

LEGISLATIVE ANALYSIS AND PUBLIC POLICY ASSOCIATION

METHAMPHETAMINE AND PRECURSORS: SUMMARY OF STATE LAWS

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METHAMPHETAMINE AND PRECURSORS: SUMMARY OF STATE LAWS

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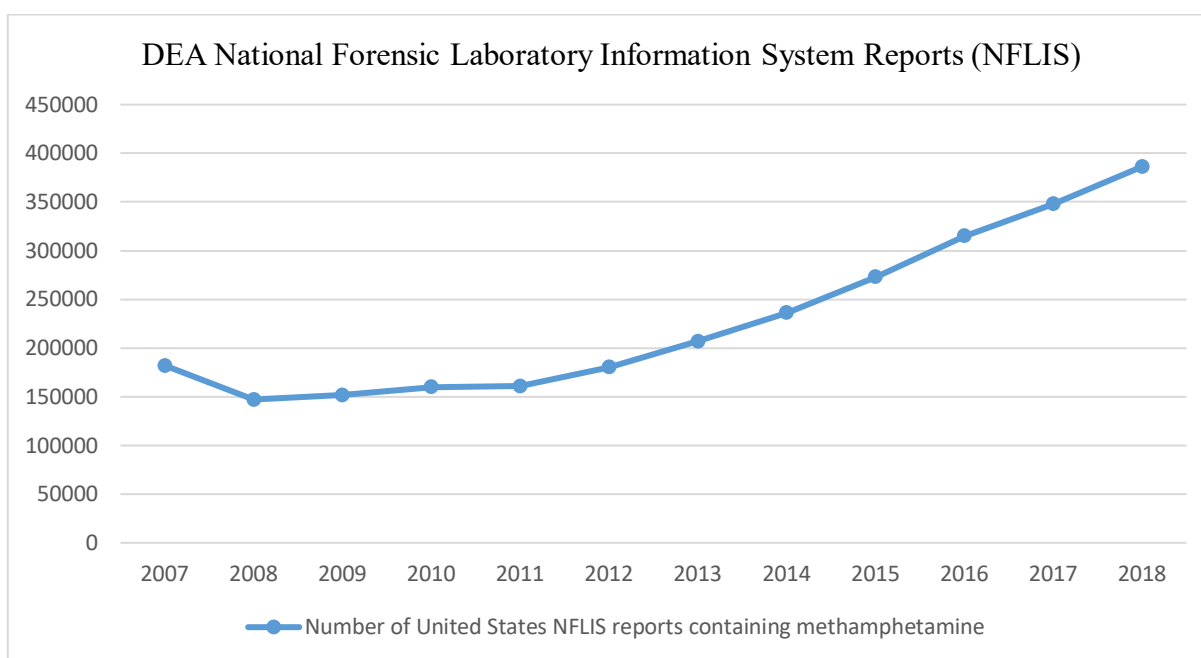
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SUMMARY

With the spate of overdoses caused by prescription opioids and heroin, recent U.S. media coverage and public policy has primarily focused on the opioid epidemic. What has gotten less attention is the fact that methamphetamine use is on the rise across the country and is gaining momentum. Historically, methamphetamine was most concentrated in the West and Midwest.¹ Recently, however, methamphetamine use is increasing in other parts of the America—most notably, the Northeast—that had never generally been major markets for the drug.² United States Drug Enforcement Administration (DEA) data highlights 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 November 2019, information is publicly available for each state for 2007-2018. This data provides 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



From 2008 to 2011, the number of NFLIS reports across America containing methamphetamine remained largely constant, and below the 2007 level. In the seven years since 2011, however, the number of reports has increased 139 percent (from 160,960 to 386,272), at an

¹ “2018 National Drug Threat Assessment,” *U.S. Department of Justice, Drug Enforcement Administration*, October 2018, p. 59 [hereinafter NDTA Report].

² *Ibid.*

³ U.S. Drug Enforcement Administration, Diversion Control Division. (2018). *National Forensic Laboratory Information System Questions and Answers (Q&A)*. Retrieved from <https://www.nflis.dea diversion.usdoj.gov/DesktopModules/ReportDownloads/Reports/2k17NFLISQA.pdf>.

⁴ U.S. Drug Enforcement Administration, Diversion Control Division. (2018). *Table 1. National Estimates for the Most Frequently Identified Drugs: 2007-2018*. Retrieved from the NFLIS Public Resource Library at <https://www.nflis.dea diversion.usdoj.gov/Resources/NFLISPublicResourceLibrary.aspx>.

average increase of about 13.2 percent per year. Additionally, methamphetamine went from being the third most frequently identified drug in the country in 2008 (8.61 percent of reports) behind cannabis/THC (33.9 percent) and cocaine (28.56 percent), respectively, to the most frequently identified drug in the U.S. in 2018 (24.15 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 is at its lowest point 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 yields a purity averaging above 90 percent.⁹ 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.¹⁰ 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) undertook a recent analysis to determine the current status of statewide laws and regulations addressing methamphetamine and methamphetamine precursors (such as ephedrine and pseudoephedrine). LAPPA has created this document in order to: (1) provide a singular 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 and the District of Columbia 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 2018 were: California, Texas, Ohio, Missouri, Georgia, Arkansas, Kentucky, Florida, Oklahoma, and Tennessee.
- In descending order, the ten jurisdictions with the least NFLIS reports involving methamphetamine in 2018 were: Maryland, Massachusetts, Alaska, Maine, Delaware, Hawaii, Rhode Island, District of Columbia, Connecticut, and Vermont.
- For each jurisdiction, LAPPA compared the percentage of overall U.S. NFLIS reports containing methamphetamine generated by that jurisdiction with that jurisdiction’s percentage of the U.S. population. In descending order, the states with the highest spread between NFLIS report percentage and population percentage for 2018 are: California, Texas, Arkansas, Missouri, Kentucky, Oklahoma, Ohio, Kansas, Iowa, Louisiana. Put

⁵ *Ibid.*

⁶ NDTA Report at 65.

⁷ *Ibid.*

⁸ *Ibid.*

⁹ *Ibid.* at 60.

¹⁰ *Ibid.*

another way, these ten states account for 58.5 percent of U.S. NFLIS reports containing methamphetamine but only contain 33.0 percent of the U.S. population.

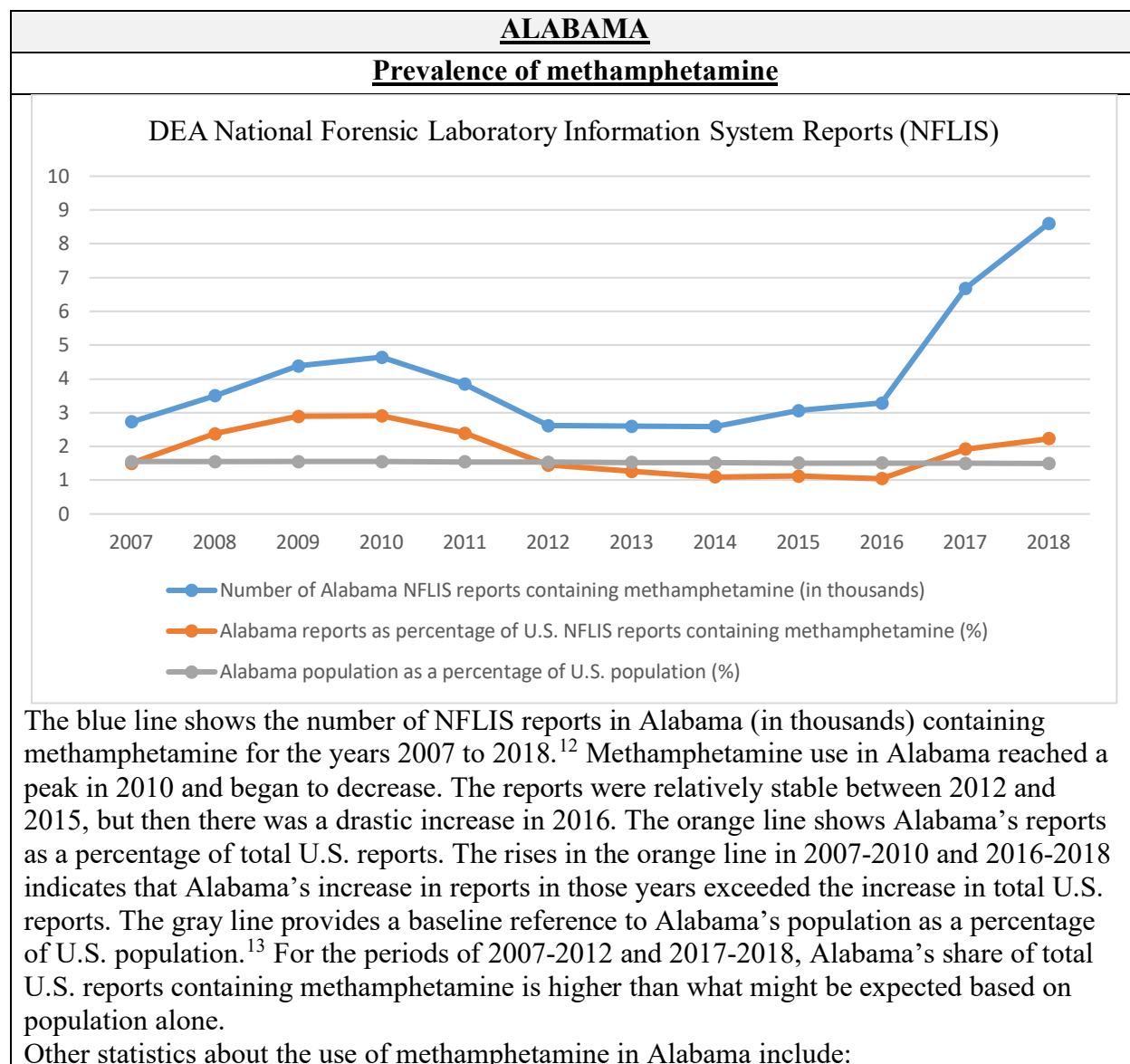
- In contrast, the following ten states, in descending order, have the lowest spread between NFLIS report percentage in 2018 and their respective population percentages: Wisconsin, Maryland, North Carolina, Massachusetts, Michigan, Illinois, New Jersey, Pennsylvania, Florida, and New York. These ten states account for only 10.4 percent of U.S. NFLIS reports but have 35.0 percent of the U.S. population.
- Six jurisdictions do not have jurisdiction-level restrictions placed on sales of methamphetamine precursors: Connecticut, District of Columbia, Maryland, Massachusetts, New York, and Rhode Island.¹¹ In the past four years, only one state has added such restrictions, New Hampshire in 2019.
- Mississippi and Oregon remain the only two states that require prescriptions to purchase products containing ephedrine or pseudoephedrine.
- 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.
- Presently, there appear to be relatively few innovative statutes in this area. Examples of innovative statutes that LAPP found are:
 - A.R.S. § 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 ILCS 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.”
 - MCA § 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.
 - NDCC, 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.C.S.A. § 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 for certain acts, including violations of the Pennsylvania Controlled Substances Act. Collected amounts are split between the Fund and the county.

¹¹ Federal limits on methamphetamine precursors still apply. *See* Combat Methamphetamine Epidemic Act of 2005, P.L. 109-177.

- R.I. Gen.Laws § 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.
 - T. C. A. § 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.
- Innovative legislation that was considered, but not passed, in 2019 includes:
 - Indiana House Bill 1681 – Establishes the opioid and methamphetamine addiction treatment fund (Fund) to provide grants to nonprofit organizations that meet certain requirements. Requires the division of mental health and addiction to apply for federal grants for the Fund and award grants from the Fund.
 - Nebraska Legislative Resolution No. 95 – Directs the Health and Human Services Committee to examine methamphetamine’s prevalence and cost in Nebraska and determine ways to assist local communities.
 - New York Senate Bill 1117 – Authorizes gifts, on personal income tax returns, for substance use disorder education and recovery.
 - Pennsylvania House Bill No. 596 – Provides for a detoxification and substance use disorder treatment bed registry.
 - Pennsylvania House Resolution 216 – Establishes a legislative task force on overdose recovery and directs the Joint State Government Commission to conduct a study on warm hand-off to treatment for individuals with a substance use disorder.

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.

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.



¹² 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. U.S. Drug Enforcement Administration, Diversion Control Division. (2018). *National Forensic Laboratory Information System Questions and Answers (Q&A)*. Retrieved from <https://www.nflis.deadiversion.usdoj.gov/DesktopModules/ReportDownloads/Reports/2k17NFLISQA.pdf>. As of November 2019, information is publicly available by state for years 2007-2018. U.S. Drug Enforcement Administration, Diversion Control Division. (2018). *Table 2. State counts for the most frequently identified drugs: 2007-2018*. Retrieved from the NFLIS Public Resource Library at <https://www.nflis.deadiversion.usdoj.gov/Resources/NFLISPublicResourceLibrary.aspx>. This data provides an estimate of the prevalence of drugs throughout the country.

¹³ For years 2010 to 2018, U.S. and state populations come from the U.S. Census Bureau, *Annual Estimates of the Resident Population: April 1, 2010 to July 1, 2018*. Retrieved from https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=PEP_2018_PEPANNRES&src=pt. The U.S. and state populations for years 2007 to 2009 comes from the U.S. Census Bureau, *National Intercensal Tables: 2000-2010*. Retrieved from <https://www.census.gov/data/tables/time-series/demo/popest/intercensal-2000-2010-state.html>.

<u>ALABAMA</u>
<ul style="list-style-type: none"> • The methamphetamine-related death rate in 2017 in Alabama was between 5.4 and 9.1 per 100,000 population.¹⁴ • In 2017, Alabama had 14 methamphetamine clandestine laboratory incidents including laboratory, dumpsite, and chemical/equipment seizures.¹⁵ • Methamphetamine was the second most commonly identified drug in Alabama in 2017, exceeded only by cannabis/THC, by a factor of approximately 4:3.¹⁶
<u>Restrictions placed on precursors</u>
<p>Ala.Code 1975 § 20-2-182 (“License required for furnishing listed precursor chemical; licensing procedure; record of transactions;” effective as amended 5.20.2009). 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>Ala.Code 1975 § 20-2-190 (“Penalties; sale of ephedrine, etc.; Alabama Drug Abuse Task Force;” effective as amended 2017). 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>Ala.Code 1975 § 20-2-190.1 (“Smurfing prohibited;” effective as amended 2012). 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>Ala.Code 1975 § 20-2-190.2 (“Electronic drug offender tracking system;” effective as amended 2012). 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>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>Ala.Code 1975 § 13A-12-211 (“Unlawful distribution of controlled substances; possession with intent to distribute a controlled substance”; effective 4.6.2018). A person commits the</p>

¹⁴ NDTA Report, p. 64

¹⁵ NDTA Report, p. 66

¹⁶ <https://data.ndews.org/nflis/state-level/drug-counts-by-state-and-year/>

ALABAMA

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.

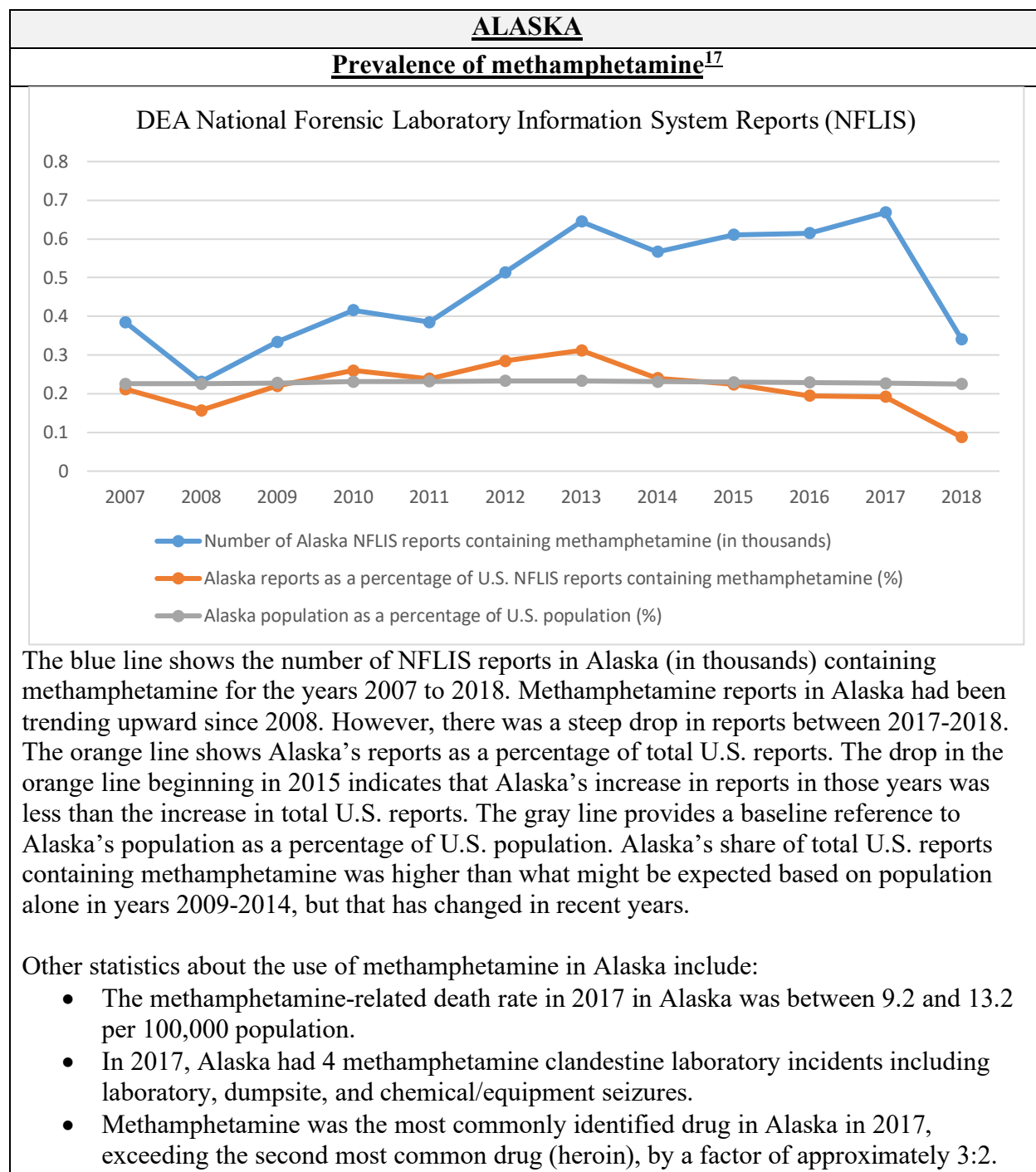
[Ala.Code 1975 § 13A-12-212](#) (“Unlawful possession or receipt of controlled substances;” effective as amended 2015). A person commits the crime of unlawful possession of a controlled substance if he or she possesses a controlled substance enumerated in Schedules I through V. A person can also be found 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.

[Ala.Code 1975 § 13A-12-215](#) (Sale, furnishing, etc., of controlled substances by persons over age 18 to persons under age 18;” effective as amended 1988). 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.

[Ala.Code 1975 § 13A-12-217](#) (Unlawful manufacture of a controlled substance in the second degree;” effective as amended 2001). 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.

[Ala.Code 1975 § 13A-12-218](#) (“Unlawful manufacture of a controlled substance in the first degree; effective as amended 2001”). 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 laboratory operation was to take place or did take 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.

