>3.2</td><td>2.5</td></tr> </tbody> </table>		Year	Number of VA NFLIS reports containing methamphetamine (in thousands)	VA reports as a percentage of U.S. NFLIS reports containing methamphetamine (%)	VA population as a percentage of U.S. population (%)	2010	1.0	0.8	2.5	2011	1.2	0.9	2.5	2012	1.5	1.0	2.5	2013	2.0	1.1	2.5	2014	2.5	1.2	2.5	2015	3.0	1.3	2.5	2016	4.8	1.5	2.5	2017	6.8	1.8	2.5	2018	9.2	2.2	2.5	2019	12.0	2.8	2.5	2020	11.8	3.2	2.5
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<p>The blue line shows the number of NFLIS reports in Virginia (in thousands) containing methamphetamine for years 2010 to 2020. Starting in 2014, reports in Virginia have risen rapidly until seemingly leveling off in 2020. The orange line shows Virginia’s reports as a percentage of total U.S. reports. The rise in the orange line from 2015 to 2020 indicates that Virginia’s increase in reports in those years exceeded the rate of increase in total U.S. reports. The gray line provides a baseline reference to Virginia’s population as a percentage of U.S. population. Until 2018, Virginia’s share of total U.S. reports containing methamphetamine was lower than what might be expected based on population alone.</p>																																																	
Statute(s) and regulation(s)	<p>VA. CODE ANN. § 15.2-1716.2 (West 2022); VA. CODE ANN. §§ 18.2-248, 18.2-248.02 to 18.2-248.04, 18.2-265.6 to 18.2-265.18, and 18.2-269 (West 2022); VA. CODE ANN. § 32.1-11.7 (West 2022); VA. CODE ANN. § 55.1-1219 (West 2022)</p>																																																
Restrictions placed on precursors	<p>§§ 18.2-265.6 to 18.2-265.18 (collectively, “Sale of ephedrine or related compounds”).</p> <p>§ 18.2-265.7 (“Sale of the methamphetamine precursors ephedrine or related compounds; penalties”). Provides daily (3.6 grams) and 30-day (nine gram) limits on pharmacy sales of nonprescription ephedrine products. Requires that ephedrine and related products be kept behind a store counter or in a locked case. Requires purchasers to provide photo ID. Requires the pharmacy or retail distributor to maintain a written or electronic log, which the purchaser shall sign. This section does</p>																																																

<u>VIRGINIA</u>	
Restrictions placed on precursors (cont'd)	<p>not apply to ephedrine dispensed pursuant to a valid prescription. Violation of this section is a Class 1 misdemeanor.</p> <p>§§ 18.2-265.8 to 18.2-265.18 relate to the real-time electronic system for recording the sales of ephedrine or related compounds.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 18.2-248 (“Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance prohibited; penalties”). Makes it unlawful for a person to manufacture, sell, give, distribute, or possess with intent to manufacture, sell, give, or distribute a controlled substance. Any person who violates this section with regard to the manufacturing of methamphetamine or less than 200 grams of a mixture or substance containing methamphetamine shall, upon conviction, be imprisoned for not less than 10 nor more than 40 years and fined not more than \$500,000.</p> <p>Any person who violates this section with regard to manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute 100 grams or more of methamphetamine or 200 grams or more of a mixture or substance containing a detectable amount of methamphetamine, shall be guilty of a felony punishable by a fine of not more than \$1 million and imprisonment for 20 years to life, 20 years of which shall be the mandatory minimum sentence.</p> <p>Any person who was the principal or one of several principal administrators, organizers, or leaders of a continuing criminal enterprise shall be guilty of a felony if (1) the enterprise received at least \$100,000 but less than \$250,000 in gross receipts during any 12-month period from the manufacture, importation, or distribution of methamphetamine; or (2) the person engaged in the enterprise to manufacture, sell, give, distribute, or possess with intent to manufacture, sell, give, or distribute at least 100 grams but less than 250 grams of methamphetamine or at least 200 grams but less than 1.0 kg of a mixture or substance containing a detectable amount of methamphetamine during any 12-month period. A conviction under this section shall be punishable by a fine of not more than \$1 million and imprisonment for 20 years to life, 20 years of which shall be a mandatory minimum sentence.</p>

<u>VIRGINIA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>Any person who was the principal or one of several principal administrators, organizers, or leasers of a continuing criminal enterprise if (1) the enterprise received \$250,000 or more in gross receipts during any 12-month period of its existence from the manufacture, importation, or distribution of methamphetamine; or (2) the person engaged in the enterprise to manufacture, sell, give, distribute, or possess with intent to manufacture, sell, give, or distribute at least 250 grams of methamphetamine or at least 1.0 kg of a mixture or substance containing a detectable amount of methamphetamine shall be guilty of a felony punishable by a fine of not more than \$1 million and imprisonment for life.</p> <p>Except as otherwise authorized, any person who possesses any two or more different listed substances with the intent to manufacture methamphetamine is guilty of a Class 6 felony.</p> <p>§ 18.2-248.02 (“Allowing a minor or incapacitated person to be present during manufacture or attempted manufacture of methamphetamine prohibited; penalties”). Prohibits a person age 18 or older from knowingly allowing a minor under age 15, a minor 15 or older for whom they maintain a custodial arrangement, or a mentally/physically incapacitated person to be present during the manufacture of methamphetamine.</p> <p>§ 18.2-248.03 (“Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute methamphetamine; penalty”). Enhanced sentencing provisions for the manufacture, sale, distribution, or possession with intent to do one of those activities for: (1) 28 grams or more; or (2) 277 grams or more of a mixture or substance containing a detectable amount of methamphetamine.</p>
Methamphetamine cleanup and disposal	<p>§ 15.2-1716.2 (“Methamphetamine lab cleanup costs; localities may charge for reimbursement”). Provides that a person convicted of manufacturing methamphetamine is liable to the locality or to any other law enforcement entity for the expense in cleaning up any methamphetamine lab related to the conviction.</p>