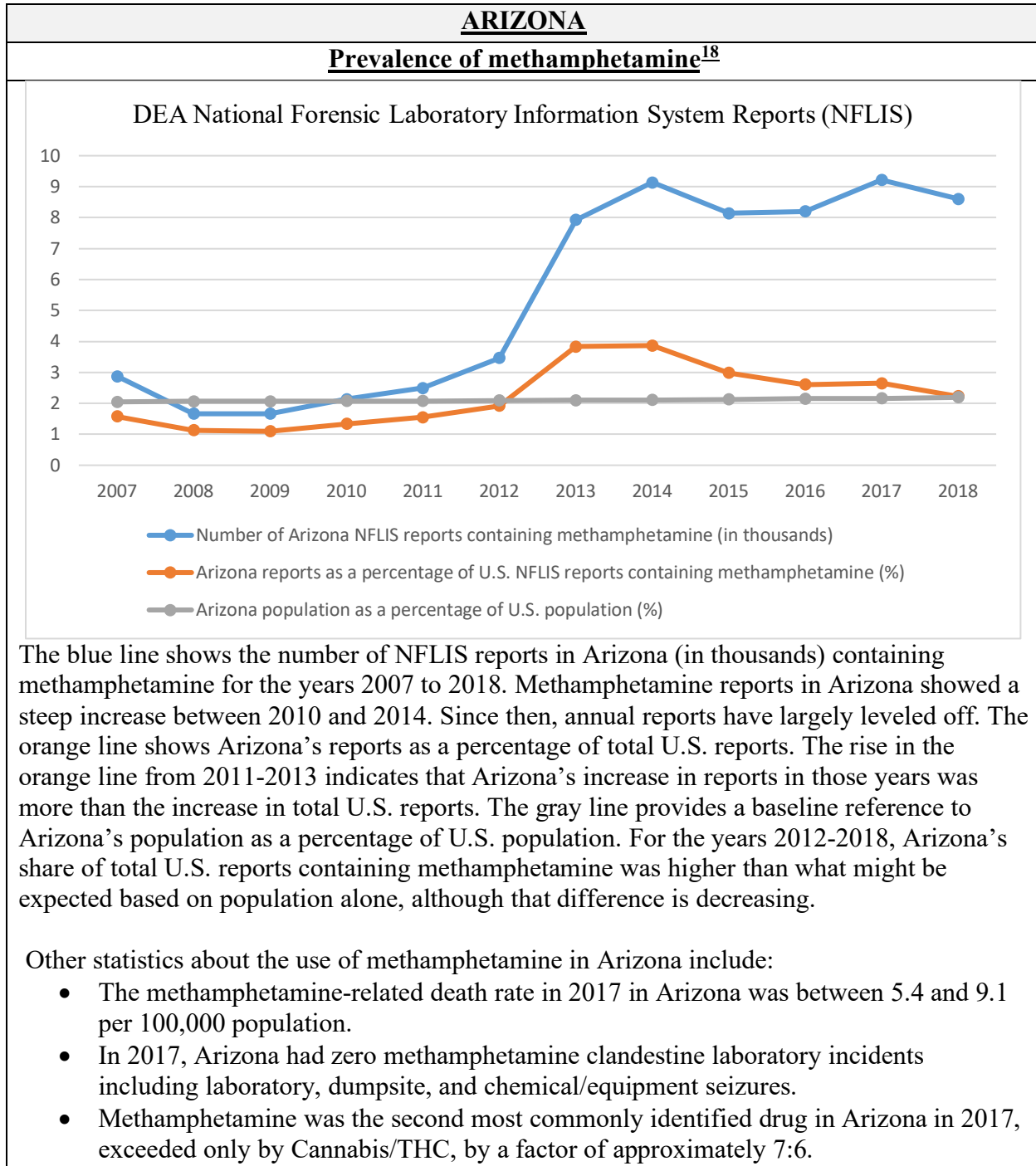
<u>ALABAMA</u>
<u>Criminal penalties for methamphetamine (continued)</u>
<p>Ala.Code 1975 § 13A-12-231 (“Trafficking in cannabis, cocaine, etc.; mandatory minimum terms of imprisonment; trafficking in illegal drugs; trafficking in amphetamine and methamphetamine; habitual felony offender act”; effective as amended 4.6.2018). 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>Ala.Code 1975 § 13A-12-250 (“Additional penalty if unlawful sale on or near school campus;” effective as amended 1989). 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>Ala.Code 1975 § 13A-12-270 (“Additional penalty for unlawful sale within three-mile radius of public housing project;” effective as amended 1989). 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>
<u>Methamphetamine cleanup and disposal</u>
None.
<u>Other statutory provisions of note</u>
<p>Ala.Code 1975 § 13A-12-291 (“Specific crimes warranting suspension of driver’s license;” effective as amended 2015). 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.</p>
<u>Relevant legislation considered in 2019</u>
None.



¹⁷ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>ALASKA</u>
<u>Restrictions placed on precursors</u>
<p>AS § 11.71.210 (“Purchase or receipt of restricted amounts of certain listed chemicals;” effective as amended 6.3.2006). 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>AS § 17.30.090 (“Sale or purchase of certain listed chemicals;” effective as amended 6.3.2006). 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>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>AS § 11.71.010 (“Misconduct involving a controlled substance in the first degree;” effective 1982). 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>AS § 11.71.021 (“Misconduct involving a controlled substance in the second degree;” effective as amended 7.9.2019). 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 methamphetamine; (3) possesses methamphetamine in an organic solution with the intent to extract methamphetamine from it; (4) delivers an immediate precursor of methamphetamine to another person with reckless disregard that the precursor will be used to manufacture methamphetamine. Possessing more than six grams of ephedrine or pseudoephedrine is prima facie evidence that the person intends to manufacture methamphetamine.</p> <p>AS § 11.71.030 (“Misconduct involving a controlled substance in the second degree;” effective as amended 7.9.2019). 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>

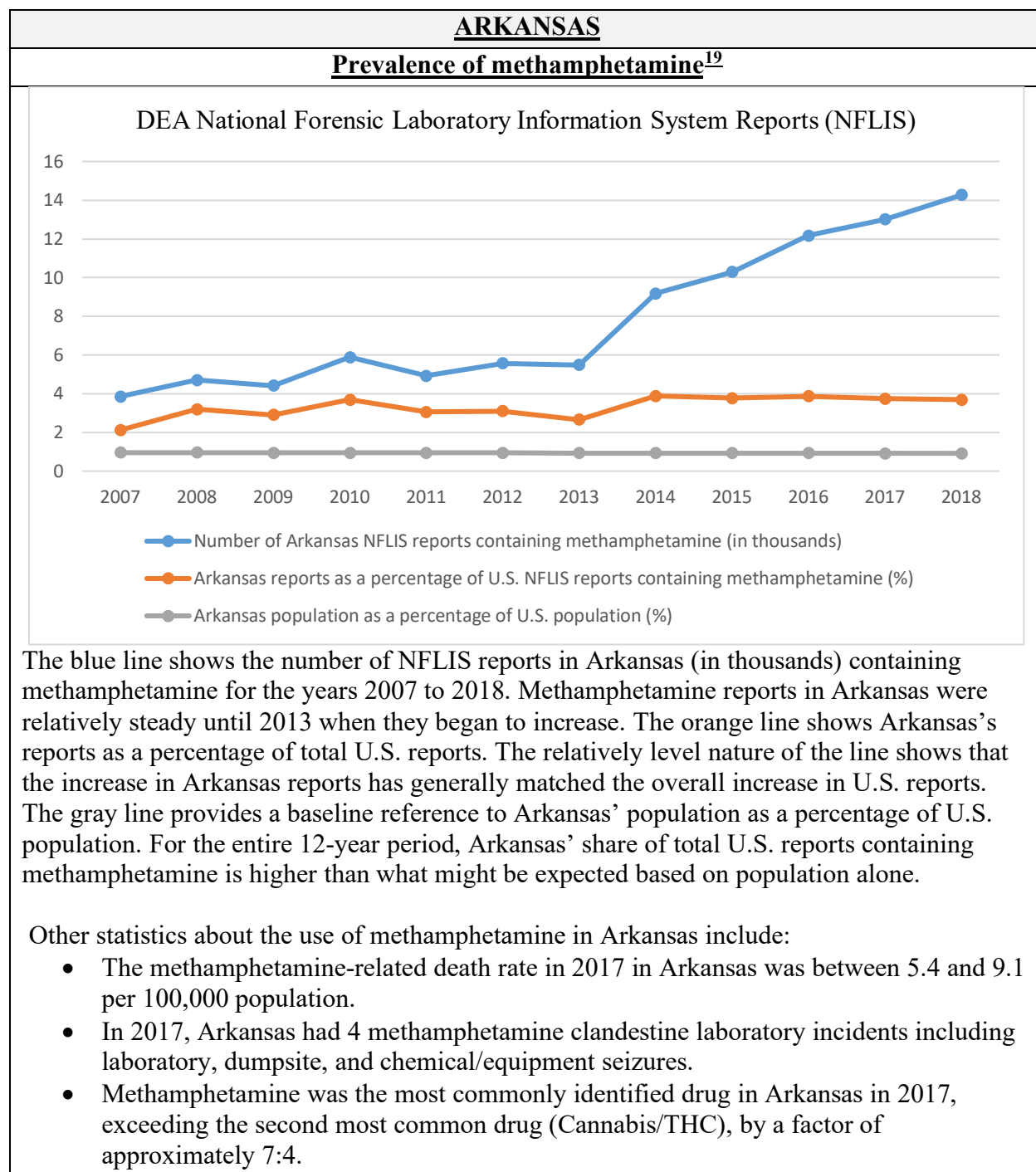
<u>ALASKA</u>
<u>Methamphetamine cleanup and disposal</u>
<p>AS § 46.03.500 (“Notice of illegal drug manufacturing site; Internet list;” effective as amended 6.3.2006). After law enforcement determines that a site constitutes an illegal drug manufacturing site, the law enforcement agency is required 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>AS § 46.03.510 (“Restrictions on property;” effective 2003). 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 that the property has been determined to be an illegal drug manufacturing site and is not fit for use.</p> <p>18 AAC 79 (“Illegal Drug Manufacturing Sites”; as amended through 11.24.2007). 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. (https://dec.alaska.gov/spar/csp/meth-lab/#guidance)</p>
<u>Other statutory provisions of note</u>
None.
<u>Relevant legislation considered in 2019</u>
None.



¹⁸ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>ARIZONA</u>
<u>Restrictions placed on precursors</u>
<p>A.R.S. §§ 13-3404 (“Sale of precursor or regulated chemicals; report; exemptions; violation; classification;” effective as amended 4.15.2014). 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 the sale of those products for personal use “totaling four packages or less.”</p> <p>A.R.S. §§ 13-3404.01 (“Possession or sale of precursor chemicals, regulated chemicals, substances, or equipment; exceptions, classifications;” effective as amended 2005). 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>A.R.S. § 32-1977 (“Sale of methamphetamine precursors by a pharmacy permittee; electronic sales tracking system; violation; classification; state preemption;” effective as amended 8.27.2019). 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>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>A.R.S. § 13-3407 (“Possession, use, administration, acquisition, sale, manufacture or transportation of dangerous drugs; classification;” effective as amended 7.20.2011). 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>A.R.S. § 13-3407.01 (“Manufacturing methamphetamine under circumstances that cause physical injury to a minor; classification;” effective as amended 1.1.2009). Makes it a class 2 felony to “knowingly 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>

<u>ARIZONA</u>
<u>Criminal penalties for methamphetamine (continued)</u>
<p>A.R.S. § 13-705 (“Dangerous crimes against children; sentences; definitions,” effective as amended 2018). 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>
<u>Methamphetamine cleanup and disposal</u>
None.
<u>Other statutory provisions of note</u>
<p>A.R.S. § 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>
<u>Relevant legislation considered in 2019</u>
None.



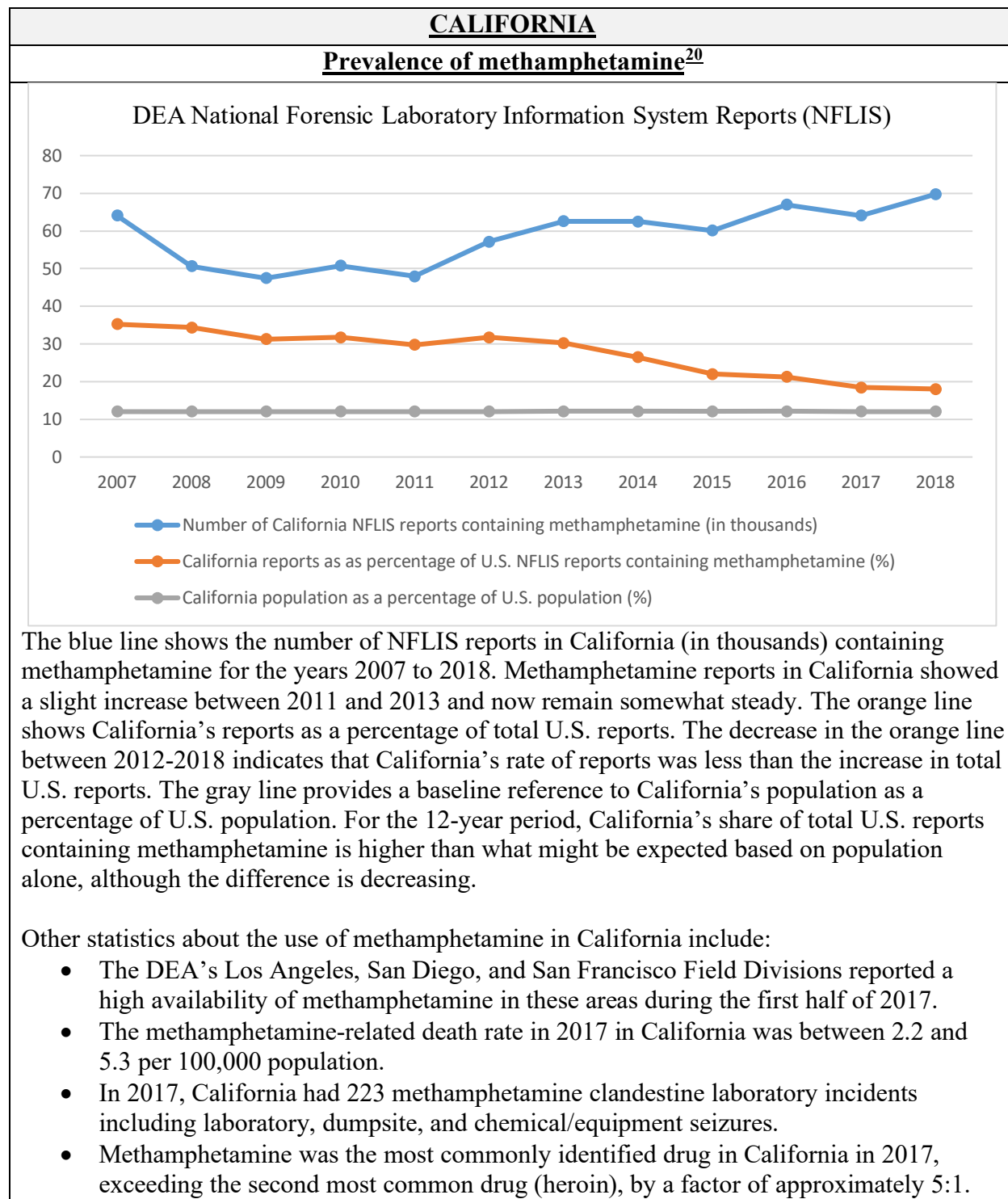
¹⁹ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>ARKANSAS</u>
<u>Restrictions placed on precursors</u>
<p>A.C.A. § 5-64-212 (“Substances in Schedule V--Ephedrine combination product, pseudoephedrine, and phenylpropanolamine;” effective as amended 7.1.2019). 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> <p>A.C.A. § 5-64-1101 (“Possession—Penalty;” effective as amended 3.24.2005). 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>A.C.A. § 5-64-1102 (“Possession with purpose to manufacture--Unlawful distribution;” effective as amended 7.27.2011). 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>A.C.A. § 5-64-1103 (“Sales limits;” effective as amended 7.22.2015). 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>

<u>ARKANSAS</u>
<u>Restrictions placed on precursors (continued)</u>
<p>A.C.A. § 5-64-1104 (“Sales records--Written or electronic log--Proof of purchaser’s identity;” effective as amended 7.31.2007). A pharmacy is required to maintain a log of transactions involving the sale of ephedrine, pseudoephedrine, or phenylpropanolamine, and must enter this 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>A.C.A. § 5-64-1001 (“Drug manufacturers, wholesalers, retailers—Recordkeeping;” effective 1989). 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>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>A.C.A. § 5-64-406 (“Delivery to minors--Enhanced penalties;” effective as amended 7.27.2011). 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>A.C.A. § 5-64-407 (“Manufacture of methamphetamine in the presence of certain persons--Enhanced penalties;” effective as amended 7.27.2011). 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>A.C.A. § 5-64-411 (“Proximity to certain facilities--Enhanced penalties;” effective as amended 7.27.2011). 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>A.C.A. § 5-64-419 (“Possession of a controlled substance;” effective as amended 8.16.2013). 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 felony; and (3) 10 grams or more but less than 200 grams is a Class B felony.</p>

<u>ARKANSAS</u>
<u>Criminal penalties for methamphetamine (continued)</u>
<p>A.C.A. § 5-64-420 (“Possession of methamphetamine or cocaine with the purpose to deliver;” effective as amended 7.27.2011). 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>A.C.A. § 5-64-422 (“Delivery of methamphetamine or cocaine;” effective as amended 7.27.2011). 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>A.C.A. § 5-64-423 (“Manufacture of methamphetamine--Manufacture of cocaine;” effective as amended 7.27.2011). 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>A.C.A. § 5-64-440 (“Trafficking a controlled substance;” effective as amended 8.16.2013). A person engages in the trafficking of methamphetamine if he or she possesses, delivers, or manufacturers 200 grams or more of methamphetamine.</p>
<u>Methamphetamine cleanup and disposal</u>
<p>A.C.A. § 8-7-1402 (“Professional cleanup of properties contaminated through the manufacture of controlled substances;” effective as amended 7.24.2019). 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>

<u>ARKANSAS</u>
<u>Methamphetamine cleanup and disposal (continued)</u>
<p>A.C.A. § 8-7-1403 (“Reporting of properties contaminated through the manufacture of controlled substances;” effective as amended 7.1.2019). 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>A.C.A. § 8-7-1404 (“Recordkeeping required;” effective as amended 7.1.2019). 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>
<u>Other statutory provisions of note</u>
None.
<u>Relevant legislation considered in 2019</u>
None.



²⁰ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>CALIFORNIA</u>
<u>Restrictions placed on precursors</u>
<p>Cal.Health & Safety Code § 11100 (“Transactions reported; exemptions; punishment; offenses involving minors;” effective as amended 1.1.2013). 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 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>Cal.Health & Safety Code § 11383.5 (“Possession with intent to manufacture methamphetamine or N-ethylamphetamine; punishment;” effective as amended 10.1.2011). 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>Cal.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;” effective as amended 10.1.2011). 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>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>Cal.Health & Safety Code § 11351 (“Possession or purchase for sale of designated controlled substances; punishment;” effective as amended 10.1.2011). Any person who possesses for sale or purchases for the purposes of sale a controlled substance will be punished by imprisonment.</p> <p>Cal.Health & Safety Code § 11379 (“Transportation, sale, furnishing, etc.; punishment; definition; prosecution under aiding and abetting, accessory, or conspiracy theory;” effective as amended 1.1.2015). 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>

CALIFORNIA**Criminal penalties for methamphetamine (continued)**

[Cal.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;” effective as amended 1.1.2016). 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.

[Cal.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;” effective 1996). 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.

[Cal.Health & Safety Code § 11379.9](#) (“Death or great bodily injury of another person; use of methamphetamine or phencyclidine; punishment;” effective as amended 9.28.1998). 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.

[Cal.Health & Safety Code § 11380](#) (“Adult using minor as agent; inducing minor to violate provisions; furnishing to minor; punishment;” effective as amended 1.1.2002). 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.

[Cal.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;” effective as amended 10.1.2011). 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.

CALIFORNIA**Methamphetamine cleanup and disposal**

[Cal.Health & Safety Code § 25400.16](#) (“Standards for deciding when property contaminated by methamphetamine laboratory activity is safe for human occupancy; adoption of stricter standards;” effective as amended 1.1.2010). 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.