<u>VIRGINIA</u>	
Methamphetamine cleanup and disposal (cont'd)	<p>§ 18.2-248 (“Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance prohibited; penalties”). In addition to any other punishment, a person found guilty of manufacturing methamphetamine shall be ordered by the court to make restitution, as the court deems appropriate, to any innocent property owner whose property is damaged, destroyed, or otherwise rendered unusable as a result of methamphetamine production. This restitution shall include the person’s estimated or actual expenses associated with cleanup, removal, or repair of the affected property. If the property is owned by the person convicted under this section, the court shall order the person to pay to the Methamphetamine Cleanup Fund authorized in § 18.2-248.04 (see below) the reasonable estimated or actual costs of cleanup, removal, or repair of the affected property or, if such costs cannot be determined, \$10,000. The convicted person shall also pay the cost of certifying that any building that is cleaned up or repaired is safe for human occupancy.</p> <p>§ 18.2-248.04 (“Methamphetamine Cleanup Fund established”). Establishes a non-reverting account funded by all moneys assessed against a person convicted of manufacture of methamphetamine as methamphetamine cleanup funds.</p> <p>§ 32.1-11.7 (“Guidelines for cleanup of residential property used to manufacture methamphetamine”). Directs the state Board of Health, in consultation with the state Department of Environmental Quality, to establish guidelines for the cleanup of residential property and other buildings formerly used as sites to manufacture methamphetamine.</p> <p>§ 55.1-1219 (“Required disclosures for property previously used to manufacture methamphetamine; remedy for nondisclosure”). Requires a landlord, with actual knowledge that methamphetamine manufacturing previously occurred in a dwelling unit that was not cleaned up pursuant to state guidelines, to disclose such information to a prospective tenant.</p>

<u>VIRGINIA</u>	
Other statutory provisions of note	§ 18.2-269 (“Presumptions from alcohol or drug content of blood”). The state’s per se drugged driving law creates a rebuttable presumption that a driver operated a vehicle under the influence of drugs if, at the time of the alleged offense, the driver’s blood contained at least 0.1 milligrams of methamphetamine per liter of blood.
Recently proposed legislation	S.B. 252, Leg. Sess. (Va. 2022) (incorporated by Judiciary; Jan. 17, 2022). Amends § 18.2-248.03 to delete mandatory minimum sentences for manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute methamphetamine.

<u>WASHINGTON</u>																																																	
<p>Prevalence of Methamphetamine</p> <table border="1"> <caption>Data for Prevalence of Methamphetamine in Washington</caption> <thead> <tr> <th>Year</th> <th>Number of WA NFLIS reports containing methamphetamine (in thousands)</th> <th>WA reports as a percentage of U.S. NFLIS reports containing methamphetamine (%)</th> <th>WA population as a percentage of U.S. population (%)</th> </tr> </thead> <tbody> <tr><td>2010</td><td>4.2</td><td>2.6</td><td>2.2</td></tr> <tr><td>2011</td><td>4.3</td><td>2.7</td><td>2.2</td></tr> <tr><td>2012</td><td>5.2</td><td>2.9</td><td>2.2</td></tr> <tr><td>2013</td><td>5.7</td><td>2.8</td><td>2.2</td></tr> <tr><td>2014</td><td>5.9</td><td>2.5</td><td>2.2</td></tr> <tr><td>2015</td><td>6.0</td><td>2.2</td><td>2.2</td></tr> <tr><td>2016</td><td>6.4</td><td>2.0</td><td>2.2</td></tr> <tr><td>2017</td><td>6.5</td><td>1.9</td><td>2.2</td></tr> <tr><td>2018</td><td>6.8</td><td>1.8</td><td>2.2</td></tr> <tr><td>2019</td><td>7.5</td><td>1.8</td><td>2.2</td></tr> <tr><td>2020</td><td>6.7</td><td>1.8</td><td>2.2</td></tr> </tbody> </table>		Year	Number of WA NFLIS reports containing methamphetamine (in thousands)	WA reports as a percentage of U.S. NFLIS reports containing methamphetamine (%)	WA population as a percentage of U.S. population (%)	2010	4.2	2.6	2.2	2011	4.3	2.7	2.2	2012	5.2	2.9	2.2	2013	5.7	2.8	2.2	2014	5.9	2.5	2.2	2015	6.0	2.2	2.2	2016	6.4	2.0	2.2	2017	6.5	1.9	2.2	2018	6.8	1.8	2.2	2019	7.5	1.8	2.2	2020	6.7	1.8	2.2
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Statute(s) and regulation(s)	<p>WASH. REV. CODE ANN. §§ 69.43.105, 69.43.110, 69.43.120, 69.43.130, 69.43.190 (West 2022); WASH. REV. CODE ANN. §§ 69.50.401, 69.50.4013, 69.50.4015, 69.50.406, and 69.50.440 (West 2022); WASH. ADMIN. CODE § 246-205-001 to 246-205-990 (2022)</p>																																																
Restrictions placed on precursors	<p>§ 69.43.105 (“Ephedrine, pseudoephedrine, phenylpropanolamine--sales restrictions--record of transaction--exceptions—penalty”). Prior to purchasing an ephedrine or pseudoephedrine product, the customer is required to present a valid photo ID. Retailers are prohibited from selling ephedrine or pseudoephedrine products to anyone under the age of 18. All ephedrine and pseudoephedrine products must be kept behind a counter or in a locked display case. At the point of sale, the customer must sign a record of the transaction. This section</p>																																																

<u>WASHINGTON</u>	
Restrictions placed on precursors (cont'd)	<p>does not apply to ephedrine or pseudoephedrine products that are in liquid, liquid capsule, or gel capsule form, or to products obtained through a valid prescription.</p> <p>§ 69.43.110 (“Ephedrine, pseudoephedrine, phenylpropanolamine--sales restrictions--electronic sales tracking system—penalty”). It is unlawful for a person to sell or purchase more than 3.6 grams of ephedrine or pseudoephedrine in any 24-hour period or more than nine grams of ephedrine or pseudoephedrine in any 30-day period. Retailers are required to record information about the purchase in an electronic sales tracking system.</p> <p>§ 69.43.120 (“Ephedrine, pseudoephedrine, phenylpropanolamine--possession of more than fifteen grams--penalty—exceptions”). Any person who possesses more than 15 grams of ephedrine or pseudoephedrine is guilty of a gross misdemeanor. This provision does not apply to ephedrine or pseudoephedrine obtained through a valid prescription.</p> <p>§ 69.43.130 (“Exemptions--pediatric products—products exempted by the pharmacy quality assurance commission”). Certain pediatric products containing ephedrine or pseudoephedrine are exempt from the provisions in RCWA 69.43.110 and 69.43.120 (see above).</p> <p>§ 69.43.190 (“Products found at methamphetamine sites—report”). Each county sheriff is required to compile and maintain a record of commercial products containing ephedrine or pseudoephedrine and packaging found at methamphetamine laboratory sites. The data is required to be forwarded to the Washington association of sheriffs and police chiefs and reported to the legislature.</p> <p>§ 69.50.440 (“Possession with intent to manufacture—penalty”). It is unlawful for any person to possess ephedrine or pseudoephedrine with the intent to manufacture methamphetamine. Any person who violates this provision is guilty of a class B felony.</p>