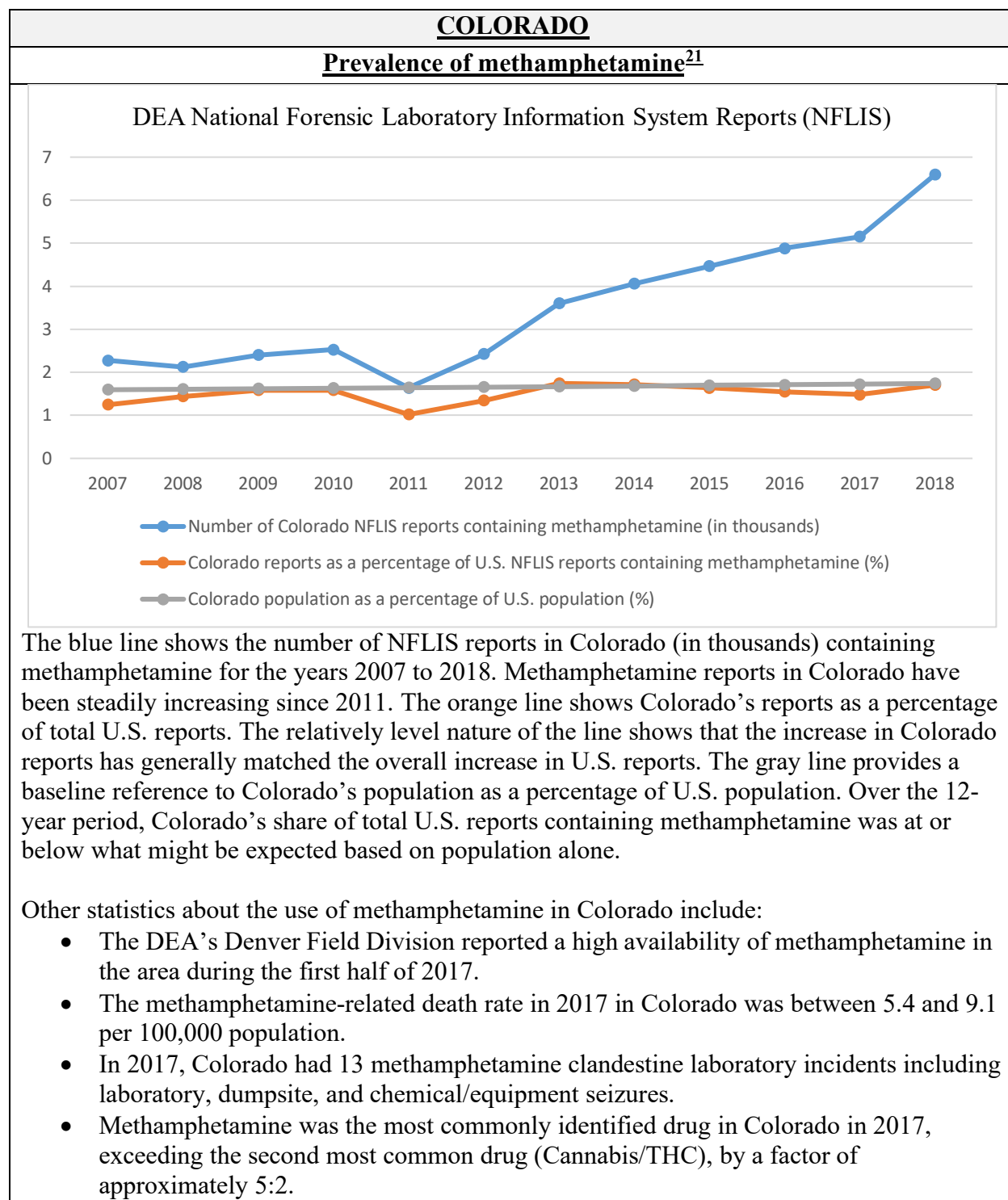
[Cal.Health & Safety Code § 25400.18](#) (“Posting of written notice of potential contamination of property by a methamphetamine laboratory activity; contents;” effective as amended 1.1.2007). Within 48 hours after receiving notification from a law enforcement agency of potential contamination of property by a methamphetamine laboratory activity, the local health officer must post a written notice in a prominent location on the premises of the property.

[Cal.Health & Safety Code § 25400.19](#) (“Inspection of property;” effective as amended 1.1.2007). 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.

[Cal.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;” effective as amended 1.1.2007). 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.

[Cal.Health & Safety Code § 25400.46](#) (“Liability for costs;” effective as amended 1.1.2007). 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.

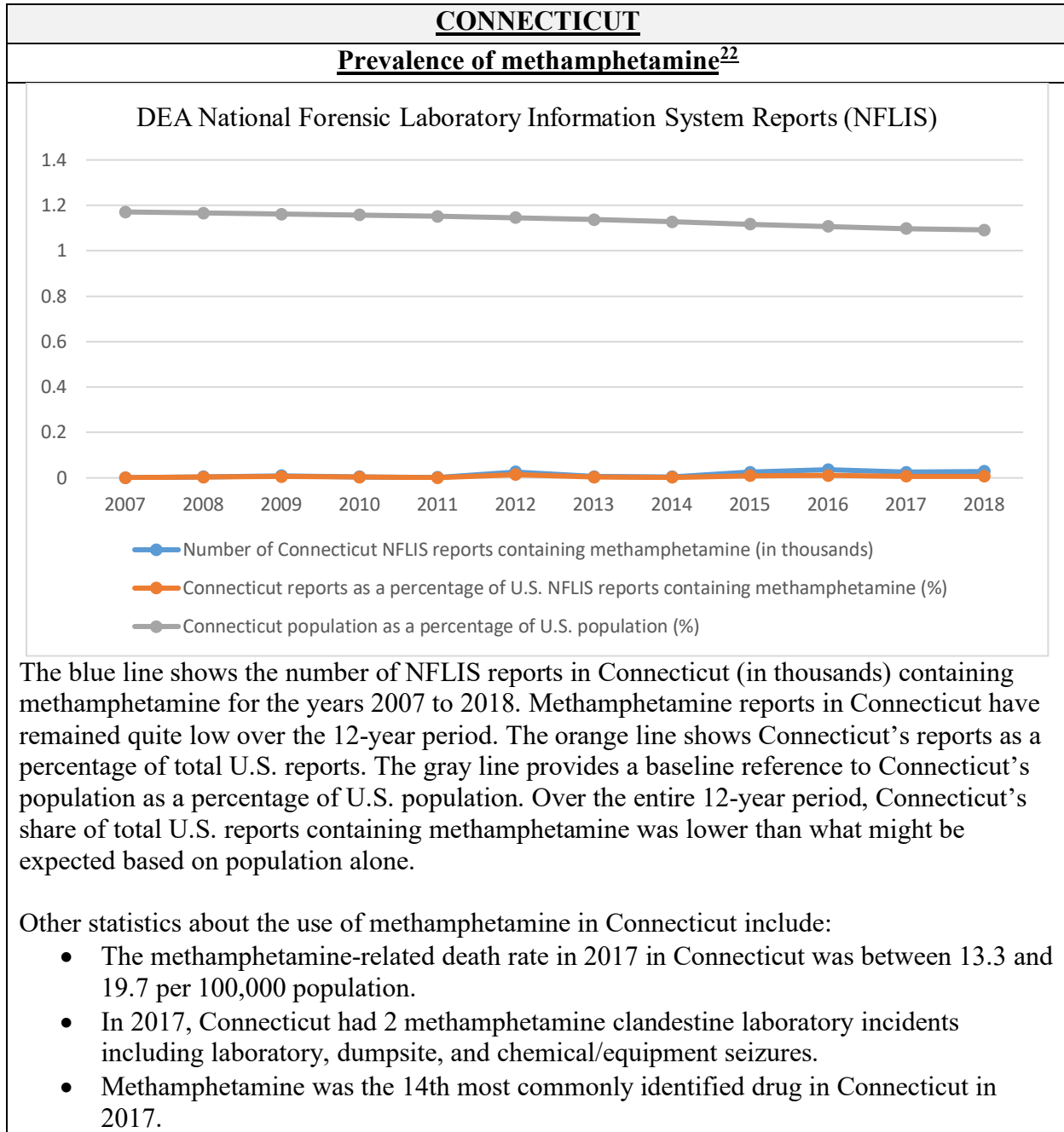
<u>CALIFORNIA</u>
<u>Other statutory provisions of note</u>
None.
<u>Relevant legislation considered in 2019</u>
Assembly Bill 607 (“Probation: eligibility: crimes relating to controlled substances”). Among other things, the bill proposes to amend Cal. Penal Code § 29820 to include specific requirements on the amount methamphetamine possessed or manufactured. The bill passed the Assembly in May 2019. At the time the legislature entered recess, the bill was in committee in the Senate. The bill can be carried over to the next legislative session.



²¹ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

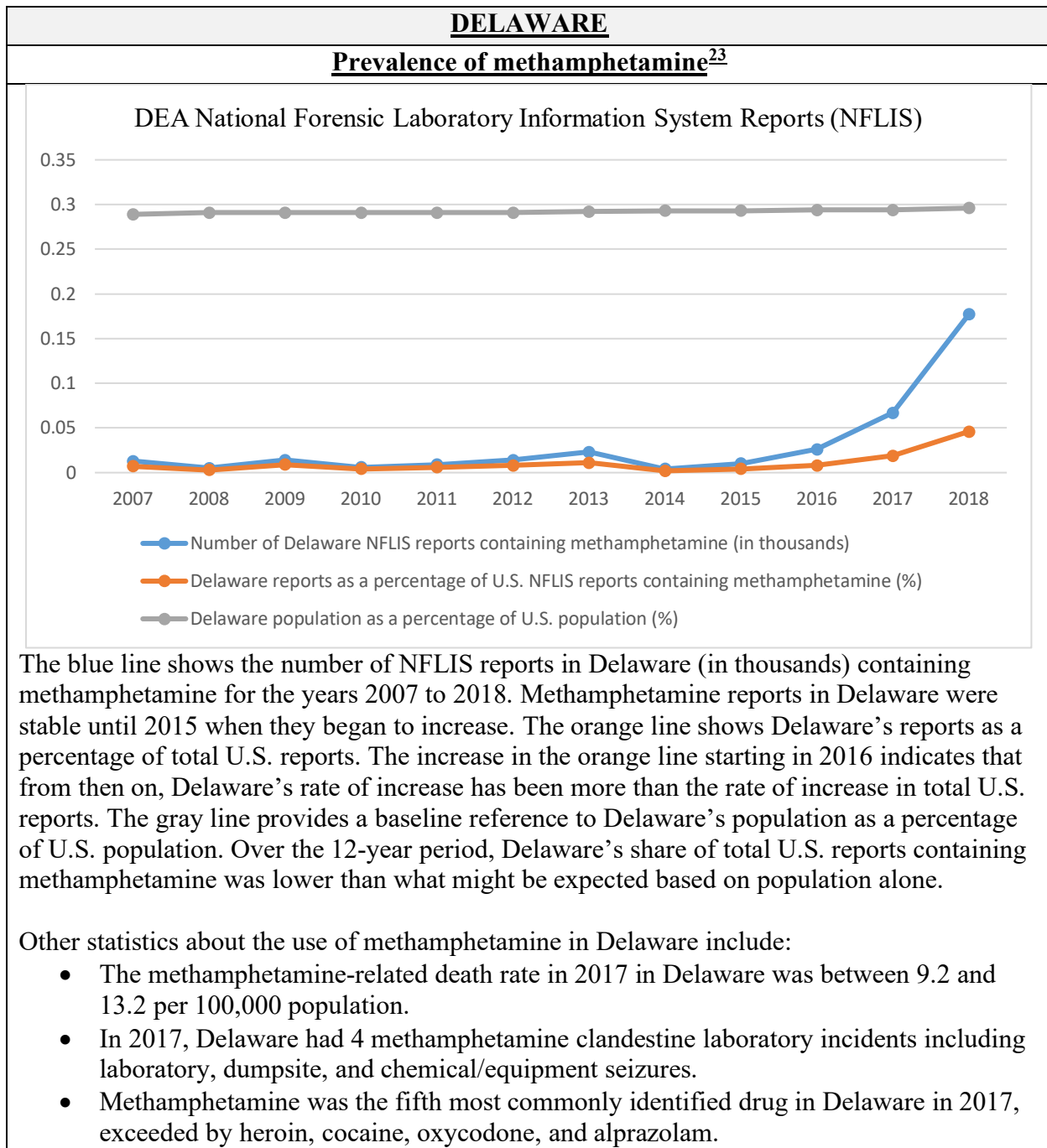
<u>COLORADO</u>
<u>Restrictions places on precursors</u>
<p>C.R.S.A. § 18-18-204 (“Schedule II;” effective as amended 7.1.2000) Colorado lists ephedrine as a Schedule II drug due to its use as an immediate precursor to methamphetamine. (A Colorado appeals court has affirmed a jury conviction based on the conclusion that pseudoephedrine is a Schedule II controlled substance analog (<i>People v. Frantz</i>, 114 P.3d 34 (Colo.App. 2004))).</p> <p>C.R.S.A. § 18-18-412.5 (“Unlawful possession of materials to make methamphetamine and amphetamine—penalty;” effective as amended 10.1.2013). 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>C.R.S.A. § 18-18-412.8 (“Retail sale of methamphetamine precursor drugs--unlawful acts—penalty;” effective as amended 10.1.2013). A person is prohibited from purchasing more than 3.6 grams of a methamphetamine precursor drug or a combination of two or more 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>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>C.R.S.A. § 18-18-403.5 (“Unlawful possession of a controlled substance;” effective as amended 10.1.2019). The unlawful possession of methamphetamine is a level 4 drug felony.</p> <p>C.R.S.A. § 18-18-404 (“Unlawful use of a controlled substance;” effective as amended 10.1.2013). 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>C.R.S.A. § 18-18-405 (“Unlawful distribution, manufacturing, dispensing, or sale;” effective as amended 1.1.2019). 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>

<u>COLORADO</u>
<u>Criminal penalties for methamphetamine (continued)</u>
<p>C.R.S.A. § 18-18-411 (“Keeping, maintaining, controlling, renting, or making available property for unlawful distribution or manufacture of controlled substances;” effective as amended 10.1.2013). 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>Methamphetamine cleanup and disposal</u>
<p>C.R.S.A. § 25-18.5-102 (“Illegal drug laboratories—rules;” effective as amended 8.7.2013). 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>C.R.S.A. § 25-18.5-103 (“Discovery of illegal drug laboratory--property owner--cleanup—liability;” effective as amended 8.7.2013). 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>C.R.S.A. § 25-18.5-108 (“Illegal drug laboratory fund;” effective 8.7.2013). 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 (regulations adopted 12.15.2014). This regulation from the Colorado State Board of Health details the requirements and protocols related to the clean-up of methamphetamine affected properties.</p>
<u>Other statutory provisions of note</u>
None.
<u>Relevant legislation considered in 2019</u>
None.



²² See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

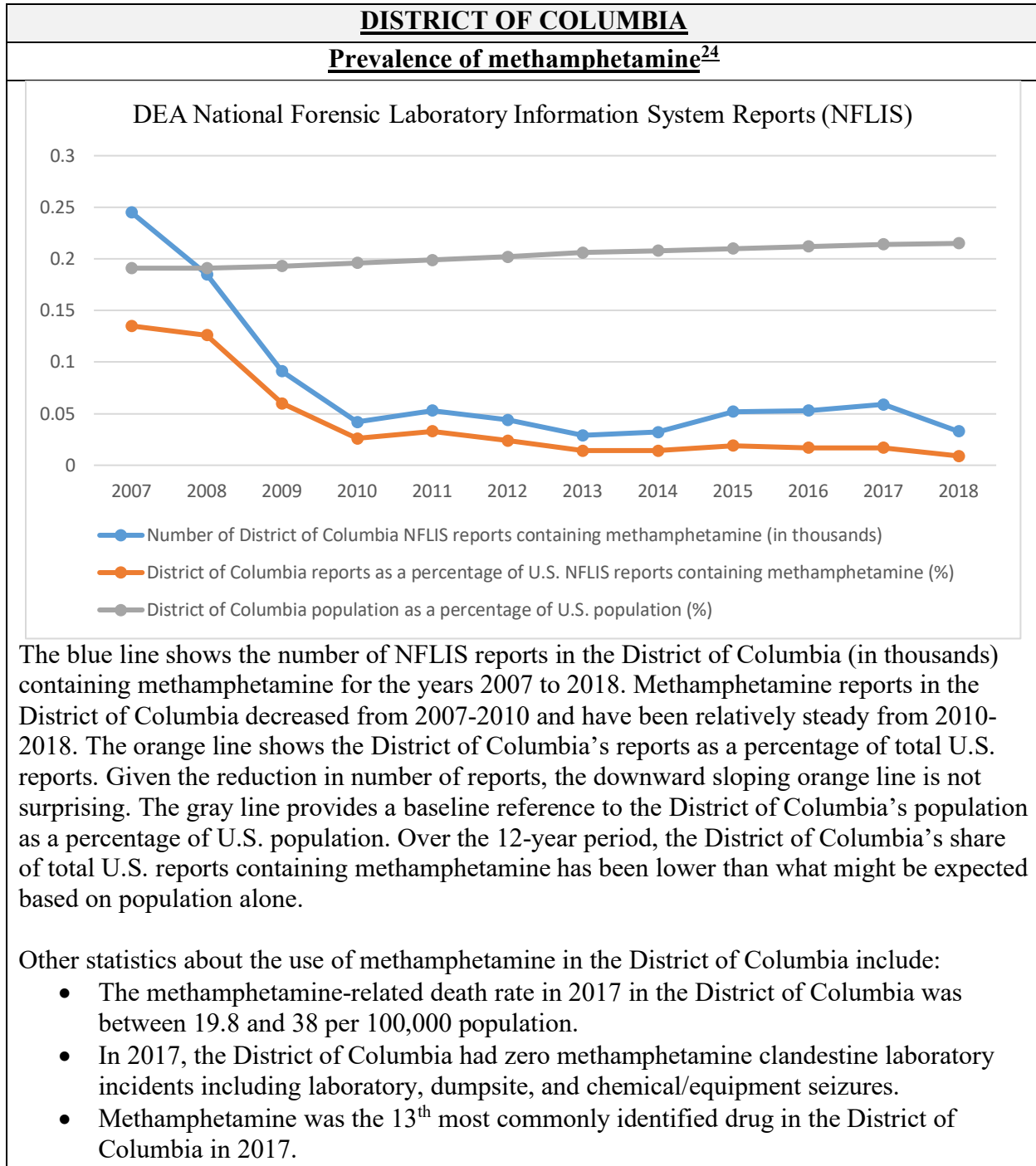
<u>CONNECTICUT</u>
<u>Restrictions placed on precursors</u>
Not addressed by state law.
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>C.G.S.A. § 21a-277 (“Penalty for illegal manufacture, distribution, sale, prescription, dispensing;” effective as amended 10.1.2017). 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>C.G.S.A. § 21a-278 (“Penalty for illegal manufacture, distribution, sale, prescription or administration by non-drug-dependent person;” effective as amended 10.1.2017). 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> <p>C.G.S.A. § 21a-278a (“Penalty for illegal manufacture, distribution, sale, prescription or administration;” effective as amended 7.1.2015). 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 by a person in or on, or within 1500 feet of a public or private elementary or secondary school, a public housing project, or a licensed child care center will be imprisoned for a term of three years. 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>C.G.S.A. § 21a-279 (“Penalty for illegal possession. Alternative sentences. Immunity;” effective 10.1.2015). 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>
<u>Methamphetamine cleanup and disposal</u>
Not addressed by state law.
<u>Other statutory provisions of note</u>
None.
<u>Relevant legislation considered in 2019</u>
None.



²³ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

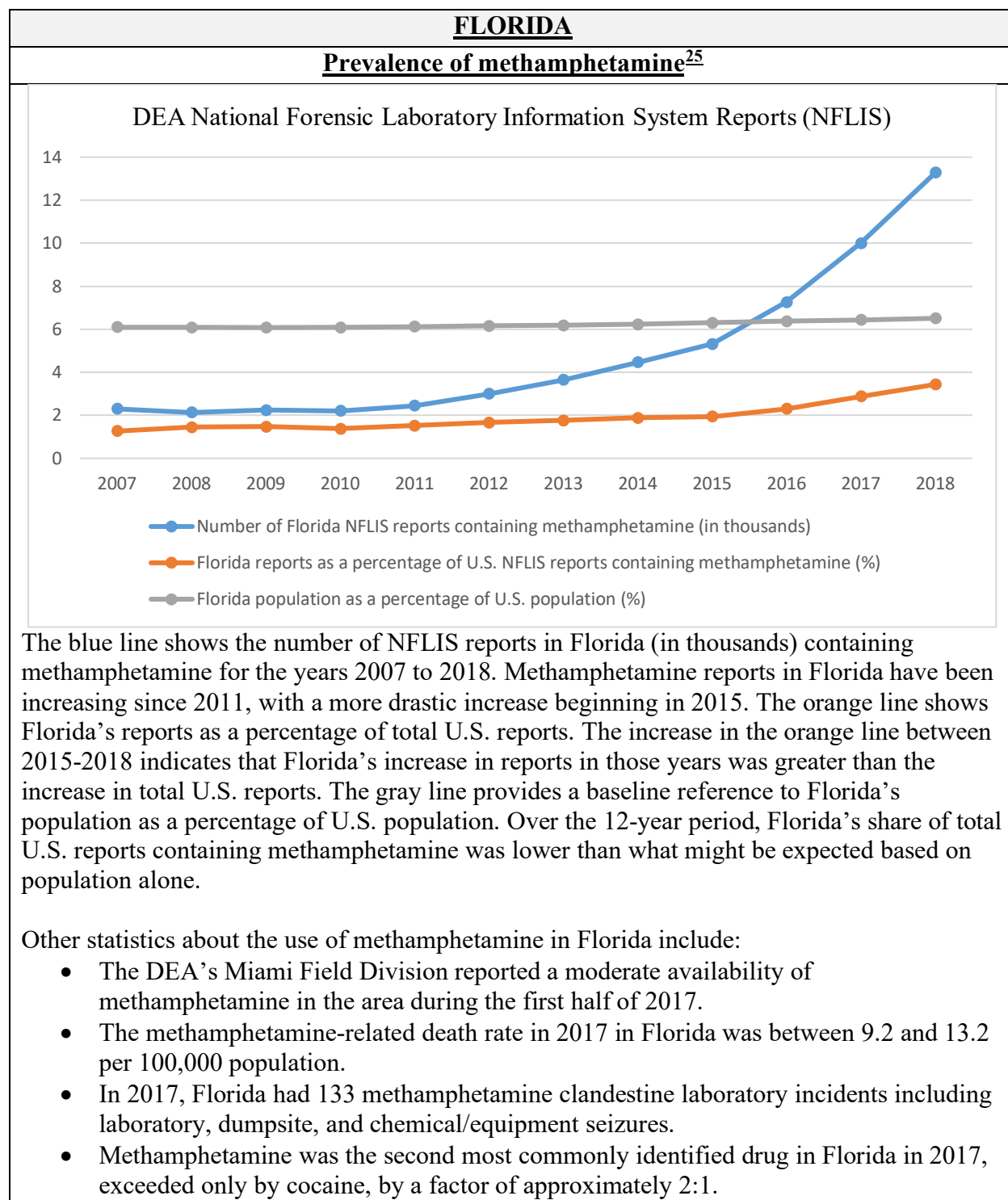
<u>DELAWARE</u>
<u>Restrictions placed on precursors</u>
<p>16 Del.C. § 4740 (“Sale of pseudoephedrine or ephedrine;” effective as amended 8.27.2013). Requires a pharmacy or retailer that sells any products with detectable quantities of pseudoephedrine or ephedrine to record information from each sale 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 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.</p>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>16 Del.C. § 4752 (“Drug dealing--Aggravated possession; class B felony;” effective as amended 12.15.2019). It is a class B felony to: (1) manufacture, deliver, or possess with the intent to manufacture or deliver 20 grams or more of methamphetamine; (2) manufacture, deliver, possess with the intent to manufacture or deliver 10 grams or more of methamphetamine and there is an aggravating factor; (3) possess more than 25 grams of methamphetamine; (4) possess more than 15 grams of methamphetamine and there is an aggravating factor; or (5) possess more than 10 grams of methamphetamine and there are two aggravating factors.</p>
<p>16 Del.C. § 4752B (“Drug dealing--Resulting in death; class B felony;” effective 7.21.2016). 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>16 Del.C. § 4753 (“Drug dealing--Aggravated possession; class C felony;” effective as amended 12.15.2019). It is a class C felony to: (1) manufacture, deliver, or possess with the intent to manufacture or deliver 10 grams or more of methamphetamine; (2) manufacture, deliver, or possess with the intent to manufacture or deliver methamphetamine and there is an aggravating factor; (3) possess more than 20 grams or more of methamphetamine; (4) possess more than 10 grams of methamphetamine and there is an aggravating factor; or (5) possess more than 5 grams of methamphetamine and there are two aggravating factors.</p>
<p>16 Del.C. § 4754 (“Drug dealing--Aggravated possession; class D felony;” effective September 1, 2011). It is a class D felony to: (1) manufacture, deliver, or possess with the intent to manufacture or deliver a controlled substance; (2) possess more than 15 grams of methamphetamine; or (3) possess more than five grams of methamphetamine and there is an aggravating factor.</p>

<u>DELAWARE</u>
<u>Criminal penalties for methamphetamine (continued)</u>
<p>16 Del.C. § 4755 (“Aggravated possession; class E felony;” effective September 1, 2011). It is a class E felony to possess more than 10 grams of methamphetamine.</p> <p>16 Del.C. § 4756 (“Aggravated possession; class F felony;” effective September 1, 2011). It is a class F felony to possess more than 5 grams of methamphetamine.</p>
<u>Methamphetamine cleanup and disposal</u>
<p>16 Del.C. § 4760A (“Operating or attempting to operate clandestine laboratories; cleanup; penalties;” effective as amended 8.27.2013). 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>
<u>Other statutory provisions of note</u>
<p>16 Del.C. § 4767 (“First offenders controlled substances diversion program;” effective 9.1.2011). Any person who has not previously been convicted of any Delaware 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. 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>
<u>Relevant legislation considered in 2019</u>
<p>2019 House Bill 4 (“An Act to amend Title 11 of the Delaware Code relating to crimes and criminal procedure”). The bill would remove the trafficking of marijuana, cocaine, methamphetamine, LSD, designer drugs, or MDMA from the list of violent felonies. In June 2019, the legislation was voted out of house committee “on its merits,” which means the committee members recommend that the House take action on the legislation but without stating what action should be taken (favorable or unfavorable). The Delaware Legislature is now in recess. The bill can be carried over to the next legislative session.</p>



²⁴ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

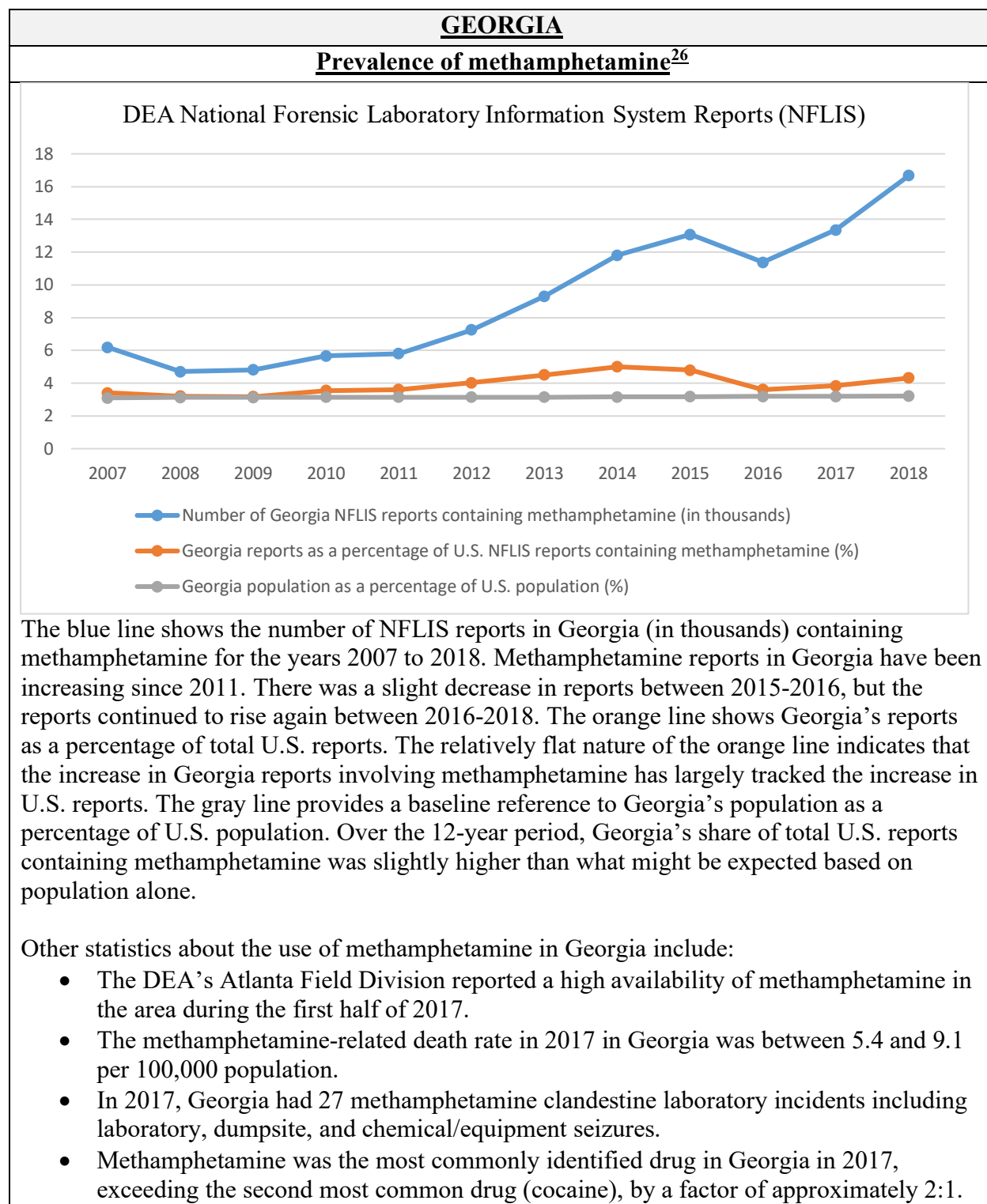
<u>DISTRICT OF COLUMBIA</u>
<u>Restrictions placed on precursors</u>
Not addressed by district law.
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>DC ST § 48-904.01 (“Prohibited acts A; penalties;” effective as amended 2.26.2015). It is unlawful for any person 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.</p> <p>DC ST § 48-904.03a (“Prohibited acts D; penalties;” effective as amended 6.11.2013). 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>DC ST § 48-904.06 (“Distribution to minors;” effective as amended 3.15.1985). 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>DC ST § 48-904.07 (“Enlistment of minors to distribute;” effective as amended 6.11.2013). 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>DC ST § 48-904.07a (“Drug free zones;” effective as amended 4.24.2007). 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>
<u>Methamphetamine cleanup and disposal</u>
Not addressed by district law.
<u>Other statutory provisions of note</u>
None.
<u>Relevant legislation considered in 2019</u>
None.



²⁵ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>FLORIDA</u>
<u>Restrictions placed on precursors</u>
<p>F.S.A. § 893.1495 (“Retail sale of ephedrine and related compounds;” effective as amended 7.1.2014). 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 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>Fla. Admin. Code r. 11D-2.005 (“Methamphetamine Precursor Electronic Monitoring System;” effective 1.6.2011). 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>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>F.S.A. § 893.13 (“Prohibited acts; penalties;” effective 10.1.2019). A person may not sell, manufacture, deliver, or possess with the intent to sell, manufacture, or deliver a controlled substance. To do so with methamphetamine is a second-degree felony. It is a first degree felony to sell, manufacture, deliver, or possess with the intent to sell, manufacture, or deliver methamphetamine in, on, or within 1,000 feet of a school, child care facility, park, college, place of worship, convenience store, public housing facility, or assisted living facility. If the manufacture of methamphetamine occurs in a structure where any child younger than 16 is present, the person commits a first-degree felony punishable by five years in prison. If the manufacture of methamphetamine results in a child younger than 16 to suffer great bodily harm, then the person commits a first-degree felony punishable by 10 years in prison. The purchase or intent to purchase methamphetamine is a second-degree felony. It is a first-degree felony for a person who is 18 years old or older to deliver any controlled substance to a person younger than 18, or to use or hire a person younger than 18 as an agent or employee in the sale or delivery of the substance. It is a second-degree felony for a person to bring any controlled substance into the state. Possession of a controlled substance is a third-degree felony.</p>

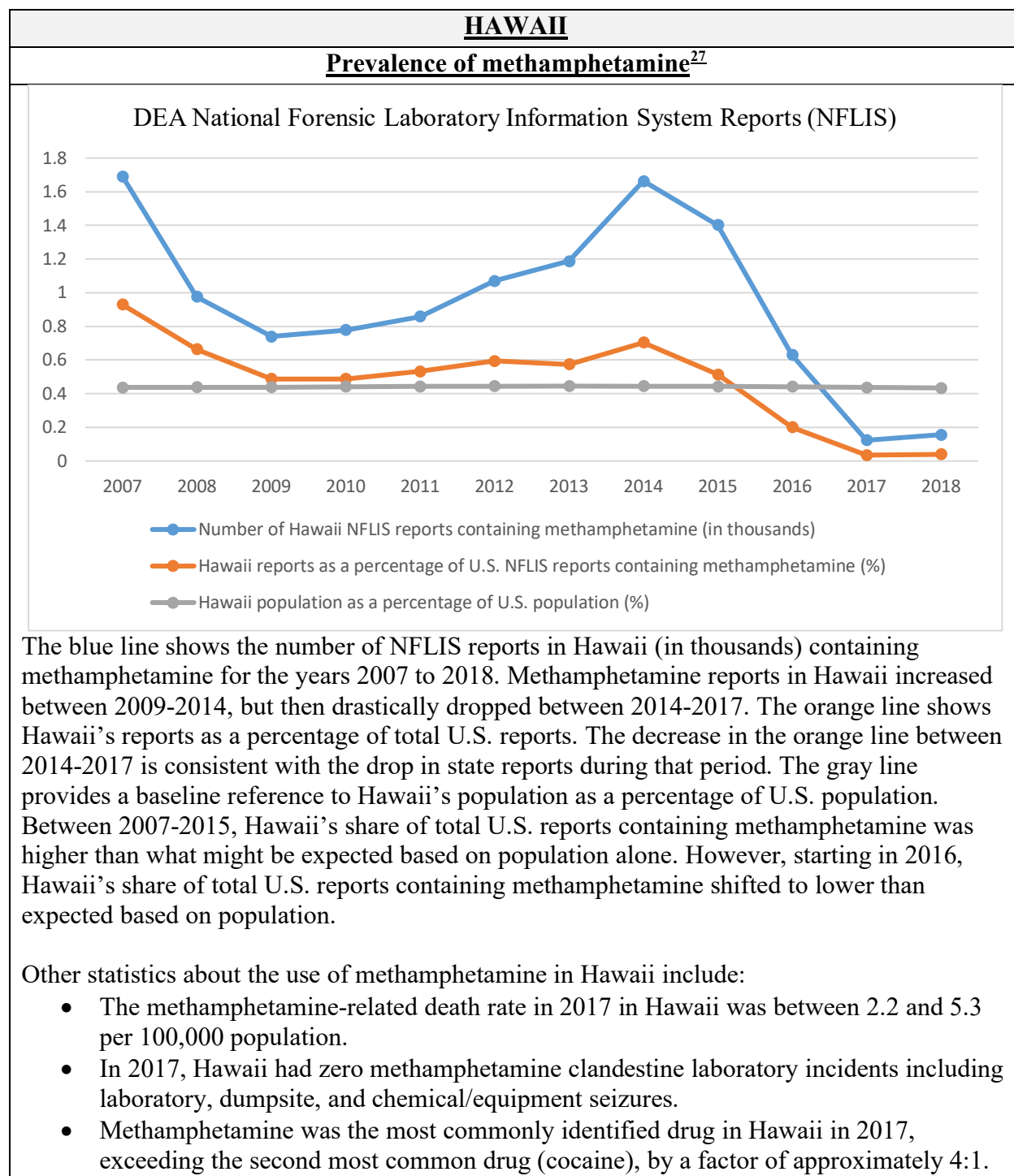
<u>FLORIDA</u>
<u>Criminal penalties for methamphetamine (continued)</u>
<p>F.S.A. § 893.135 (“Trafficking; mandatory sentences; suspension or reduction of sentences; conspiracy to engage in trafficking;” effective as amended 10.1.2019). Any person who knowingly sells, purchases, manufactures, delivers, 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>
<p>F.S.A. § 893.1351 (“Ownership, lease, rental, or possession for trafficking in or manufacturing a controlled substance;” effective as amended 10.1.2019). 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.</p>
<u>Methamphetamine cleanup and disposal</u>
Not addressed by state law.
<u>Other statutory provisions of note</u>
None.
<u>Relevant legislation considered in 2019</u>
<p>2020 House Bill 6053 (“Mandatory minimum sentences for drug trafficking”). Removes mandatory minimum sentences for specified controlled substance offenses. The bill was filed in December 2019.</p>



²⁶ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>GEORGIA</u>
<u>Restrictions placed on precursors</u>
<p>Ga. Code Ann., § 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 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>Ga Comp. R. & Regs. 480-19-.03 (“Over-the-counter (OTC) sales of exempt schedule V controlled substance drug products containing pseudoephedrine;” adopted 12.18.2011). 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>Ga. Code Ann., § 16-13-30.4 (“Pseudoephedrine; wholesale distributors; license requirements; records; violations;” effective as amended 7.1.2015). 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>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>Ga. Code Ann., § 16-13-30 (“Possession, manufacturing, etc., of certain controlled substances or marijuana;” effective as amended 5.8.2017). 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>

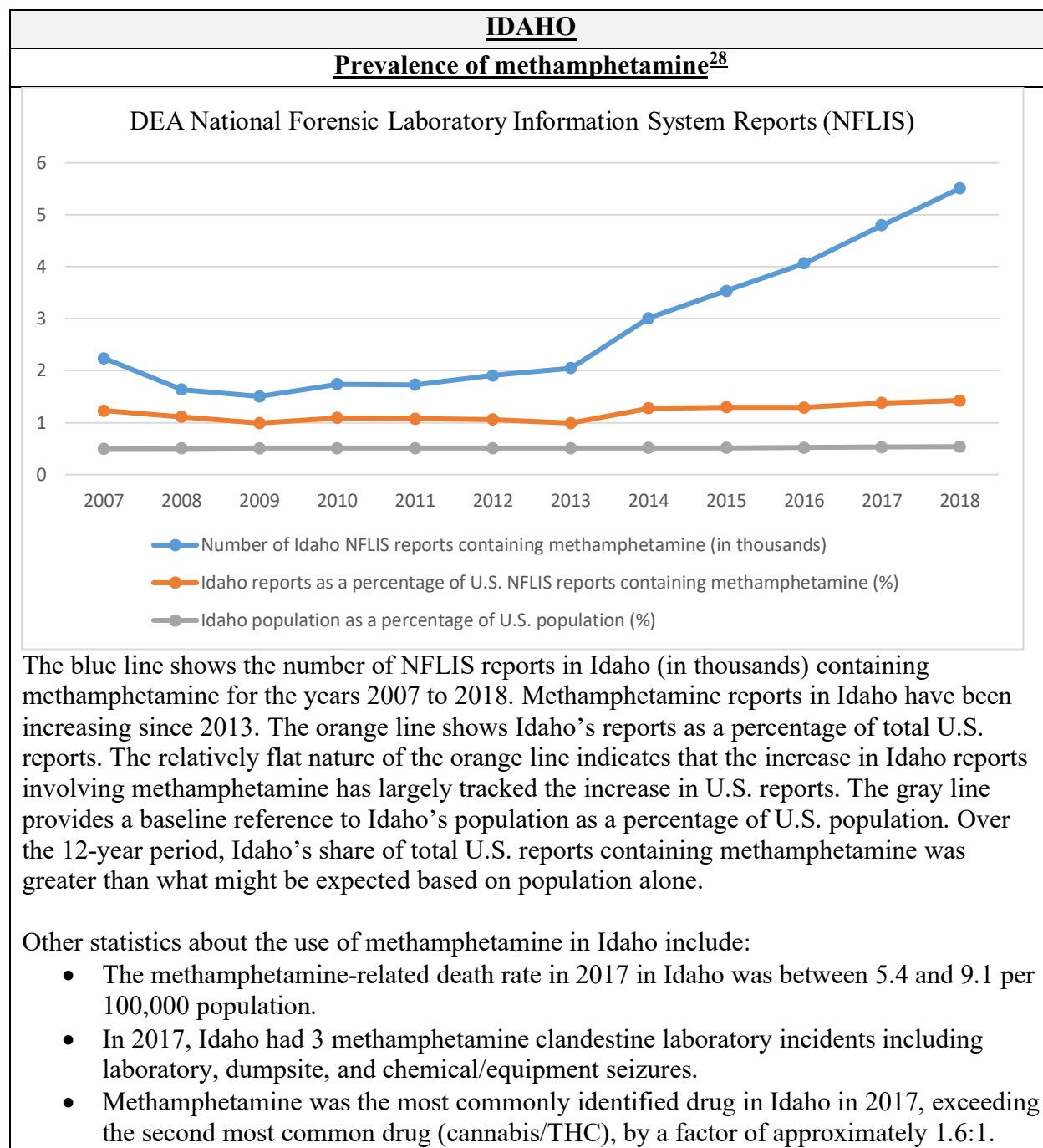
<u>GEORGIA</u>
<u>Criminal penalties for methamphetamine (continued)</u>
<p>Ga. Code Ann., § 16-13-30.5 (“Possession of substance with intent to manufacture controlled substances; violations;” effective as amended 4.14.2006). Makes it illegal for a person to possess any substance with intent to use the 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 to be considered when determining whether a particular substance is possessed with the intent to manufacture.</p>
<p>Ga. Code Ann., § 16-13-31 (“Trafficking of certain controlled substances;” effective as amended 5.8.2017). 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>Ga. Code Ann., § 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;” effective 1990). 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>Ga. Code Ann., § 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;” effective as amended 7.1.2008). 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>Ga. Code Ann., § 16-13-32.6 (“Transactions in controlled substance or marijuana in, on, or within real property designated as drug-free commercial zone;” effective as amended 7.1.2015). 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>
<u>Methamphetamine cleanup and disposal</u>
Not addressed by state law.
<u>Other statutory provisions of note</u>
None.
<u>Relevant legislation considered in 2019</u>
None.