<u>WASHINGTON</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 69.50.401 (“Prohibited acts: A—penalties”). It is a class B felony for any person to manufacture, deliver, or possess with the intent to manufacture or deliver methamphetamine. Upon conviction a person may be imprisoned for no more than 10 years, fined no more than \$25,000 if the crime involved less than two kilograms, or both. If the crime involved two or more kilograms, then the fine will be no more than \$100,000 dollars for the first two kilograms and no more than \$50 for each gram in excess of two kilograms. The first \$3,000 of the fine must be deposited with the law enforcement agency having responsibility for cleanup of methamphetamine laboratories.</p> <p>§ 69.50.4013 (“Possession of controlled substance--penalty--possession of useable marijuana, marijuana concentrates, or marijuana-infused products—delivery”). It is unlawful for any person to knowingly possess a controlled substance unless such substance is obtained pursuant to a valid prescription. Violation is a misdemeanor. (Eff. until July 1, 2023.)</p> <p>It is unlawful for any person to possess a controlled substance unless such substance is obtained pursuant to a valid prescription. Violation is a Class C felony. (Eff. July 1, 2023.) (This version of the statute was previously found to be unconstitutional in <i>State v. Blake</i>, 197 Wash.2d 170 (Wash. 2021).)</p> <p>§ 69.50.4015 (“Involving a person under eighteen in unlawful controlled substance transaction—penalty”). It is unlawful to compensate, threaten, solicit, or in any other manner involve a person under the age of 18 years in a transaction unlawfully to manufacture, sell, or deliver a controlled substance. Violation is a Class C felony.</p> <p>§ 69.50.406 (“Distribution to persons under age eighteen”). Any person 18 years old or over who violates § 69.50.401 (see above) by distributing methamphetamine to a person under the age of 18 is guilty of a class A felony.</p>
Methamphetamine cleanup and disposal	246-205-001 to 246-205-990. Chapter 246-205 of the Washington Administrative Code details the protocols for the decontamination of illegal drug manufacturing or storage sites and includes information on certification for decontamination contractors and the responsibilities of local health officers.
Other statutory provisions of note	None.

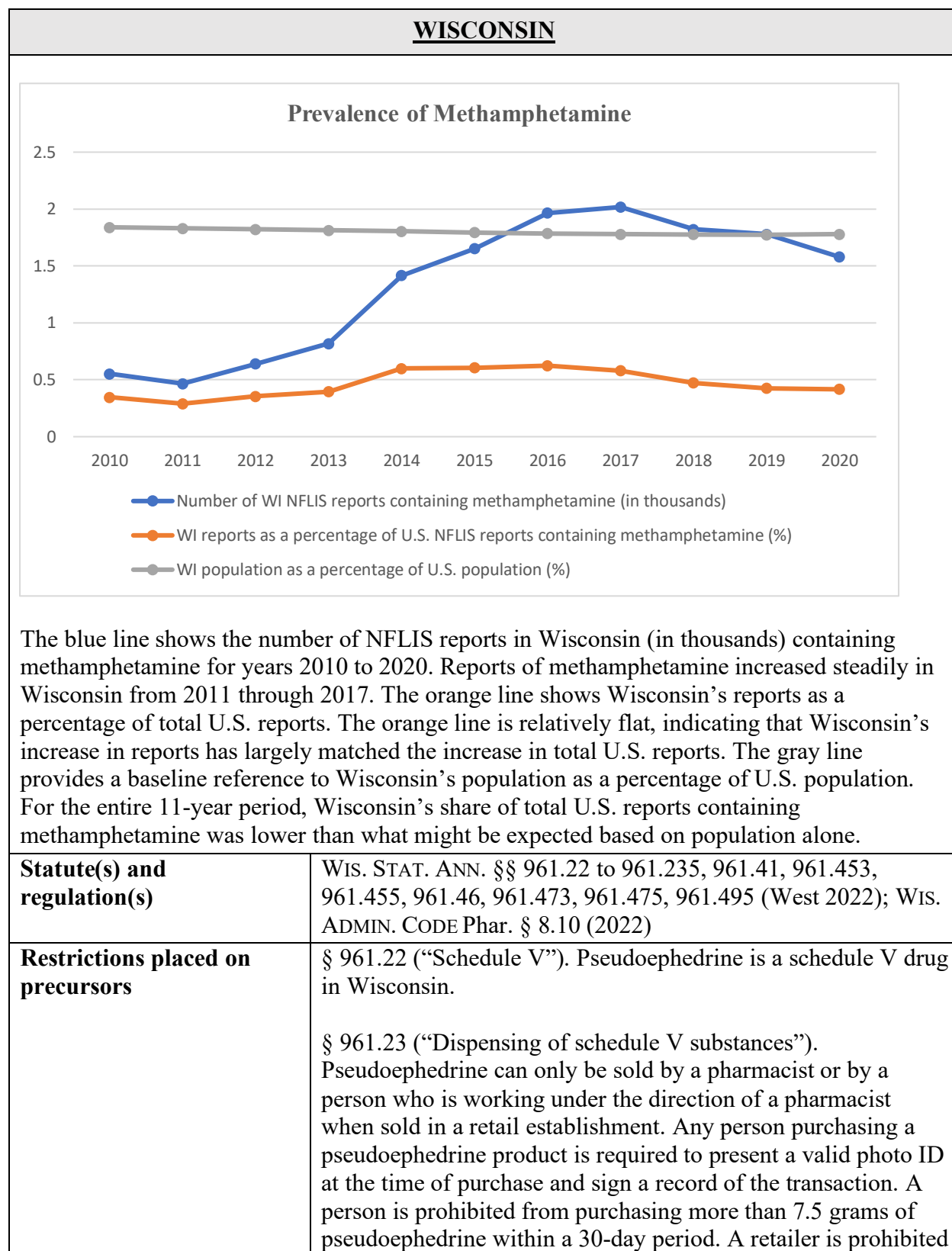
<u>WASHINGTON</u>	
Recently proposed legislation	<p>S.B. 5523, 67th Leg., Reg. Sess. (Wash. 2022) (first reading, referred to committee; Jan. 10, 2022).</p> <p>S.B. 5954, 67th Leg., Reg. Sess. (Wash. 2022) (public hearing in committee; Feb. 3, 2022). Amends § 69.50.4013 to change penalty from misdemeanor to class C felony.</p> <p>S.B. 5976, 67th Leg., Reg. Sess. (Wash. 2022) (first reading, referred to law and justice committee; Feb. 12, 2022). Amends § 69.50.4013 to provide that when a person is found guilty of possessing a controlled substance without a valid prescription, the prosecutor shall file a petition for substance use disorder intervention as provided in this act. Under this bill, a violation is no longer a misdemeanor or felony.</p>

<u>WEST VIRGINIA</u>																																																	
<p>Prevalence of Methamphetamine</p> <table border="1"> <caption>Data for Prevalence of Methamphetamine</caption> <thead> <tr> <th>Year</th> <th>Number of WV NFLIS reports containing methamphetamine (in thousands)</th> <th>WV reports as a percentage of U.S. NFLIS reports containing methamphetamine (%)</th> <th>WV population as a percentage of U.S. population (%)</th> </tr> </thead> <tbody> <tr><td>2010</td><td>0.25</td><td>0.15</td><td>0.55</td></tr> <tr><td>2011</td><td>0.30</td><td>0.20</td><td>0.55</td></tr> <tr><td>2012</td><td>0.40</td><td>0.25</td><td>0.55</td></tr> <tr><td>2013</td><td>0.40</td><td>0.20</td><td>0.55</td></tr> <tr><td>2014</td><td>0.30</td><td>0.15</td><td>0.55</td></tr> <tr><td>2015</td><td>0.35</td><td>0.15</td><td>0.55</td></tr> <tr><td>2016</td><td>0.40</td><td>0.15</td><td>0.55</td></tr> <tr><td>2017</td><td>1.00</td><td>0.30</td><td>0.55</td></tr> <tr><td>2018</td><td>1.65</td><td>0.45</td><td>0.55</td></tr> <tr><td>2019</td><td>2.75</td><td>0.65</td><td>0.55</td></tr> <tr><td>2020</td><td>2.30</td><td>0.65</td><td>0.55</td></tr> </tbody> </table>		Year	Number of WV NFLIS reports containing methamphetamine (in thousands)	WV reports as a percentage of U.S. NFLIS reports containing methamphetamine (%)	WV population as a percentage of U.S. population (%)	2010	0.25	0.15	0.55	2011	0.30	0.20	0.55	2012	0.40	0.25	0.55	2013	0.40	0.20	0.55	2014	0.30	0.15	0.55	2015	0.35	0.15	0.55	2016	0.40	0.15	0.55	2017	1.00	0.30	0.55	2018	1.65	0.45	0.55	2019	2.75	0.65	0.55	2020	2.30	0.65	0.55
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<p>The blue line shows the number of NFLIS reports in West Virginia (in thousands) containing methamphetamine for years 2010 to 2020. Reports of methamphetamine were relatively stable in West Virginia from 2010 to 2016, but there was a drastic increase in reports beginning in 2016 with a subsequent drop in 2020. The orange line shows West Virginia’s reports as a percentage of total U.S. reports. The increase in the orange line from 2016 to 2020 indicates that West Virginia’s increase in reports in those years were greater than the increase in total U.S. reports. The gray line provides a baseline reference to West Virginia’s population as a percentage of U.S. population. For the most of the 11-year period, West Virginia’s share of total U.S. reports containing methamphetamine was less than what might be expected based on population alone.</p>																																																	
Statute(s) and regulation(s)	<p>W. VA. CODE ANN. §§ 60A-2-212, 60A-4-401, 60A-4-406, 60A-4-408, 60A-4-409, 60A-4-411, 60A-10-4, 60A-10-12, 60A-10-13, and 60A-11-1 to 60A-11-6 (West 2022); W. VA. CODE R. § 15-11-3 (2022); W. VA. CODE R. § 64-92-1 to 64-92-14 (2022)</p>																																																
Restrictions placed on precursors	<p>§ 60A-2-212 (“Schedule V”). Ephedrine and pseudoephedrine, except products which are for pediatric use primarily intended for administration to children under the age of 12, are listed as Schedule V controlled substances.</p> <p>§ 60A-10-4 (“Purchase, receipt, acquisition and possession of substances to be used as precursor to manufacture of methamphetamine or another controlled substance; offenses;</p>																																																

<u>WEST VIRGINIA</u>	
Restrictions placed on precursors (cont'd)	<p>exceptions; penalties”). A pharmacy may not sell to the same person, and a person may not purchase more than 3.6 grams per day, more than 7.2 grams in a 30-day period, or more than 48 grams annually of ephedrine or pseudoephedrine. Any person who knowingly purchases more than 7.2 grams of ephedrine or pseudoephedrine in a 30-day period is guilty of a misdemeanor and will be imprisoned for no more than one year, fined no more than \$1,000, or both. These provisions do not apply to products obtained through a valid prescription or to drug products which are for pediatric use. Any person who knowingly possesses any amount of ephedrine or pseudoephedrine with the intent to use it in the manufacture of methamphetamine is guilty of a felony and upon conviction will be imprisoned for no less than two, but no more than 10 years, fined no more than \$25,000, or both. A pharmacy is required to keep complete records of all sales and transactions of ephedrine and pseudoephedrine products.</p> <p>§ 15-11-3 (“Pharmacy requirements”). Schedule V pseudoephedrine products can only be sold in licensed pharmacies, behind the pharmacy counter, by a pharmacist, registered pharmacy intern, or registered pharmacy technician. A pharmacy is required to offer a patient counseling for each transaction and require the person purchasing the drug to produce a valid government-issued photo ID and sign a logbook.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 60A-4-401 (“Prohibited acts A; penalties”). Except as otherwise authorized, it is unlawful for any person to manufacture, deliver, or possess with the intent to manufacture or deliver, a controlled substance. A violation of this provision involving methamphetamine is a felony and upon conviction, the person may be imprisoned for no less than one year, but no more than five years, fined no more than \$25,000, or both.</p> <p>It is unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained pursuant to a valid prescription. Violation is a misdemeanor.</p> <p>§ 60A-4-406 (“Distribution to persons under the age of eighteen by persons over the age of twenty-one; distribution by persons eighteen or over in or on, or within one thousand feet of, school or college; increasing mandatory period of incarceration prior to parole eligibility”). A person can be ineligible for parole if he</p>