²⁷ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>HAWAII</u>
<u>Restrictions placed on precursors</u>
<p>HRS § 329-61 (“Substances subject to reporting;” effective as amended 2004). 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>
<p>HRS § 329-63 (“Person required to keep records and file reports;” effective as amended 1999). 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>HRS § 329-75 (“Sales of products, mixtures, or preparations containing pseudoephedrine; reporting requirement for wholesalers;” effective as amended 4.23.2013). 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. Admin. Rules (HAR) § 23-201-6 (“Persons exempted from permit requirement;” adopted 4.15.2000). 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>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>HRS § 712-1240.5 (“Manufacturing a controlled substance with a child present;” effective 2004). 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>HRS § 712-1240.7 (“Methamphetamine trafficking;” effective as amended 7.1.2016). 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>HRS § 712-1241 (“Promoting a dangerous drug in the first degree;” effective as amended 7.1.2016). A person commits the offense of promoting a dangerous drug in the first degree if the person knowingly possesses one ounce or more of methamphetamine or distributes one-eighth ounce or more of methamphetamine. This is a class A felony.</p>

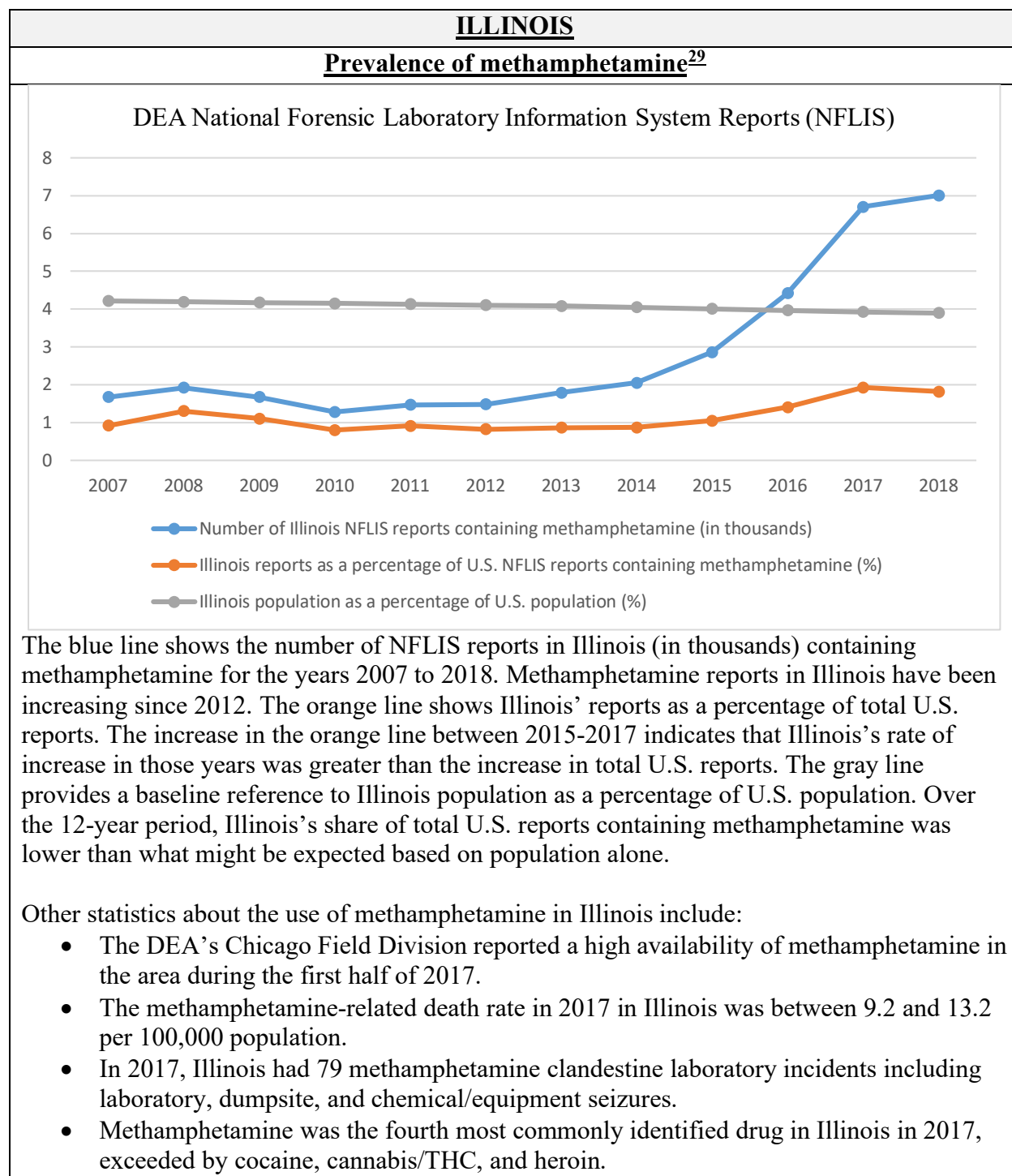
<u>HAWAII</u>
<u>Criminal penalties for methamphetamine (continued)</u>
<p>HRS § 712-1242 (“Promoting a dangerous drug in the second degree;” effective as amended 7.1.2016). A person commits the offense of promoting a dangerous drug in the second degree if the person knowingly possesses one-eighth ounce or more of methamphetamine. This is a class B felony.</p> <p>HRS § 712-1243 (“Promoting a dangerous drug in the third degree;” effective as amended 2004). 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>HRS § 712-1249.6 (“Promoting a controlled substance in, on, or near schools, school vehicles, public parks, or public housing projects or complexes;” effective as amended 4.17.2012). 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>
<u>Methamphetamine cleanup and disposal</u>
<p>HRS § 712-1240.9 (“Methamphetamine trafficking; restitution and reimbursement;” effective as amended 7.1.2016). 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. Admin. Rules (HAR) §§ 11-452-1 to 11-452-43 (adopted 12.6.2007). Chapter 452 of Title 11 of Hawaii’s Administration Code details the requirements for decontamination and cleanup of methamphetamine manufacturing sites.</p>
<u>Other statutory provisions of note</u>
None.
<u>Relevant legislation considered in 2019</u>
None.



²⁸ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>IDAHO</u>
<u>Restrictions placed on precursors</u>
<p>I.C. § 37-2707 (“Schedule II;” effective as amended 7.1.2016). 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>
<p>I.C. § 37-2732B (“Trafficking--Mandatory sentences;” effective as amended 7.1.2006). 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>I.C. § 37-3302 (“Sales of pseudoephedrine products;” effective as amended 7.1.2006). 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>I.C. § 37-3303 (“Limitations on sales and purchases;” effective as amended 7.1.2012). 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>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>I.C. § 37-2732B (“Trafficking--Mandatory sentences;” effective as amended 7.1.2006). 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>I.C. § 37-2732 (“Prohibited acts A—Penalties;” effective as amended 7.1.2010). 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>

<u>IDAHO</u>
<u>Criminal penalties for methamphetamine (continued)</u>
<p>I.C. § 37-2732 (continued). It is unlawful for any person to be present at any place where the person knows illegal controlled substance are being 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>I.C. § 37-2732C (“Using or being under the influence—Penalties;” effective as amended 7.1.2010). 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>I.C. § 37-2737A (“Manufacture or delivery of controlled substance where children are present;” effective as amended 7.1.2006). 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>
<u>Methamphetamine cleanup and disposal</u>
<p>IDAPA 16.02.24.000 – 16.02.24.600 (adopted 4.11.2006). 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.</p>
<u>Other statutory provisions of note</u>
<p>I.C. § 37-2735A (“Drug hotline fee;” effective as amended 7.1.2007). 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>I.C. § 37-2739C (“Medical assistance--Drug-related overdose--Prosecution for possession;” effective 7.1.2018). 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>
<u>Relevant legislation considered in 2019</u>
<p>2019 House Bill 99 (“Trafficking, minimum sentences”). The bill removes mandatory minimums for the trafficking of controlled substances. Prior to the legislative session ending, the bill passed the House. The legislation does not carryover to 2020.</p>



²⁹ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>ILLINOIS</u>
<u>Restrictions placed on precursors</u>
<p>720 ILCS 570/210 (“Schedule IV; enumeration;” effective as amended 1.1.2012). Lists ephedrine as a Schedule IV controlled substance.</p>
<p>720 ILCS 570/216 (“Ephedrine;” effective as amended 1.15.2006). 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 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>720 ILCS 648/20 (“Restrictions on purchase, receipt, or acquisition;” effective as amended 8.16.2013). 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>720 ILCS 648/30 (“Retail distributors; general requirements;” effective as amended 1.15.2006). 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>720 ILCS 649/15 (“General provisions;” effective 1.19.2012). 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>720 ILCS 646/20 (“Methamphetamine precursor;” effective as amended 6.5.2006). 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>

ILLINOIS**Criminal penalties for possessing, manufacturing, or trafficking methamphetamine**

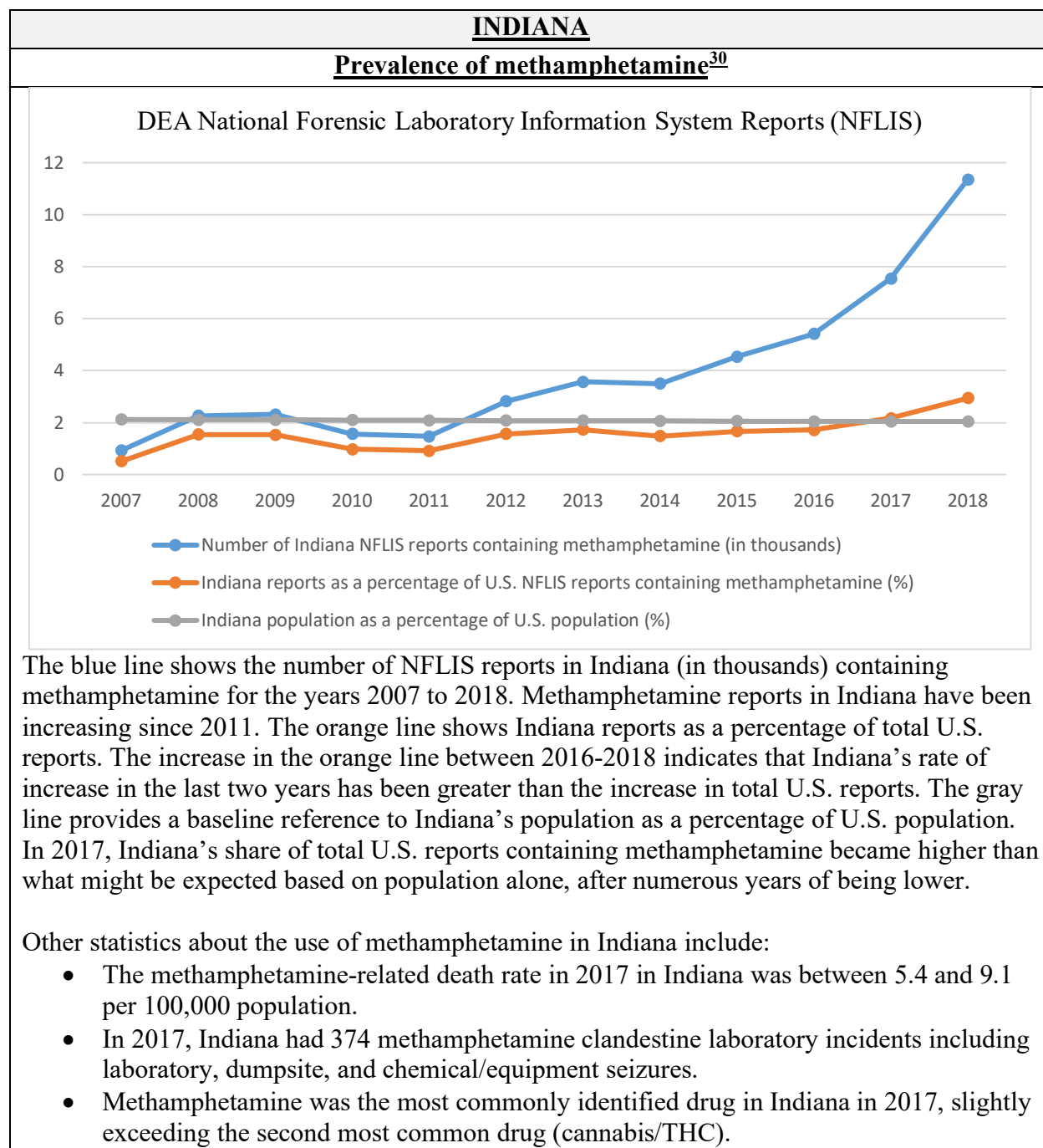
720 ILCS 646/15 (“Participation in methamphetamine manufacturing;” effective as amended 1.1.2018). It is unlawful to knowingly participate in the manufacture of methamphetamine. A person engages in aggravated participation in the manufacture of methamphetamine if the person participates in the manufacture 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 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.

720 ILCS 646/35 (“Use of property;” effective 9.11.2005). 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.

720 ILCS 646/50 (“Methamphetamine-related child endangerment;” effective 9.11.2005). 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.

720 ILCS 646/56 (“Methamphetamine trafficking;” effective 6.5.2006). 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.

<u>ILLINOIS</u>
<u>Criminal penalties for methamphetamine (continued)</u>
<p>720 ILCS 646/60 (“Methamphetamine possession;” effective 9.11.2005). It is unlawful to knowingly possess methamphetamine. The felony level and punishment are dependent on the amount of methamphetamine possessed.</p>
<u>Methamphetamine cleanup and disposal</u>
<p>720 ILCS 646/45 (“Methamphetamine manufacturing waste;” effective as amended 6.5.2006). It is unlawful to knowingly burn, place in a trash receptacle, or dispose of methamphetamine manufacturing waste. This is a Class 2 felony.</p>
<u>Other statutory provisions of note</u>
<p>720 ILCS 646/90 (“Methamphetamine restitution;” effective as amended 7.1.2019). 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.</p> <p>720 ILCS 646/95 (“Youth Drug Abuse Prevention Fund;” effective 9.11.2005). 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>720 ILCS 646/115 (“Overdose; limited immunity from prosecution;” effective 6.1.2012). A person who, in good faith, seeks emergency medical assistance for someone experiencing an overdose will not be charged or prosecuted for Class 3 felony possession of methamphetamine, provided that the amount of substance recovered is less than one gram of methamphetamine. A person who is experiencing an overdose will not be charged or prosecuted for Class 3 felony possession of methamphetamine, providing the amount of substance recovered is less than one gram of methamphetamine.</p>
<u>Relevant legislation considered in 2019</u>
None.

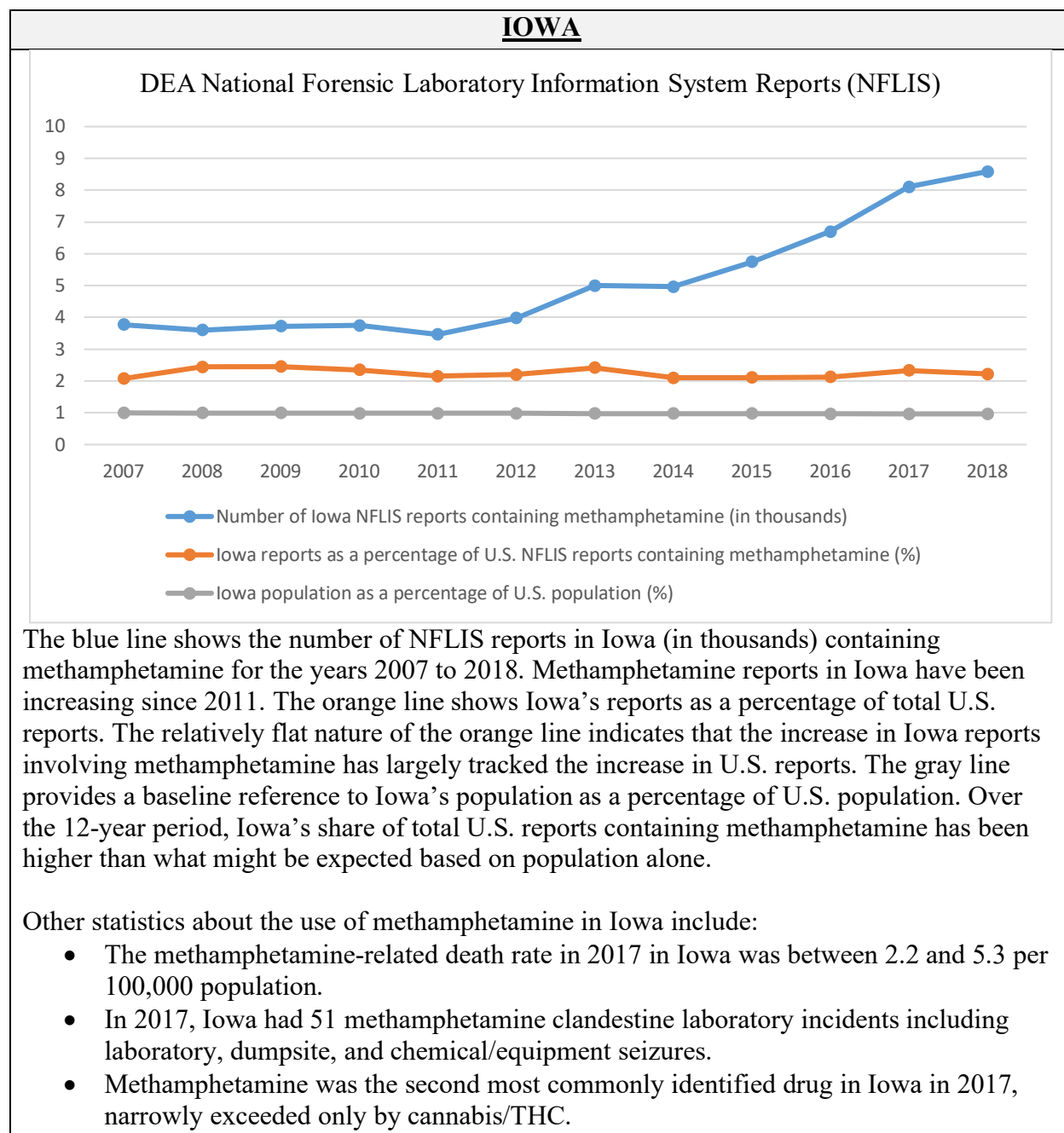


³⁰ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>INDIANA</u>
<u>Restrictions placed on precursors</u>
<p>IC 35-48-4-14.7 (“Restrictions on sale and purchase of ephedrine or pseudoephedrine; reporting of suspicious activities or theft;” effective as amended 7.1.2017). 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 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.</p>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>IC 35-48-4-1.1 (“Dealing in methamphetamine;” effective as amended 7.1.2017). 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>IC 35-48-4-1.2 (“Manufacturing methamphetamine;” effective 7.1.2017). 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>IC 35-48-4-6.1 (“Possession of methamphetamine;” effective as amended 7.1.2014). 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>
<u>Methamphetamine cleanup and disposal</u>
<p>IC 35-48-4-4.1 (“Dumping controlled substance waste;” effective as amended 7.1.2014). 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.</p>
<u>Methamphetamine cleanup and disposal (continued)</u>

<u>INDIANA</u>
<p>IC 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>410 IAC 38-1-1 to 38-6-3 (readopted 7.1.2018). 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>
<u>Other statutory provisions of note</u>
None.
<u>Relevant legislation considered in 2019</u>
<p>2019 House Bill 1303 (“Criminal penalties and sentencing”). Makes the crimes of theft, conversion, forgery, check deception, check fraud, possession of cocaine, and possession of methamphetamine Class A misdemeanors in all cases, except each crime is a level 6 felony if the person has a prior, unrelated conviction for a crime of violence. The bill was in House committee when the legislature adjourned. Legislation does not carryover.</p> <p>2019 House Bill 1393 (“Drug offenses”). Increases the penalties associated with the offenses of dealing in methamphetamine and manufacturing methamphetamine. The bill was in House committee when the legislature adjourned. Legislation does not carryover.</p> <p>2019 House Bill 1681 (“Addiction service grants”). Establishes the opioid and methamphetamine addiction treatment fund (fund) to provide grants to nonprofit organizations that meet certain requirements. Requires the division of mental health and addiction to apply for federal grants for the fund and award grants from the fund. The bill was in House committee when the legislature adjourned. Legislation does not carryover.</p> <p>2019 Senate Bill 90 (“Immunity under the lifeline law”). Specifies that a law enforcement officer may not arrest a person for an offense involving possession of paraphernalia, a syringe, or a controlled substance if the officer’s contact with the person was due to the reporting of a medical emergency and certain other conditions are met. The bill was in Senate committee when the legislature adjourned. Legislation does not carryover.</p> <p>2019 Senate Bill 175 (“Operating a vehicle while intoxicated”). Provides that a person who causes the death of another person when operating a vehicle with: (1) cocaine; (2) a narcotic drug listed in schedule I or II; or (3) methamphetamine; or its metabolite in the person’s blood commits a level 4 felony. The bill had passed the Senate when the legislature adjourned. Legislation does not carryover.</p>
<u>IOWA</u>
<u>Prevalence of methamphetamine³¹</u>

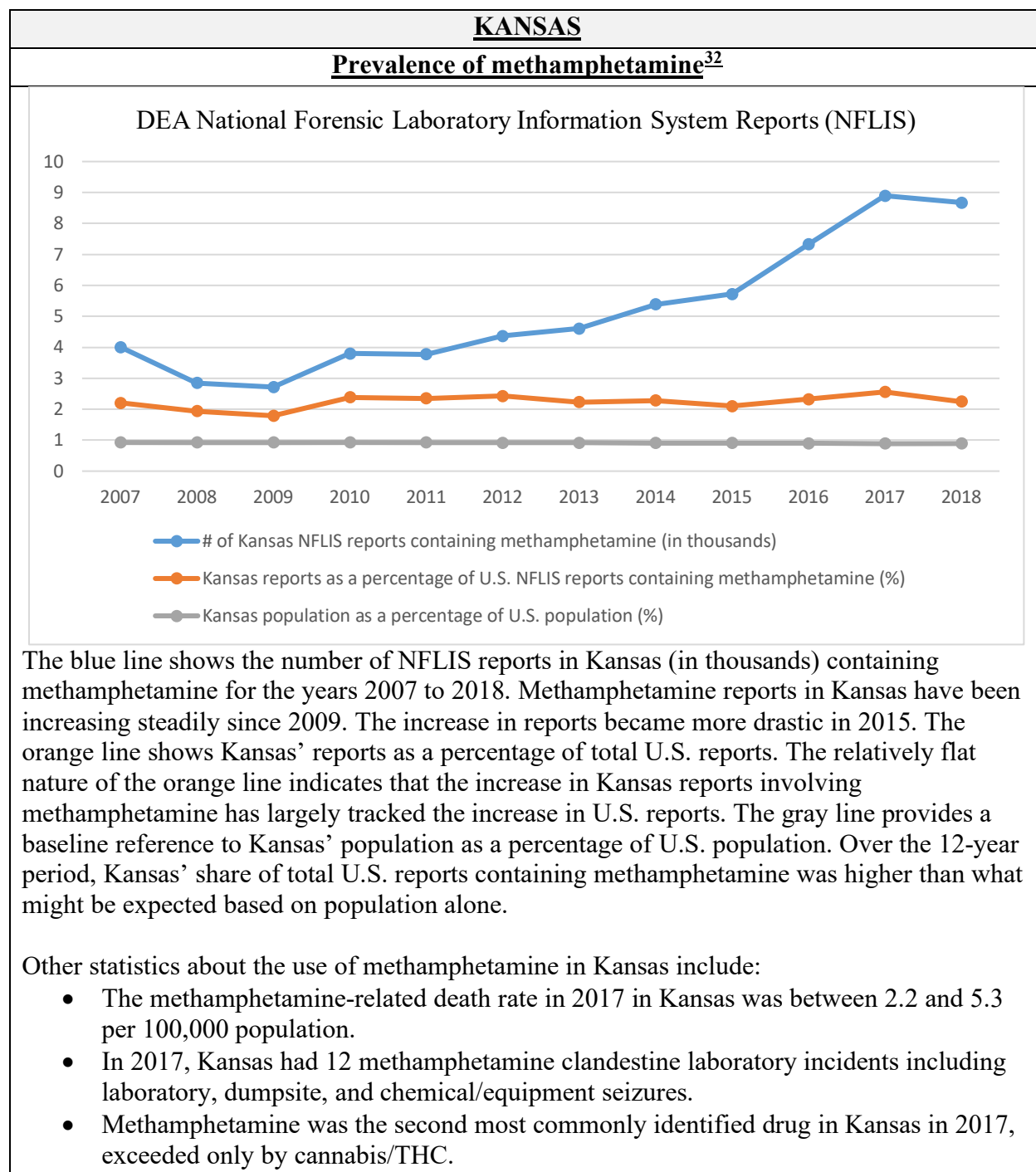
³¹ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.



<u>IOWA</u>
<u>Restrictions placed on precursors</u>
<p>I.C.A. § 124.212 (“Schedule V—substances included;” effected as amended 4.7.2017). Iowa lists ephedrine and pseudoephedrine as Schedule V controlled substances. When purchasing pseudoephedrine from a pharmacy, a person is required to present a government-issued photo ID. Any product that contains 360 milligrams or less of pseudoephedrine, which is in liquid, liquid capsule, or liquid-filled gel capsule form, is excepted from this schedule and may be warehoused, distributed, and sold over the counter.</p>
<p>I.C.A. § 124.212A (“Pharmacy pseudoephedrine sale--restrictions--records--contingent applicability;” effective as amended 7.1.2010). 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>I.C.A. § 124.212B (“Pseudoephedrine sales--tracking—penalty;” effective as amended 7.1.2010). Information about the sale of each ephedrine or pseudoephedrine product is required to be reported to the electronic tracking system.</p>
<p>I.C.A. § 124.401 (“Prohibited acts--manufacture, delivery, possession--counterfeit substances--simulated controlled substances, imitation controlled substances—penalties;” effective as amended 7.1.2019). A person who possesses ephedrine or pseudoephedrine with the intent to use the product to manufacture methamphetamine commits a class D felony.</p>
<p>I.C.A. § 714.7C (“Theft of pseudoephedrine—enhancement;” effective 5.21.2005). Committing a simple misdemeanor theft of a product containing pseudoephedrine from a retailer is a serious misdemeanor.</p>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>I.C.A. § 124.401 (“Prohibited acts--manufacture, delivery, possession--counterfeit substances--simulated controlled substances, imitation controlled substances—penalties;” effective as amended 7.1.2019). 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>I.C.A. § 124.401A (“Enhanced penalty for manufacture or distribution to persons on certain real property;” effective as amended 7.1.2017). 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>
<u>Criminal penalties for methamphetamine (continued)</u>
<p><u>I.C.A. § 124.401B</u> (“Possession of controlled substances on certain real property--additional penalty;” effective as amended 7.1.2017). 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><u>I.C.A. § 124.401C</u> (“Manufacturing methamphetamine in presence of minors;” effective 7.1.2006). 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><u>I.C.A. § 124.401D</u> (“Conspiracy to manufacture for delivery, delivery, or intent or conspiracy to deliver amphetamine or methamphetamine to a minor;” effective as amended 7.1.2013). 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><u>I.C.A. § 124.401E</u> (“Certain penalties for manufacturing or delivery of amphetamine or methamphetamine;” effective as amended 2000). 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>Methamphetamine cleanup and disposal</u>
<p><u>I.C.A. § 124C.3</u> (“Liability to the state;” effective 1993). 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.</p>

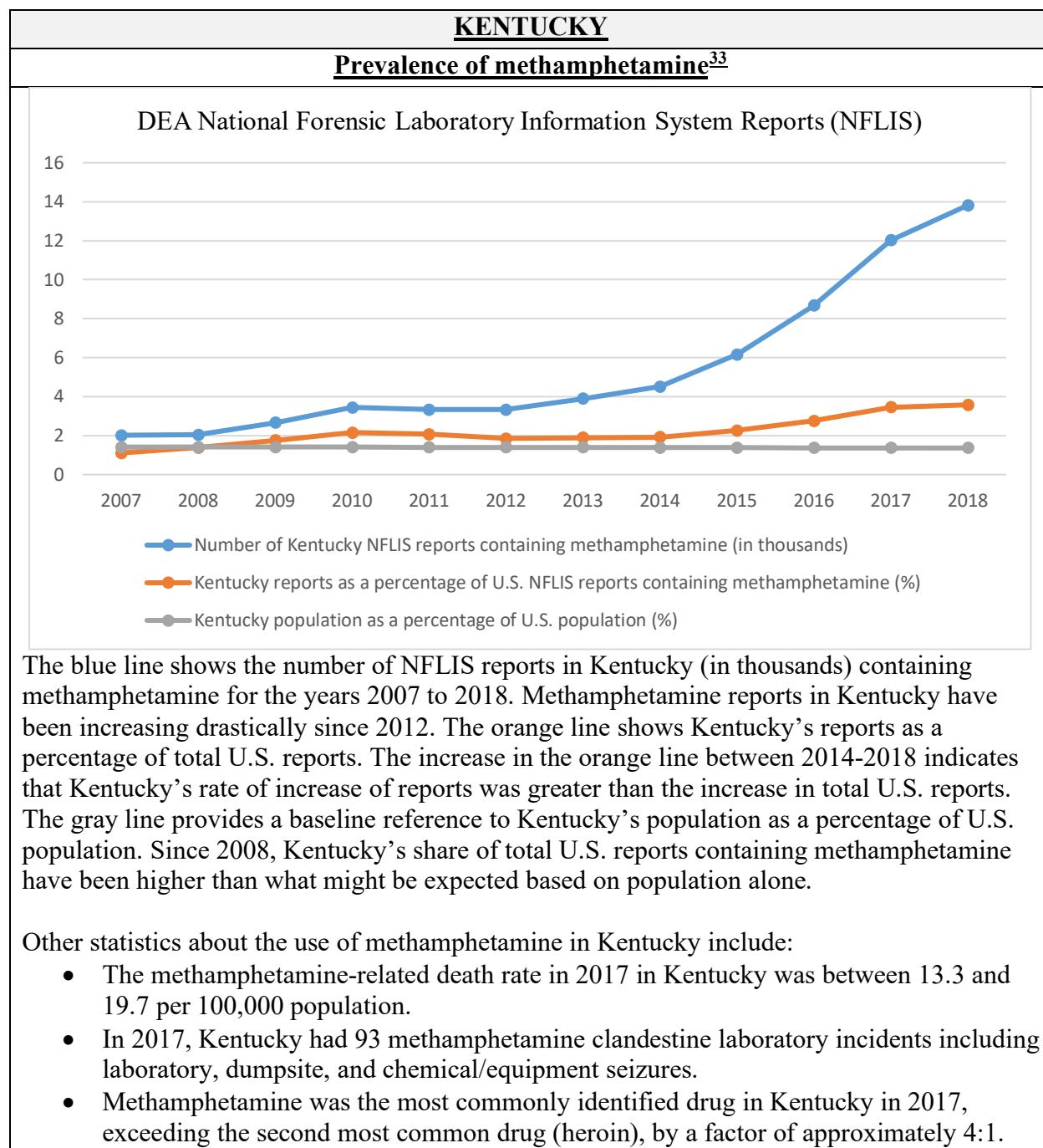
<u>IOWA</u>
<u>Other statutory provisions of note</u>
<p>I.C.A. § 124.418 (“Persons seeking medical assistance for drug-related overdose;” effective 7.1.2018). Information or evidence collected as a result of: (1) an overdose patient’s good-faith actions to seek medical assistance while experiencing 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.</p>
<u>Relevant legislation considered in 2019</u>
<p>2019 House File 564 (“A bill for an act eliminating mandatory minimum sentences for drug offenses”). This bill would eliminate mandatory minimums for drug offenses. The bill was in House committee at the time of legislative recess. The legislation can be carried over to the next session.</p>



³² See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>KANSAS</u>
<u>Restrictions placed on precursors</u>
<p>K.S.A. § 21-5709 (“Unlawful possession of certain drug precursors and drug paraphernalia;” effective as amended 7.1.2017). It is unlawful for any person to possess ephedrine or pseudoephedrine with the intent to use the product to manufacture a controlled substance. It is illegal for any person to purchase, receive, or otherwise acquire more than 3.6 grams of pseudoephedrine or ephedrine in any single transaction, or more than nine grams of pseudoephedrine or ephedrine within any 30-day period.</p>
<p>K.S.A. § 21-5710 (“Unlawful distribution of certain drug precursors and drug paraphernalia;” effective as amended 7.1.2014). 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>K.S.A. § 65-16,102 (“Same; maintenance of program by the board of pharmacy; rules and regulations; waiver and liability;” effective 7.1.2009). 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>K.S.A. § 65-4113 (“Substances included in schedule V;” effective as amended 5.4.2017). Kansas lists both ephedrine and pseudoephedrine as Schedule V controlled substances.</p>
<p>K.A.R. 68-20-22 (“Dispensing without prescription;” effective 5.1.1978). 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>K.A.R. 68-20-15a (“Security requirements;” effective as amended 12.27.1999). 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>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>K.S.A. § 21-5703 (“Unlawful manufacturing of controlled substances;” effective as amended 7.1.2014). It is a level 1 felony for any person to manufacture methamphetamine.</p>
<p>K.S.A. § 21-5705 (“Unlawful cultivation or distribution of controlled substances;” effective as amended 7.1.2012). 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>
<u>Criminal penalties for methamphetamine (continued)</u>

<u>KANSAS</u>
K.S.A. § 21-5706 (“Unlawful possession of controlled substances;” effective as amended 7.1.2019). It is a level 5 felony for any person to possess methamphetamine.
<u>Methamphetamine cleanup and disposal</u>
Not addressed by state law.
<u>Other statutory provisions of note</u>
None.
<u>Relevant legislation considered in 2019</u>
None.



³³ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>KENTUCKY</u>
<u>Restrictions placed on precursors</u>
<p>KRS § 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;” effective as amended 3.19.2013). 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>KRS § 218A.1437 (“Unlawful possession of a methamphetamine precursor; prima facie evidence of intent; penalties;” effective as amended 6.20.2005). 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>KRS § 218A.1438 (“Unlawful distribution of a methamphetamine precursor; penalties;” effective 7.15.2014). 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. 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.</p>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>KRS § 218A.1401 (“Selling controlled substances other than salvia to minor; penalties;” effective 4.27.2016). 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>

KENTUCKY**Criminal penalties for methamphetamine (continued)**

KRS § 218A.1404 (“Prohibited activities relating to controlled substances; penalties;” effective 6.8.2011). 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.

KRS § 218A.1411 (“Trafficking in controlled substance in or near school; exception for misdemeanor salvia offenses; penalty;” effective 4.11.2012). 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.

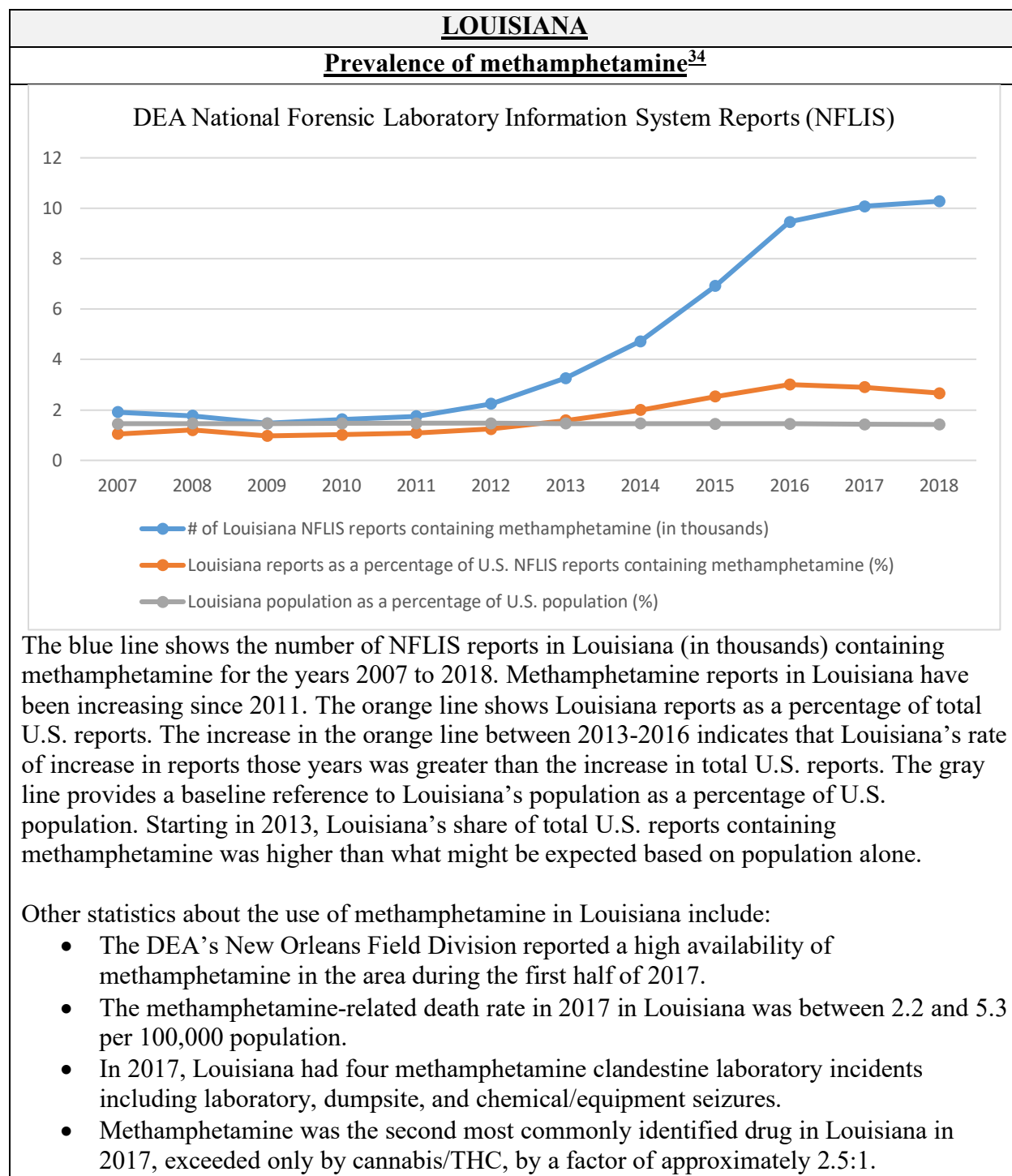
KRS § 218A.1412 (“Trafficking in controlled substance in first degree; penalties;” effective 6.27.2019). A person is guilty of the class C felony of trafficking in a controlled substance in the first degree when he or she knowingly and unlawfully traffics in two or more grams of methamphetamine. It is a class D felony to traffic in any less than two grams of methamphetamine.

KRS § 218A.1415 (“Possession of controlled substance in first degree; penalties;” effective 6.8.2011). 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.

KRS § 218A.1432 (“Manufacturing methamphetamine; penalties;” effective as amended 6.20.2005). 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.

KRS § 218A.1441 (“Controlled substance endangerment to a child in the first degree; penalty;” effective 6.20.2005). 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.

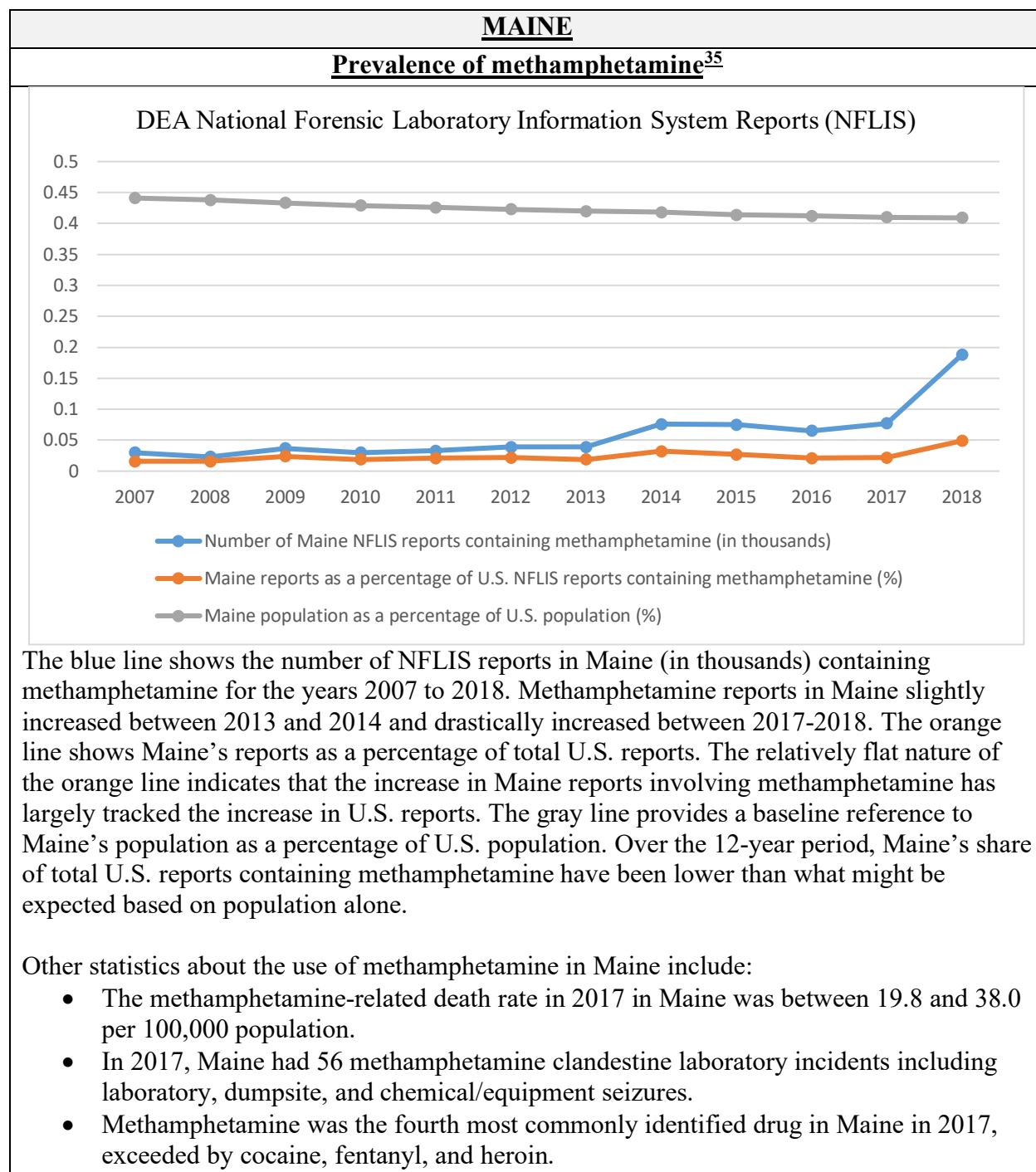
<u>KENTUCKY</u>
<u>Methamphetamine cleanup and disposal</u>
<p>KRS § 218A.141 (“Additional penalties for trafficking in controlled substance other than salvia or marijuana;” effective 4.11.2012). Any person convicted of or pleading guilty to any offense involving the trafficking of a controlled substance, 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>401 Ky. Admin. Regs. 101:001 to 101:040 (effective as amended 8.13.2018). 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>Other statutory provisions of note</u>
<p>KRS § 218A.133 (“Exemption from prosecution for possession of controlled substance or drug paraphernalia if seeking assistance with drug overdose;” effective 3.25.2015). 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.</p>
<u>Relevant legislation considered in 2019</u>
None.