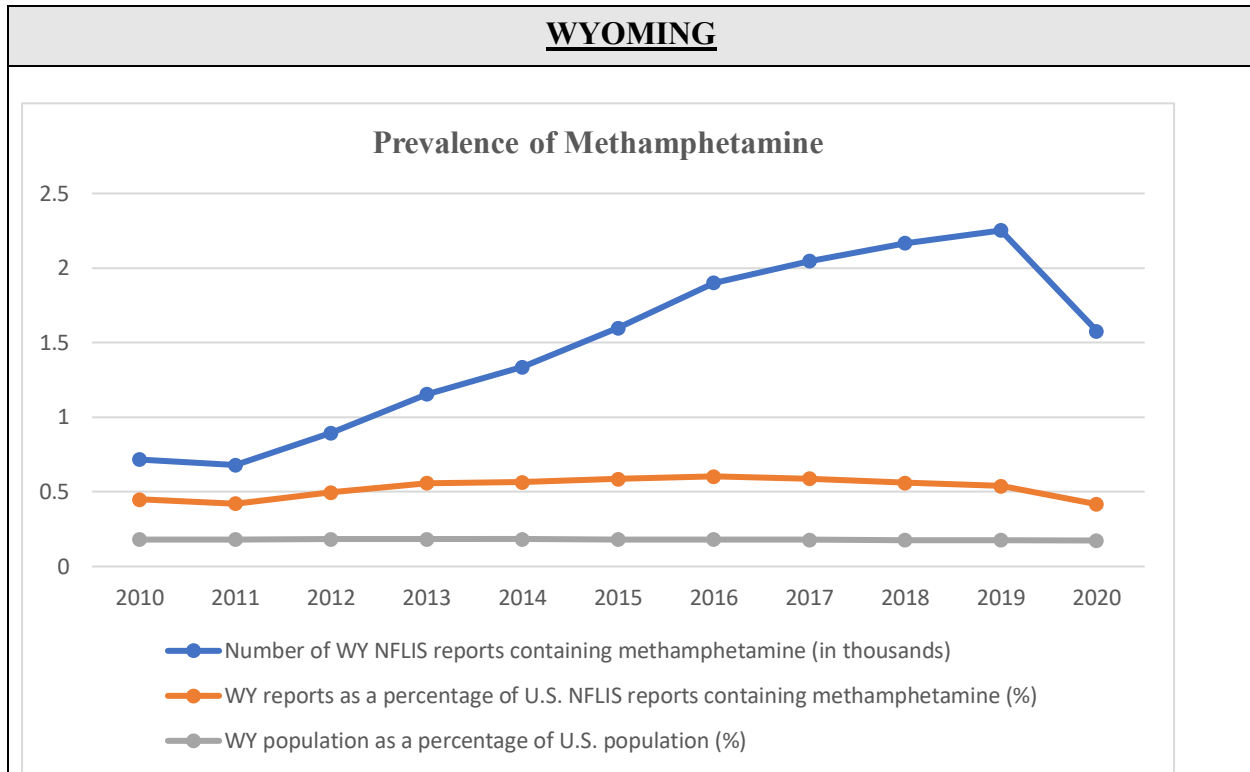
<u>WEST VIRGINIA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>or she is convicted of distribution of a controlled substance and: (1) is 21 years old or older and distributed a controlled substance to a person who is under the age of 18; or (2) is 18 years old or older and distributed a controlled substance in, on, or within 1,000 feet of a school or college.</p> <p>§ 60A-4-408 (“Second or subsequent offenses”). Any person convicted of a second or subsequent offense of possession of a controlled substance will be imprisoned or fined up to twice the term or amount otherwise authorized, or both.</p> <p>§ 60A-4-409 (“Prohibited acts--Transportation of controlled substances into state; penalties”). It is unlawful for any person to transport or cause to be transported into the state a controlled substance with the intent to deliver the same or with the intent to manufacture a controlled substance. A violation with respect to methamphetamine is a felony, and upon conviction a person may be imprisoned for no less than one year nor more than 10 years, fined no more than \$15,000, or both.</p> <p>§ 60A-4-411 (“Operating or attempting to operate clandestine drug laboratories; offenses; penalties”). Any person who operates or attempts to operate a clandestine drug laboratory is guilty of a felony and, upon conviction, will be imprisoned for no less than two years nor more than ten years, fined no less than \$5,000 nor more than \$25,000, or both. Any person who operates or attempts to operate a clandestine drug laboratory and who, as a result of or in the course of doing so, causes to be burned any dwelling, outbuilding, building, or structure of any class or character, is guilty of a felony and, upon conviction will be fined no less than \$1,000 nor more than \$5,000, imprisoned for no less than one nor more than five years, or both. Any person convicted for these provisions is responsible for all reasonable costs associated with remediation of the site.</p> <p>§ 60A-10-12 (“Exposure of children to methamphetamine manufacturing; penalties”). Any person 18 years of age or older who knowingly causes or permits a minor to be present in a location where methamphetamine is manufactured or attempted to be manufactured is guilty of a felony and, upon conviction, will be imprisoned for no less than two nor more than ten years, fined no more than \$10,000, or both. If the child suffers serious bodily injury, then the person will be imprisoned for no less</p>

<u>WEST VIRGINIA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>than three years nor more than 15 years, fined no more than \$25,000, or both.</p> <p>§ 60A-10-13 (“Exposure of first responders to manufacture methamphetamine; penalties”). Any person who, as a result of or in the course of unlawfully and intentionally manufacturing methamphetamine, causes certain first responders identified in the statute acting in his or her official capacity to ingest, inhale, or be dermally exposed to a chemical, product, byproduct, residue, or substance involved in the manufacture or attempted manufacture of such a controlled substance, without prior knowledge of such, and thereby causes bodily injury to such persons, will be guilty of a felony and, upon conviction thereof, shall be fined not less than \$500 nor more than \$5,000 and imprisoned for no less than one year nor more than five years.</p>
Methamphetamine cleanup and disposal	<p>§§ 60A-11-1 through 60A-11-6. West Virginia’s clandestine drug laboratory remediation act designates the Department of Health and Human Resources as the state agency to oversee the standards for the remediation of clandestine drug laboratories.</p> <p>§§ 64-92-1 through 64-92-14 (“Clandestine Drug Laboratory Remediation”). These rules provide policies and protocols related to clandestine drug laboratory remediation. No person can perform the work of a clandestine drug laboratory remediation technician or contractor without possessing a valid license. A residential property owner who has been notified by a law enforcement agency or becomes aware of a clandestine drug laboratory on his or her property is required to ensure the property remains unoccupied and secured until a certificate of remediation completion is issued.</p>
Other statutory provisions of note	None.
Recently proposed legislation	S.B. 47, 85 th Leg., Reg. Sess. (W. Va. 2022) (filed for introduction, referred to judiciary; Jan. 12, 2022). Amends § 60A-4-401 to include the use, consumption, and being under the influence of a controlled substance as crimes.