³⁴ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>LOUISIANA</u>
<u>Restrictions placed on precursors</u>
<p>LSA-R.S. 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;” effective as amended 8.1.2018). 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 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>LSA-R.S. 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;” effective 8.15.2009). 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>LSA-R.S. 40:962.1 (“Ephedrine products;” effective as amended 8.1.2018). Details the types of ephedrine products that can legally be sold without a prescription.</p>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>LSA-R.S. 40:967 (“Prohibited acts--Schedule II, penalties;” effective 8.1.2018). 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>LSA-R.S. 40:981 (“Distribution to persons under age eighteen;” effective 6.15.2001). 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>

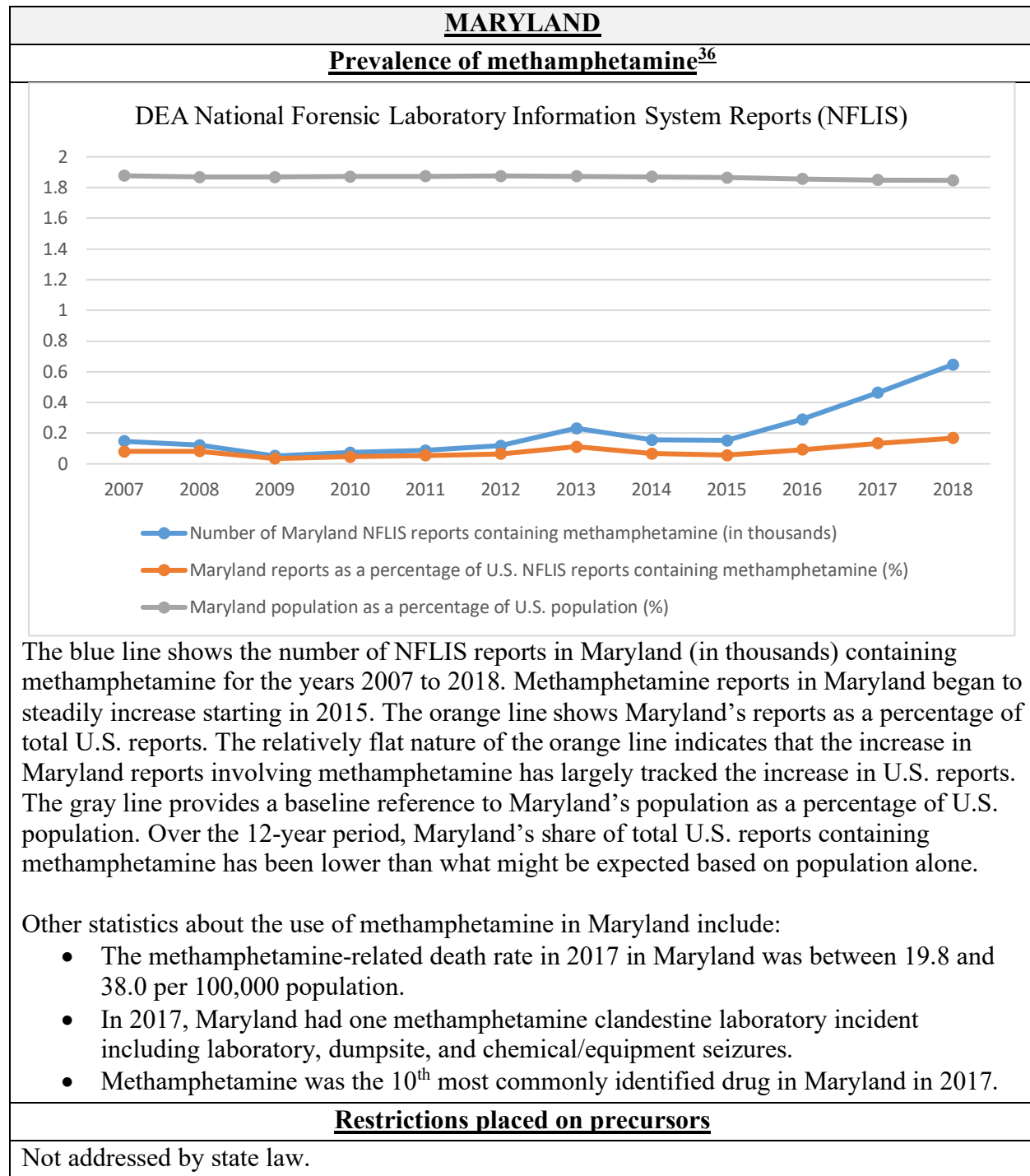
<u>LOUISIANA</u>
<u>Criminal penalties for methamphetamine (continued)</u>
<p>LSA-R.S. 40:981.1 (“Distribution to a student”; effective 6.15.2001). Any person who distributes methamphetamine to any student enrolled in any school or postsecondary institution in Louisiana will, upon conviction, be punished by a term of imprisonment of no more than one and a half times the longest term of imprisonment authorized for the original crime.</p>
<p>LSA-R.S. 40:981.2 (“Soliciting minors to produce, manufacture, distribute, or dispense controlled dangerous substances;” effective 6.7.2012). 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>LSA-R.S. 40:983 (“Creation or operation of a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance; definition; penalties;” effective 2003). 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>LSA-R.S. 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;” effective 2004). 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>
<u>Methamphetamine cleanup and disposal</u>
<p>LSA-R.S. 40:983 (“Creation or operation of a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance; definition; penalties;” effective 2003). 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.</p>
<u>Other statutory provisions of note</u>
None.
<u>Relevant legislation considered in 2019</u>
None.



³⁵ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

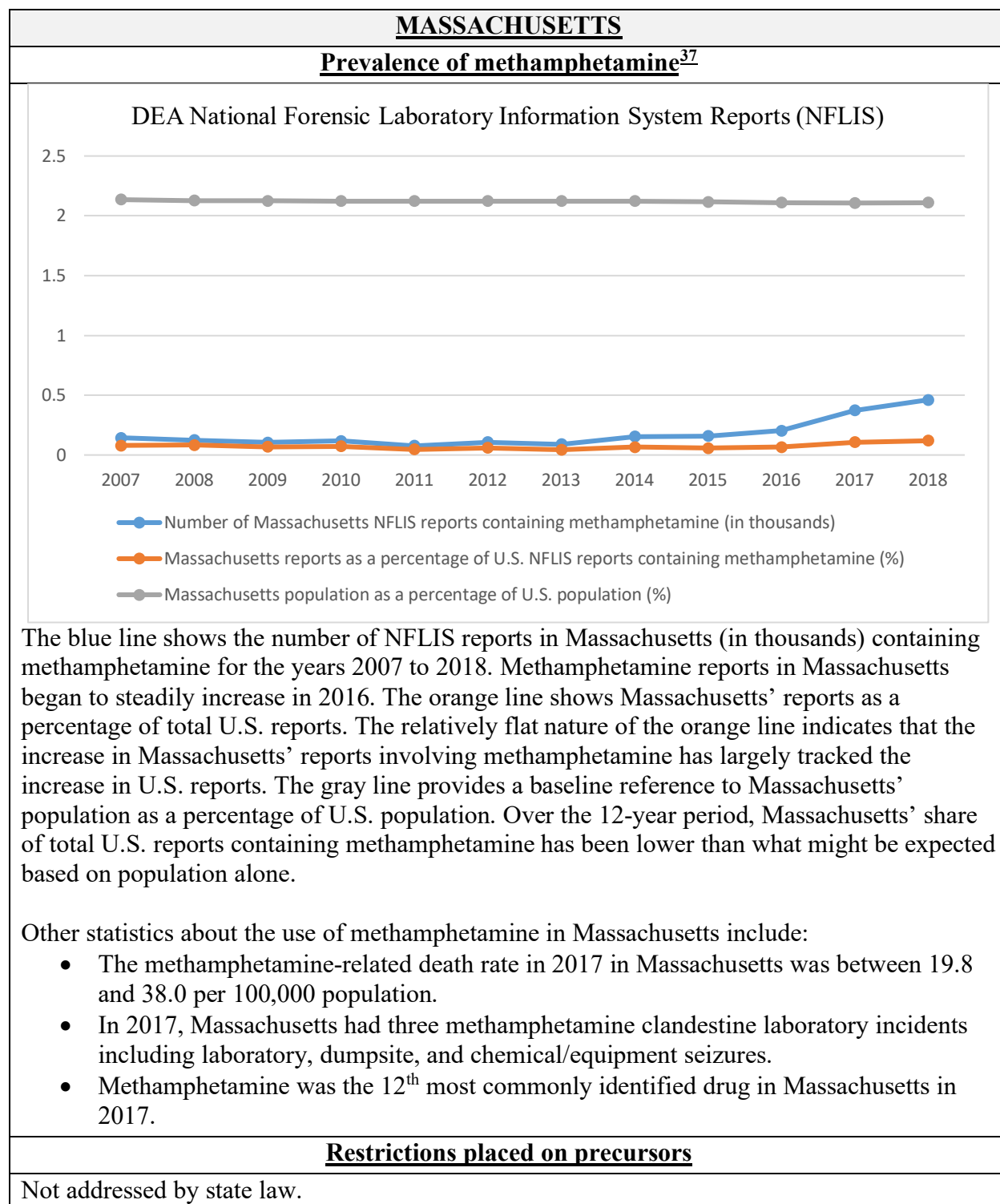
<u>MAINE</u>
<u>Restrictions placed on precursors</u>
<p>32 M.R.S.A. § 13795 (“Photographic proof of identification; discretion to sell or dispense; immunity;” effective as amended 8.30.2012). A pharmacist may demand, inspect, and record proof of identification from any patient presenting a prescription 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 intention of the customer to use the drug properly. The pharmacy may keep a log of information about the purchasers.</p>
<p>32 M.R.S.A. § 13796 (“Retail sale of targeted methamphetamine precursors;” effective 8.30.2012). 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>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>17-A M.R.S.A. § 1103 (“Unlawful trafficking in scheduled drugs;” effective as amended 3.27.2019). 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 M.R.S.A. § 1105-A (“Aggravated trafficking of scheduled drugs;” effective as amended 3.27.2019). 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>

<u>MAINE</u>
<u>Criminal penalties for methamphetamine (continued)</u>
<p>17-A M.R.S.A. § 1105-E (“Aggravated unlawful operation of a methamphetamine laboratory;” effective 10.15.2015). 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 of a child who is less than 18 years old; (5) death or serious bodily injury was caused 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 M.R.S.A. § 1106 (“Unlawfully furnishing scheduled drugs;” effective as amended 3.27.2019). 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 possesses more than 200 milligrams of methamphetamine gives rise to a permissible inference that the person is unlawfully furnishing methamphetamine.</p>
<p>17-A M.R.S.A. § 1107-A (“Unlawful possession of scheduled drugs;” effective as amended 3.27.2019). 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 M.R.S.A. § 1124 (“Unlawful operation of a methamphetamine laboratory”; effective 10.15.2015). 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>
<u>Methamphetamine cleanup and disposal</u>
Not addressed by state law.
<u>Other statutory provisions of note</u>
<p>17-A M.R.S.A. § 1111-B (“Exemption from criminal liability for reporting a drug-related medical emergency or administering naloxone;” effective as amended 9.9.2019). A person who in good faith seeks medical assistance for themselves or another person experiencing a drug-related overdose may not be arrested or prosecuted for possession of a controlled substance or as a violation of probation if the grounds for arrest or prosecution are obtained as a result of the person’s seeking medical assistance or experiencing a drug-related overdose.</p>
<u>Relevant legislation considered in 2019</u>
<p>2019 House Paper 75 (“An Act to Impose Requirements on the Rental of Residential Property That Has Been Used in the Manufacture of Methamphetamine”). The bill places decontamination and disclosure requirements on landlords for property previously used in the manufacture of methamphetamine. The bill was in committee when the legislative session ended. It can be carried over to the next legislative session.</p>



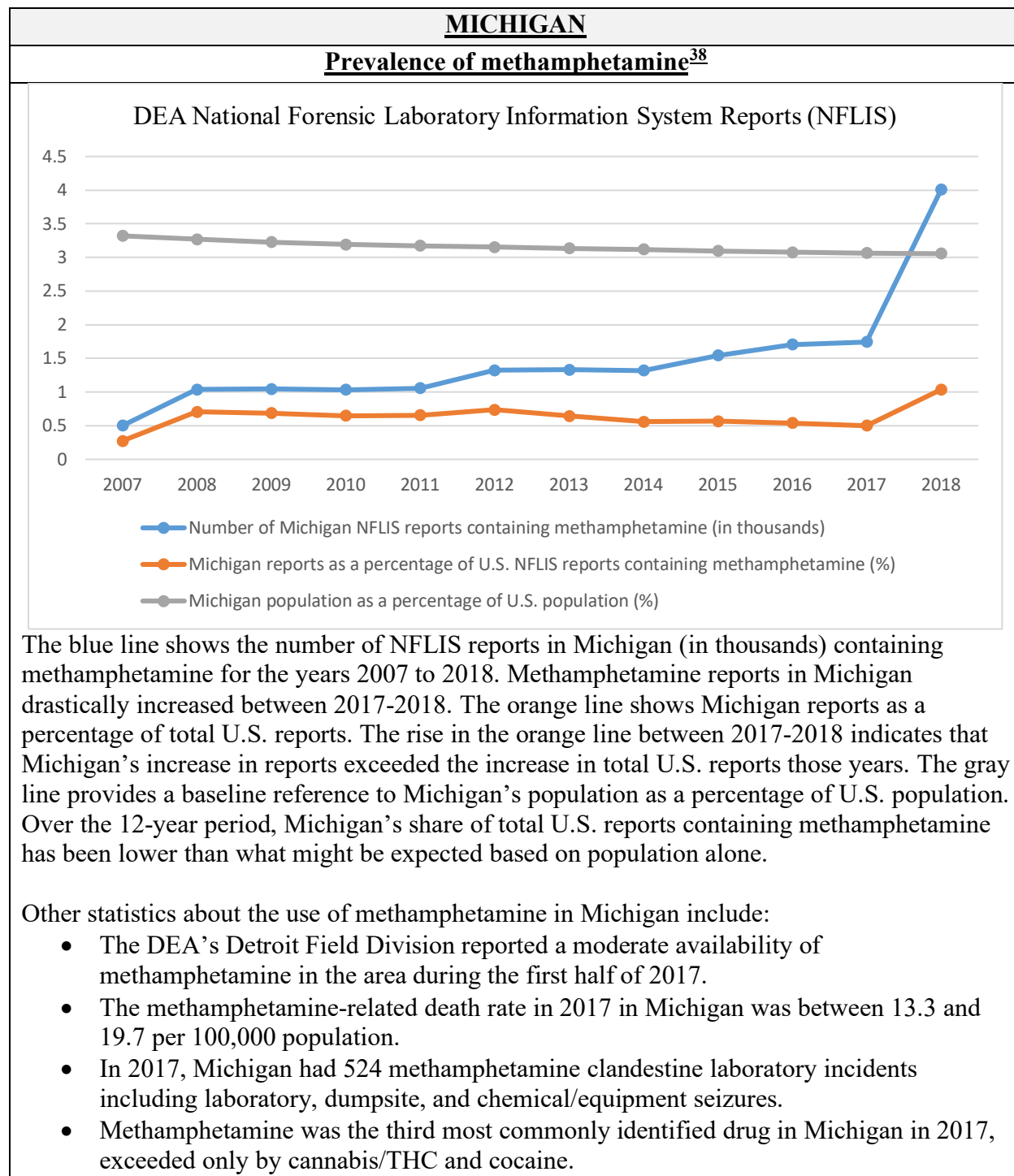
³⁶ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>MARYLAND</u>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>MD Code, Criminal Law, § 5-601 (“Possessing or administering controlled dangerous substance;” effective 10.1.2017). It is a misdemeanor for a person to possess or administer to another a controlled dangerous substance, unless obtained directly or by prescription from an authorized provider.</p>
<p>MD Code, Criminal Law, § 5-602 (“Manufacturing, distributing, possession with intent to distribute, or dispensing controlled dangerous substance;” effective as amended 10.1.2017). 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>MD Code, Criminal Law, § 5-603 (“Equipment to produce controlled dangerous substance;” effective as amended 10.1.2017). 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>MD Code, Criminal Law, § 5-627 (“Controlled dangerous substance near school;” effective 10.1.2002). 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>MD Code, Criminal Law, § 5-628 (“Use of minor”; effective 10.1.2002). 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>
<u>Methamphetamine cleanup and disposal</u>
<p>MD Code, Criminal Law, § 5-610 (“Restitution;” effective 10.1.2006). 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.</p>
<u>Other statutory provisions of note</u>
None.
<u>Relevant legislation considered in 2019</u>
None.