<u>WISCONSIN</u>	
Restrictions placed on precursors (cont'd)	<p>from selling a pseudoephedrine product to a person under the age of 18.</p> <p>§ 961.235 (“Records relating to sales of pseudoephedrine products”). Records of pseudoephedrine sales are required to be kept in electronic format and be maintained by the pharmacy for at least two years.</p> <p>Phar § 8.10 (“Disclosure of suspicious orders of controlled substances”). Manufacturers and distributors of controlled substances are required to disclose suspicious orders of controlled substances.</p> <p>§ 961.41 (“Prohibited acts A—penalties”). Any person who purchases more than 7.5 grams of pseudoephedrine within a 30-day period, other than by purchasing the product in person from a pharmacy or pharmacist, is guilty of a Class I felony.</p> <p>§ 961.453 (“Purchases of pseudoephedrine products on behalf of another person”). It is a Class I felony for a person, with the intent to acquire more than 7.5 grams of pseudoephedrine contained in a pseudoephedrine product within a 30-day period, to knowingly solicit, hire, direct, employ, or use another to purchase a pseudoephedrine product on his or her behalf. If the person used to purchase the pseudoephedrine product is an individual who is less than 18 years of age, the actor is guilty of a Class H felony.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 961.41 (“Prohibited acts A—penalties”). It is unlawful for any person to manufacture, distribute, or deliver a controlled substance. With regards to methamphetamine, the penalties range from Class F (three grams or less) to Class C (more than 50 grams) felonies based on the amount of methamphetamine involved. If a person possesses or attempts to possess methamphetamine, the person is guilty of a Class I felony. When a court imposes a fine for a violation of this provision, it will also impose a drug abuse program improvement surcharge in an amount of 75 percent of the fine and penalty surcharged imposed.</p> <p>§ 961.455 (“Using a child for illegal drug distribution or manufacturing purposes”). Any person who is 17 years old or older who knowingly solicits, hires, directs, employs, or uses a person who is under the age of 17 years for the purpose of</p>

<u>WISCONSIN</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>distributing or manufacturing a controlled substance is guilty of a Class F felony.</p> <p>§ 961.46 (“Distribution to persons under age 18”). If a person 17 years of age or over violates § 961.41(1) by distributing or delivering a controlled substance to a person 17 years of age or under who is at least three years his or her junior, the applicable maximum term of imprisonment prescribed under § 961.41(1) for the offense may be increased by not more than five years.</p> <p>§ 961.473 (“Victim impact panels”). If a person pleads guilty to or is found guilty of a violation of this chapter, the court may order the person to attend a program, such as a victim impact panel, that demonstrates the adverse effects of substance abuse on an individual or an individual’s family in addition to any forfeiture or penalty imposed.</p> <p>§ 961.475 (“Treatment option”). Whenever any person pleads guilty to or is found guilty of possession or attempted possession of a controlled substance, the court may, upon request of the person and with the consent of a treatment facility with special inpatient or outpatient programs for the treatment of drug dependent persons, allow the person to enter the treatment programs voluntarily for purposes of treatment and rehabilitation. If treatment efforts are ineffective or the person ceases to cooperate with treatment rehabilitation efforts, the person may be remanded to the court for completion of sentencing.</p> <p>§ 961.495 (“Possession or attempted possession of a controlled substance on or near certain places”). Any person who possesses or attempts to possess methamphetamine in, on, or within 1,000 feet of a park, jail, public housing project, public pool, youth center, school, or school bus, will be subject to 100 hours of community service work for a public agency or a nonprofit charitable organization in addition to any other penalties that may apply to the crime.</p>
Methamphetamine cleanup and disposal	Not addressed by state law.
Other statutory provisions of note	None.
Recently proposed legislation	None.



The blue line shows the number of NFLIS reports in Wyoming (in thousands) containing methamphetamine for years 2010 to 2020. Reports of methamphetamine increased steadily in Wyoming from 2011 through 2019. The orange line shows Wyoming’s reports as a percentage of total U.S. reports. The increase in Wyoming’s reports over the years have largely tracked the increase in total U.S. reports. The gray line provides a baseline reference to Wyoming’s population as a percentage of U.S. population. For the entire 11-year period, Wyoming’s share of total U.S. reports containing methamphetamine was higher than what might be expected based on population alone.

Statute(s) and regulation(s)	WYO. STAT. ANN. §§ 35-7-1031, 35-7-1036, 35-7-1039, and 35-7-1059 (West 2022); 041.0004.2 WYO. CODE R. §§ 1 to 17 (2022)
Restrictions placed on precursors	§ 35-7-1059 (“Unlawful clandestine laboratory operations; methamphetamine precursors; presumptively illegal amount; methamphetamine precursor sales limitations; registration requirements; reports; penalties”). The knowing or intentional possession of a controlled substance precursor with the intent to engage in a clandestine laboratory operation is a felony punishable by imprisonment for no more than 20 years, a fine of no more than \$25,000, or both. Enhanced penalties can be imposed in cases where: (1) the illegal possession, transportation, or disposal of hazardous or dangerous material or while transporting or causing to be transported materials in

<u>WYOMING</u>	
Restrictions placed on precursors (cont'd)	<p>furtherance of a clandestine laboratory operation, there was created a substantial risk to human health or safety or a danger to the environment; (2) the intended laboratory operation was to take place or did take place within 500 feet of a residence, business, church, or school; (3) any phase of the clandestine laboratory operation was conducted in the presence of a person less than 18 years of age; or (4) a firearm or booby trap is used. No person is to possess more than 15 grams of ephedrine or pseudoephedrine. The retail sale of methamphetamine precursor drugs is limited to 3.6 grams per calendar day and no more than nine grams during any 30-day period. No person shall sell in a single retail transaction more than two packages of a product containing methamphetamine precursor drugs. Retailers are required to maintain a log of all methamphetamine precursor sales. These requirements do not apply to any purchase by an individual of a single sales package if that package contains not more than 60 mg of pseudoephedrine. Retailers are required to keep methamphetamine precursor products behind a store counter or in a locked case.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 35-7-1031 (“Unlawful manufacture or delivery; counterfeit substance; unlawful possession”). It is unlawful for any person to manufacture, deliver or possess with intent to manufacture or deliver a controlled substance. A violation involving methamphetamine will result in imprisonment for no more than 20 years, fined no more than \$25,000, or both. The possession of methamphetamine is a felony punishable by imprisonment for no more than seven years, a fine of no more than \$15,000, or both.</p> <p>§ 35-7-1036 (“Distribution to person under 18; drug free school zones”). Any person 18 years of age or over who violates W.S. § 35-7-1031(a) (see above) by distributing methamphetamine to a person under 18 years of age who is at least three years his junior is punishable by the fine authorized in that statute, by a term of imprisonment of up to twice that authorized, or both. The manufacture, delivery, or possession with the intent to manufacture or deliver methamphetamine within 500 feet of a school will increase the penalties of a crime.</p>

<u>WYOMING</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	§ 35-7-1039 (“Person using or under influence of controlled substance”). Any person who knowingly or intentionally uses or is under the influence of a controlled substance listed in Schedules I, II, or III except when administered or prescribed by or under the direction of a licensed practitioner, will be guilty of a misdemeanor and will be punished by imprisonment for no more than six months, a fine not to exceed \$750, or both.
Methamphetamine cleanup and disposal	041.0004.2 §§ 1 through 17 (“Clandestine Lab Testing and Remediation”). Provides the policies and procedures for clandestine lab testing and remediation in Wyoming. In an incident involving a clandestine lab occurs, until such time as it is determined the site is safe for human habitation, no persons are allowed to enter the building that have been involved in the incident except for the purpose of law enforcement, testing, remediation, or emergency purposes. All contractors and employees who perform remediation of clandestine laboratories are required to have a minimum level of training and have specific training in current clandestine laboratory hazards, remediation techniques, and applicable regulations.
Other statutory provisions of note	None.
Recently proposed legislation	None.

<u>GUAM</u>	
There is insufficient data to create a chart for Guam related to the prevalence of methamphetamine.	
Statute(s) and regulation(s)	9 GUAM CODE ANN. §§ 67.401.1, 67.401.2, 67.401.2.3, 67.401.11, 67.401.12, and 67.607 (2022)
Restrictions placed on precursors	<p>§ 67.401.2.3 (“Pseudoephedrine: retail sale”). The dispensing, sale, or distribution at retail of pseudoephedrine, or any derivative of pseudoephedrine, is subject to the following limitations: (1) the product must be placed behind the sales counter, stored or displayed in a locked cabinet or area that the product is inaccessible to the public; (2) the product shall only be dispensed, sold, or distributed at retail outlets by a practitioner, retailer, or employee of a retailer; (3) pharmacy or retailer distributor shall provide notice in a conspicuous place that Guam law prohibits the over-the-counter purchase of more than two packages of a product containing pseudoephedrine in a single transaction.</p> <p>It is unlawful for a practitioner, retailer, or employee of a retailer to sell more than two packages of a product containing pseudoephedrine in a single transaction.</p> <p>It is unlawful for any person to purchase a product containing pseudoephedrine with knowledge, intention, or with reckless disregard of the likely use of such product to manufacture methamphetamine.</p> <p>A violation of this section is a violation under Guam law.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 67.401.1 (“Possession, etc., for illegal delivery, dispensing, or manufacturing; defined; punishments classified according to drug class involved”). Except as otherwise authorized, it shall be unlawful for any person knowingly or intentionally to manufacture, deliver, or possess with intent to manufacture, deliver, or dispense a controlled substance. A violation with regard to a Schedule I – III controlled substance is a felony of the first degree.</p> <p>§ 67.401.2 (“Illegal possession; defined and punishment”). It is unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained pursuant to a valid prescription. A violation with regard to any controlled substance is a felony of the third degree. A violation committed within a drug-free school zone is a misdemeanor. A</p>

<u>GUAM</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>violation of § 67.401.1 or § 67.401.2 within a drug-free school zone is the same class felony as if the offense had not been committed within a drug-free school zone. A person who knowingly fails to report any violation of this chapter within a drug-free school zone is guilty of a misdemeanor.</p> <p>§ 67.401.11 (“Mandatory sentencing for persons convicted of a third-degree felony relative to the possession of methamphetamine.” Except as stipulated in § 67.401.12 (see below), the court shall impose a sentence of imprisonment of no less than three years and no more than five years, and a fine of \$15,000, on persons convicted of a third-degree felony under the provisions of § 67.401.2 when the controlled substance at issue is methamphetamine. Sentences shall also include mandatory community service of no less than 150 hours, mandatory enrollment and attendance in a drug rehabilitation program, and a mandatory term of probation of five years.</p> <p>§ 67.401.12 (“Mandatory sentencing for first-time offenders of a third-degree felony relative to the possession of methamphetamine”). In cases where § 67.401.11 (see above) is applicable to the sentencing of a person, a person who has not previously been convicted of a felony relative to the possession of any controlled substance and has been convicted of a felony for the first time relative to possession of methamphetamine shall be sentenced to a term of imprisonment of no more than three years and a fine of \$5,000, as well as a mandatory sentence of 150 hours of community service, mandatory enrollment and attendance in a drug rehabilitation program, and a mandatory term of probation of five years.</p> <p>§ 67.412.1 (“No conditional discharge and dismissal permitted for offenses involving methamphetamine”). The provisions of § 67.412 (related to conditional discharge and dismissal of charges) shall not apply in the case of a violation defined as a third degree felony in § 67.401.2 (see above) that involves methamphetamine.</p> <p>§ 67.607 (“Manufacture or distribution for purposes of unlawful importation”). It shall be unlawful and punishable as a felony of the first degree for any person to manufacture or distribute a Schedule I or II controlled substance intending that such substance be unlawfully imported into Guam or knowing that such substance will be unlawfully imported into Guam.</p>

<u>GUAM</u>	
Methamphetamine cleanup and disposal	Not addressed by Guam law.
Other statutory provisions of note	None.
Recently proposed legislation	None.

<u>PUERTO RICO</u>	
There is insufficient data related to the prevalence of methamphetamine in Puerto Rico.	
Statute(s) and regulation(s)	P.R. LAWS ANN. tit. 24, §§ 2202, 2401, 2404, 2405, 2411a (2022)
Restrictions placed on precursors	Not addressed by Puerto Rico law.
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 2202 (“Schedules of controlled substances”). Any injectable liquid which contains any quantity of methamphetamine is a Schedule II substance. Any substance, except an injectable liquid, which contains any quantity of methamphetamine is a Schedule III substance.</p> <p>§ 2401 (“Prohibited acts (A); penalties”). Except as otherwise authorized by law, it is unlawful for any person knowingly or intentionally to manufacture, distribute, dispense, transport, conceal, or possess with intent to manufacture, distribute, dispense, transport, or conceal a controlled substance. A violation with regard to a Schedule I, II, or III substance is a felony, the punishment for which varies based on whether the substance is a narcotic or non-narcotic drug.</p> <p>§ 2404 (“Penalty for simple possession, conditional discharge and expungement of records for first offense”). It shall be unlawful for any person, knowingly or intentionally, to possess any controlled substance unless such substance was obtained pursuant to a valid prescription. Violation is a felony.</p> <p>§ 2405 (“Distribution to persons under age eighteen”). Any person over 18 years of age who violates § 2401 by distributing, dispensing, or in any other way transfers or administers a controlled substance to a person under 18 years of age, or who in any way induces or aids to, or conspires with others to induce a person under 18 years of age, to use a controlled substance, shall incur a felony and shall be punished up to twice the penalties provided in § 2401.</p> <p>§ 2411a (“Introduction of drugs in schools, recreational facilities or institutions”). Any person who knowingly and intentionally and in violation of the provisions, introduces, distributes, dispenses, administers, possesses, or conveys for the purpose of distribution, sells, gives away, or delivers in any way, or simply possesses any controlled substance in Schedules I – V, in a public or private school, public or private</p>

<u>PUERTO RICO</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>recreational facility, or in the surrounding area of any of these, shall incur a felony and, upon conviction, shall be sentenced to double the penalty provided in § 2401 or § 2404 for a first offense which involves the same substance and the same schedule.</p> <p>Any person who knowingly and intentionally and in violation of the provisions, distributes, dispenses, administers, possesses, or conveys for the purpose of distribution, or sells, gives away, or delivers any form of controlled substance listed in Schedules I – V, in a center, institution, or public or private facility devoted to the prevention, diagnosis, treatment, and rehabilitation of narcotic drug addicts or those who depend on depressant or stimulant drugs, or in the surroundings thereof, shall be guilty of a felony.</p>
Methamphetamine cleanup and disposal	Not addressed by Puerto Rico law.
Other statutory provisions of note	None.
Recently proposed legislation	None.

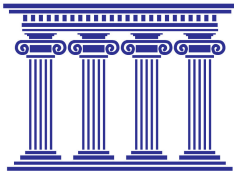
<u>VIRGIN ISLANDS</u>	
There is insufficient data to create a chart related to methamphetamine prevalence in the Virgin Islands.	
Statute(s) and regulation(s)	V.I. CODE ANN. tit. 3, § 1227 (2022); V.I. CODE ANN. tit. 12, §§ 551 to 557 (2022); V.I. CODE ANN. tit. 19, §§ 595, 604, 607, 608b, 612a, and 614a (2022)
Restrictions placed on precursors	§ 1227 (“Registration with the Virgin Islands Bureau of Narcotics and Dangerous Drugs Control for lawful possession of dangerous drugs and/or narcotics”). Every wholesaler, manufacturer, or distributor of any drug product containing pseudoephedrine or phenylpropanolamine shall obtain a registration issued by the director of the bureau of narcotics.
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 595 (“Schedules of controlled substances”). Any injectable liquid which contains any quantity of methamphetamine is a Schedule II substance. Any substance, except an injectable liquid, which contains any quantity of methamphetamine is a Schedule III substance.</p> <p>§ 604 (“Prohibited acts A—penalties”). Except as otherwise authorized, it shall be unlawful for any person to knowingly or intentionally manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense a controlled substance. A person who violates this section with regard to Schedule I or II which is not a narcotic drug or a Schedule III substance shall be sentenced to a term of imprisonment of not more than five years, a fine of not more than \$15,000, or both.</p> <p>If a person 18 years of age or older violates this section within 1,000 feet of the real property boundary on which real property is located a public, private, or parochial school or college or university, or public park, public playground, or public beach, shall, in addition to any other sentences and penalties set forth, be sentenced to an additional minimum sentence of at least two years.</p> <p>§ 607 (“Penalty for simple possession; conditional discharge and expunging of records for first offense”). Except as otherwise provided by law, it shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained pursuant to a valid prescription. Any person who violates this section shall be sentenced to a term of imprisonment of not more than one year, fined not more than \$500, or both.</p>

<u>VIRGIN ISLANDS</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 608b (“Maintaining or operating controlled substance production facilities”). In addition to any other provision of law, any person who knowingly maintains or operates any premises, place, or facility used for the manufacture of methamphetamine, or any person who knowingly aids, promotes, finances, or otherwise participates in the maintenance or operation of such premises, place, or facility, shall be guilty of a crime and shall be sentenced to a term of imprisonment of not less than 10 years nor more than 20 years and a fine not to exceed \$500,000 or five times the street value of all controlled substances at any time manufactured or stored at such premises, place, or facility, whichever is greater.</p> <p>§ 612a (“Liability for drug-induced deaths”). Notwithstanding any other provisions of law, any person who manufactures, distributes, or dispenses methamphetamine in violation of § 604 shall be liable for a death with results from the injection, inhalation, or ingestion of that substance, and is guilty of a crime punishable by life imprisonment without parole.</p> <p>§ 614a (“Trafficking in certain controlled substances; mandatory sentences; suspension or reduction”). Any person who knowingly sells, manufactures, delivers, or brings into the Virgin Islands, or who is knowingly in actual or constructive possession of 100 units or more of a controlled substance which is either a stimulant, depressant, or hallucinogenic drug is guilty of a felony which shall be known as “trafficking in dangerous drugs.” Penalties for violation are based on the quantity of drugs involved.</p>
Methamphetamine cleanup and disposal	§§ 551 to 557 (collectively, “Brownsfields Revitalization and Environmental Restoration Act”). This chapter relates to cleaning up hazardous substances found on real property under the U.S. Environmental Protection Agency’s Brownfields Program, funds for which can be used to clean up property contaminated by methamphetamine production.
Other statutory provisions of note	None.
Recently proposed legislation	None.

ABOUT THE LEGISLATIVE ANALYSIS AND PUBLIC POLICY ASSOCIATION

Based in Washington D.C., and led by and comprised of experienced attorneys, the Legislative Analysis and Public Policy Association is a 501(c)(3) nonprofit organization whose mission is to conduct legal and legislative research and analysis and draft legislation on effective law and policy in the areas of public safety and health, substance use disorders, and the criminal justice system.

LAPPA produces timely model laws and policies that can be used by national, state, and local public health, public safety, and substance use disorder practitioners who want the latest comprehensive information on law and policy as well as up-to-the-minute comparative analyses, publications, educational brochures, and other tools ranging from podcasts to fact sheets. Examples of topics on which LAPPA has assisted stakeholders include naloxone laws, law enforcement/community engagement, alternatives to incarceration for those with substance use disorders, medication-assisted treatment in correctional settings, and the involuntary commitment and guardianship of individuals with alcohol or substance use disorders.



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