³⁷ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>MASSACHUSETTS</u>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>M.G.L.A. 94C § 32A (“Class B controlled substances; unlawful manufacture, distribution, dispensing or possession with intent to manufacture, etc.,” effective as amended 4.13.2018). Any person who knowingly or intentionally manufactures, distributes, dispenses, or possesses with intent to manufacture, distribute, or dispense methamphetamine will be punished by no more than 10 years in prison, a fine of not less than \$1,000 nor more than \$10,000, or both.</p> <p>M.G.L.A. 94C § 32E (“Trafficking in marijuana, cocaine, heroin, synthetic opioids, morphine, opium, etc.; eligibility for parole,” effective as amended 4.13.2018). 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>M.G.L.A. 94C § 32F (“Unlawful manufacture, distribution, dispensing or possession with intent to manufacture, etc. of controlled substances in Classes A to C to minors,” effective as amended 1988). 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>M.G.L.A. 94C § 32K (“Inducing or abetting minor to distribute or sell controlled substances,” effective 1990). 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>
<u>Methamphetamine cleanup and disposal</u>
Not addressed by state law.
<u>Other statutory provisions of note</u>
<p>M.G.L.A. 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”; effective as amended 4.13.2018). 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.</p>
<u>Relevant legislation considered in 2019</u>
<p>2019 House Bill 1411 (“An Act relative to drug distribution causing death”). The bill would make any person who manufactures, distributes, or dispenses a Class A, B, or C controlled substance strictly liable for a death which results from the injection, inhalation, or ingestion of that substance. A committee hearing was held on the bill in May 2019. The state legislature remains in session as of early December 2019.</p>

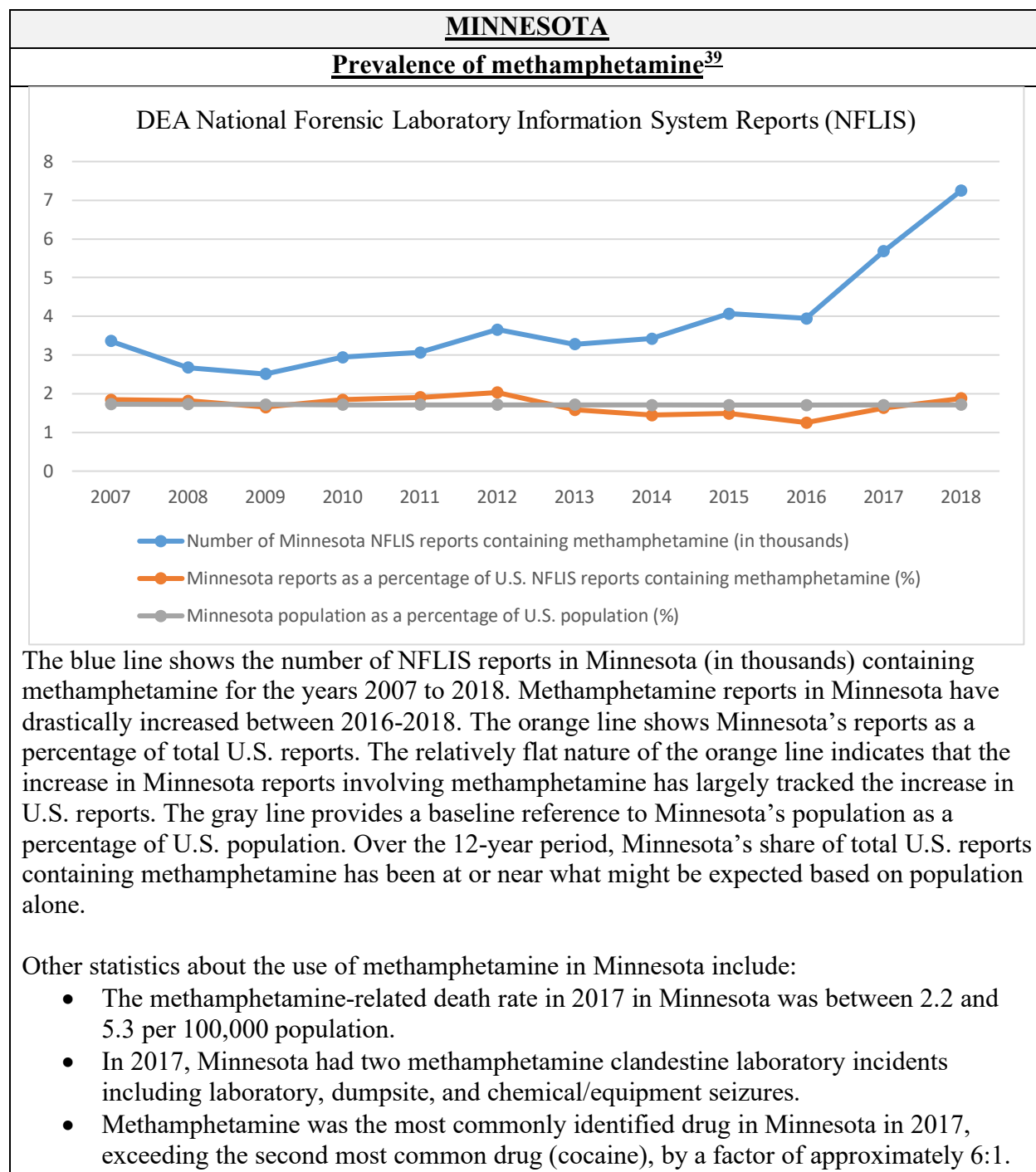


³⁸ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>MICHIGAN</u>
<u>Restrictions placed on precursors</u>
<p>M.C.L.A. 333.17766c (“Purchase or possession of ephedrine or pseudoephedrine; prohibition; violation; penalties; exceptions;” effective as amended 1.1.2015). 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 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>M.C.L.A. 333.17766e (“Retail sale of products containing ephedrine or pseudoephedrine; security measures; identification and recordkeeping; penalties; report;” effective as amended 7.15.2011). 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>M.C.L.A. 333.17766f (“Retail sale of product containing ephedrine or pseudoephedrine; prohibited conduct; exceptions; violation; penalty; affirmative defense; rebuttal; conflict of local requirements;” effective as amended 1.1.2015). 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>M.C.L.A. 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;” effective 10.1.2006). 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>M.C.L.A. 333.7340c (“Soliciting another person to purchase or obtain ephedrine or pseudoephedrine to manufacture methamphetamine;” effective as amended 8.23.2016). 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>
<u>Restrictions placed on precursors (continued)</u>
<p>M.C.L.A. 333.7220 (“Schedule 5; substances included;” effective 1.21.2000). 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>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>M.C.L.A. 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;” effective as amended 4.10.2017). 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>M.C.L.A. 333.7401c (“Manufacture of controlled substances; limitations on structures;” effective as amended 4.1.2004). 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>M.C.L.A. 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;” effective as amended 1.4.2017). 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>M.C.L.A. 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;” effective as amended 1.4.2017). The illegal use of methamphetamine is a misdemeanor punishable by imprisonment of up to one year, a fine of no more than \$2,000, or both.</p>
<p>M.C.L.A. 333.7410 (“Distribution of controlled substance to minor; possession, distribution, or manufacture within 1,000 feet of school property or library;” effective as amended 8.23.2016). 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>
<u>Methamphetamine cleanup and disposal</u>

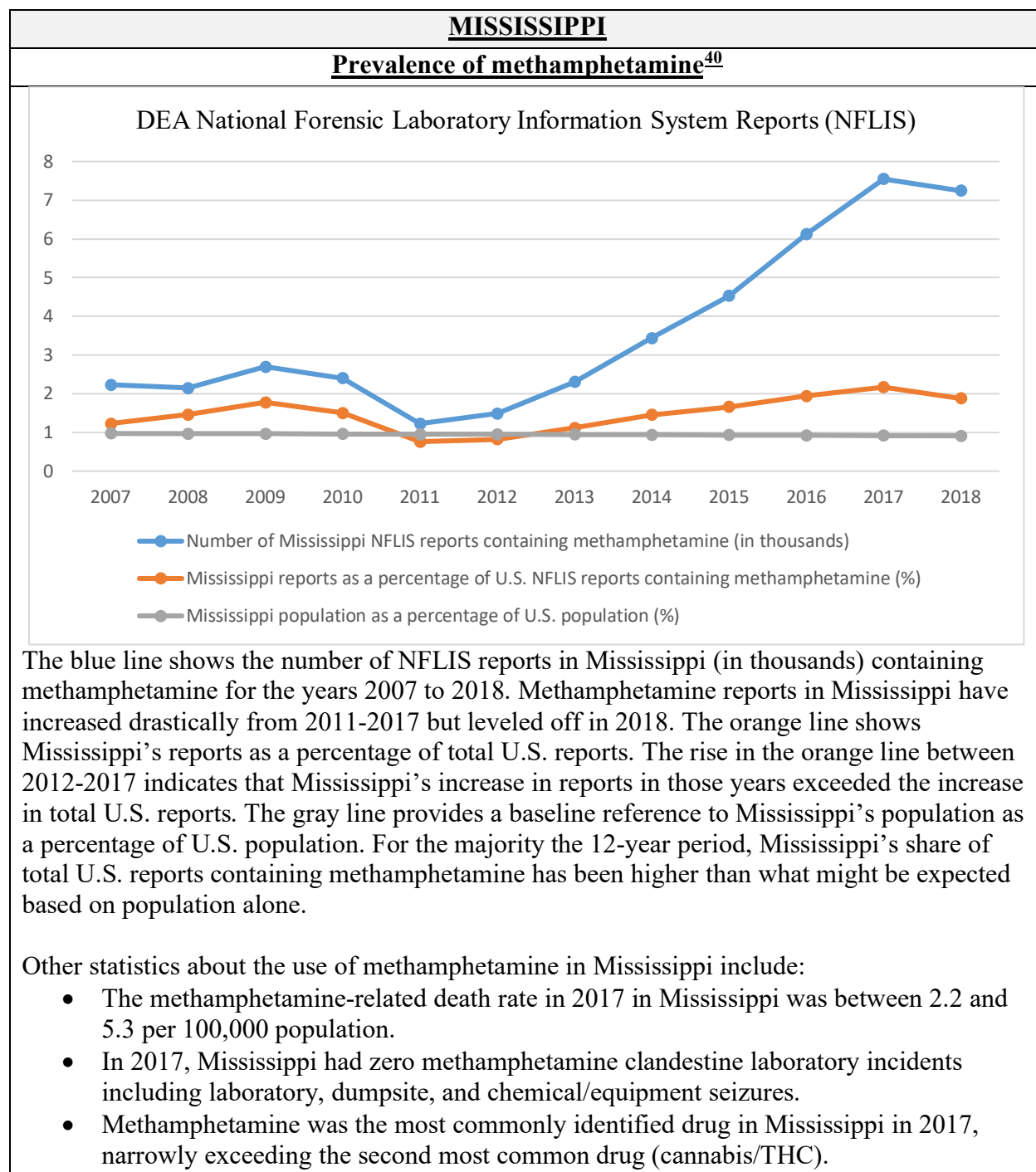
<u>MICHIGAN</u>
<p>M.C.L.A. 125.485a (“Illegal drug manufacturing site; protective measures;” effective as amended 7.6.2006). Within 48 hours of discovering an illegal drug manufacturing site, law enforcement is required to notify the proper enforcing agency regarding the potential contamination of the 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>
<u>Other statutory provisions of note</u>
<p>M.C.L.A. 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;” effective as amended 1.4.2017). 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>
<u>Relevant legislation considered in 2019</u>
<p>2019 Senate Bill 170 (“Health; pharmaceuticals; allowable grams of ephedrine or pseudoephedrine for purchase; modify”). The bill would reduce the allowable grams of ephedrine or pseudoephedrine for purchase by an individual within a 30-day period from nine grams to 7.2 grams. In October 2019, a Senate committee recommended consideration of the legislation by the entire Senate. The Michigan legislature remains in session as of early December 2019.</p> <p>2019 Senate Bill 599 (“Health; pharmaceuticals; allowable amount of ephedrine and pseudoephedrine that may be sold at retail to an individual in a 30-day period; modify”). The bill is similar to Senate Bill 170. The bill is currently being considered by a Senate committee.</p>



³⁹ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>MINNESOTA</u>
<u>Restrictions placed on precursors</u>
<p>M.S.A. § 152.02 (“Schedules of controlled substances; administration of chapter;” effective as amended 8.1.2018). 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 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>M.S.A. § 152.0262 (“Possession of substances with intent to manufacture methamphetamine crime;” effective 7.1.2009). 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>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>M.S.A. § 152.137 (“Methamphetamine-related crimes involving children and vulnerable adults;” effective 2005). 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>M.S.A. § 152.021 (“Controlled substance crime in the first degree;” effective as amended 7.1.2018). 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 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>
<u>Criminal penalties for methamphetamine (continued)</u>

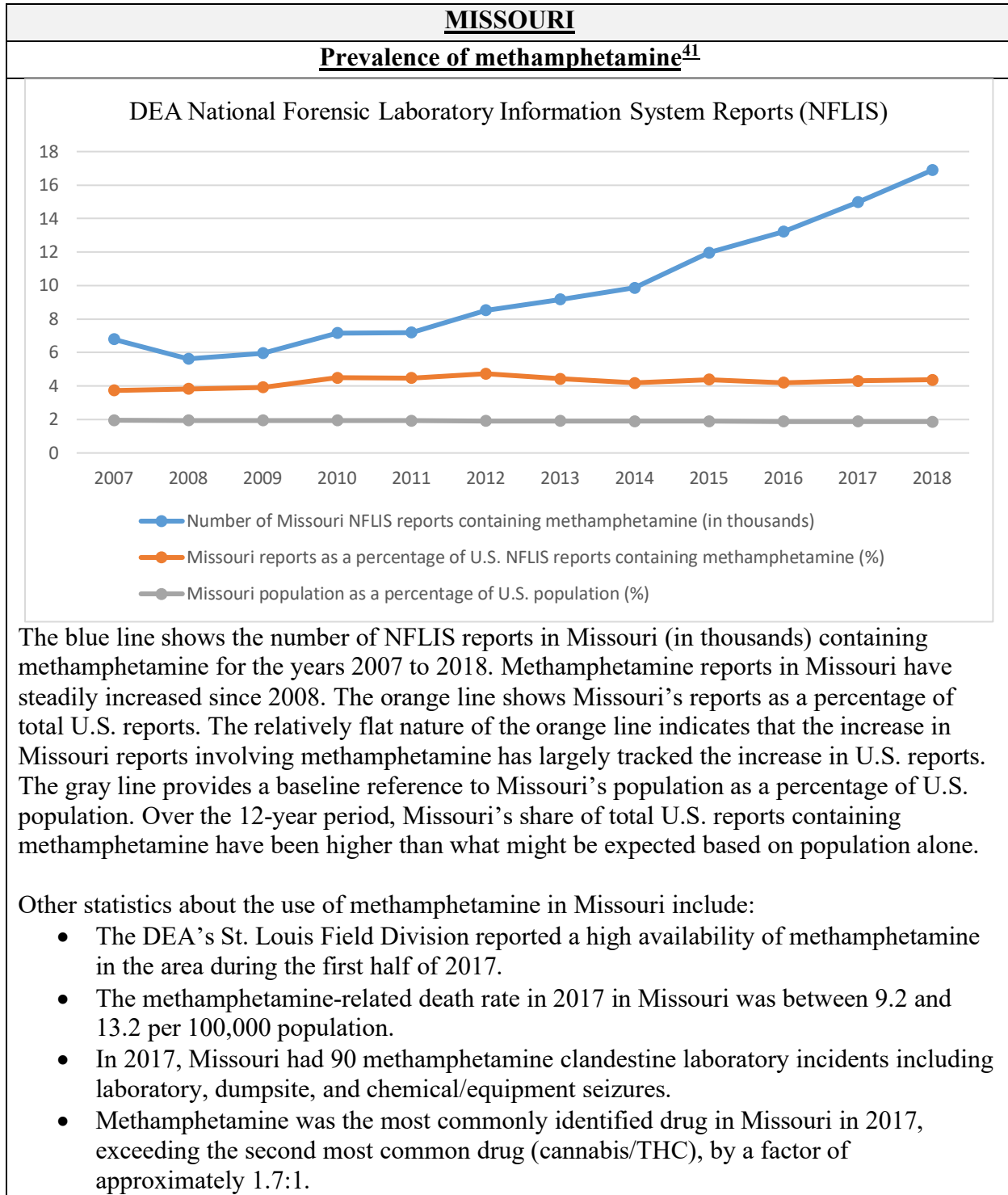
<u>MINNESOTA</u>
<p><u>M.S.A. § 152.022</u> (“Controlled substance crime in the second degree;” effective as amended 8.1.2016). A person is guilty of controlled substance crime in the second degree if on one or more occasions within a 90-day period, the person unlawfully sells three grams or more of 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><u>M.S.A. § 152.023</u> (“Controlled substance crime in the third degree;” effective as amended 8.1.2016). 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><u>M.S.A. § 152.024</u> (“Controlled substance crime in the fourth degree;” effective as amended 8.1.2016). 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><u>M.S.A. § 152.0261</u> (“Importing controlled substances across state borders;” effective as amended 2005). 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>Methamphetamine cleanup and disposal</u>
<p><u>M.S.A. § 152.0275</u> (“Certain controlled substance offenses; restitution; prohibitions on property use; notice provisions;” effective 2005). 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><u>M.S.A. § 446A.083</u> (“Methamphetamine laboratory cleanup revolving account;” effective 7.1.2005). 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>
<u>Other statutory provisions of note</u>
None.
<u>Relevant legislation considered in 2019</u>
None.



⁴⁰ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>MISSISSIPPI</u>
<u>Restrictions placed on precursors</u>
<p>Miss. Code Ann. § 41-29-117 (“Schedule III;” effective as amended 7.1.2017). Ephedrine and pseudoephedrine are listed as Schedule III controlled substances in Mississippi.</p>
<p>Miss. Code Ann. § 41-29-137 (“Prescriptions;” effective as amended 7.1.2011). 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>Miss. Code Ann. § 41-29-313 (“Precursor chemicals or drugs; presumption; unlawful manufacture of controlled substances; offenses; penalties;” effective as amended 7.1.2014). 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>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>Miss. Code Ann. § 41-29-139 (“Prohibited acts and penalties; indictments for trafficking;” effective as amended 7.1.2016). 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 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>Miss. Code Ann. § 41-29-142 (“Proximity to school, enhanced penalty;” effective 3.12.1993). 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>Miss. Code Ann. § 41-29-145 (“Distribution to people under 21;” effective 7.1.1989). 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>
<u>Methamphetamine cleanup and disposal</u>
<p>Not addressed by state law.</p>
<u>Other statutory provisions of note</u>

<u>MISSISSIPPI</u>
<p>Miss. Code Ann. § 41-29-149.1 (“Mississippi Medical Emergency Good Samaritan Act;” effective 7.1.2016). 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>
<u>Relevant legislation considered in 2019</u>
None.

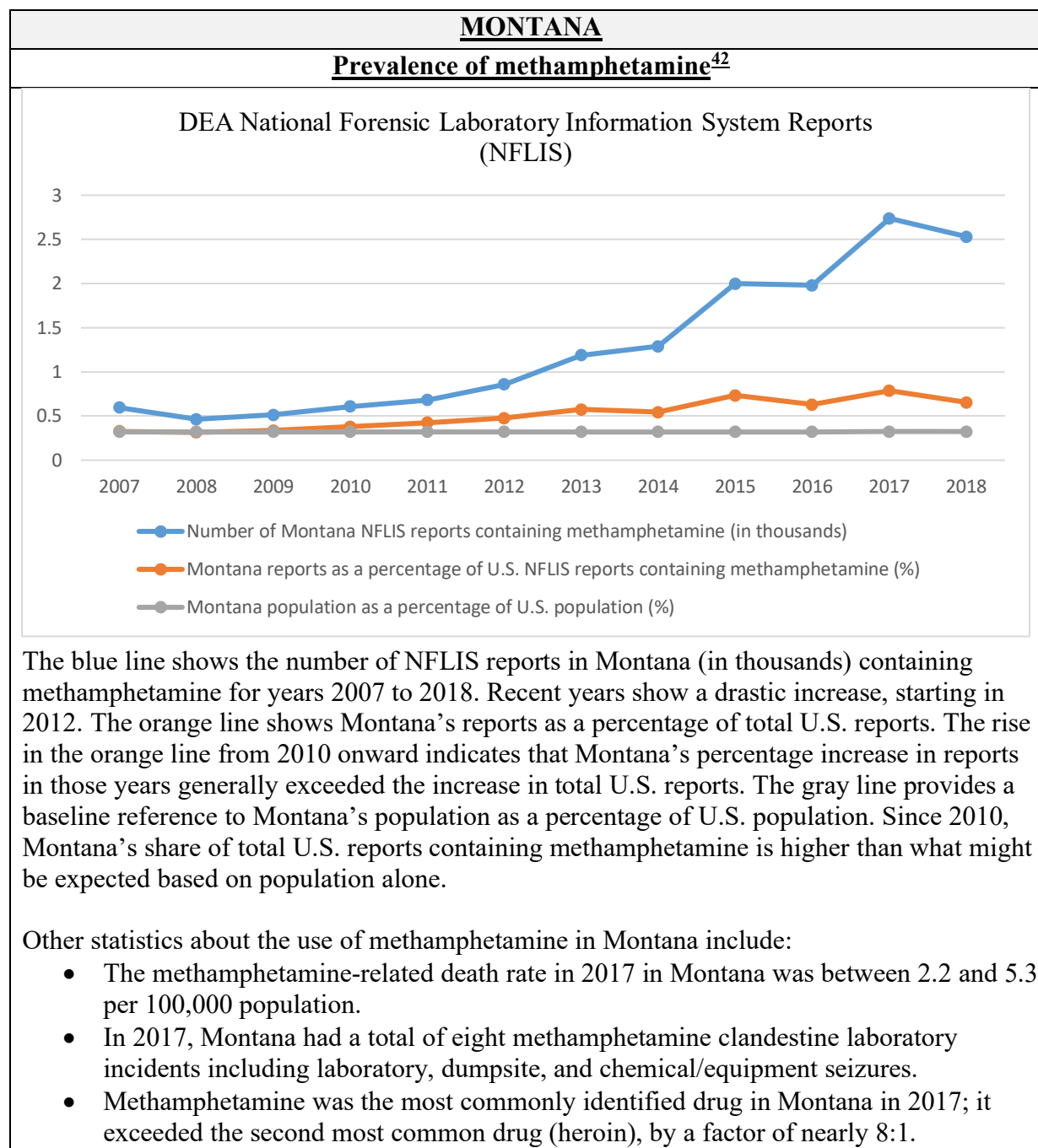


⁴¹ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>MISSOURI</u>
<u>Restrictions placed on precursors</u>
<p>V.A.M.S. 195.017 (“Substances, how placed in schedules--list of scheduled substances--publication of schedules annually--electronic log of transactions to be maintained, when--certain products to be located behind pharmacy counter--exemption from requirements, when--rulemaking authority;” effective as amended 8.28.2018). Ephedrine is a schedule IV controlled substance when it is the only active medicinal ingredient. A product that contains any detectable quantity of ephedrine or pseudoephedrine is a schedule V controlled substance. Ephedrine and pseudoephedrine products are required to be kept behind a pharmacy counter and sold 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>V.A.M.S. 195.417 (“Limit on sale or dispensing of certain drugs, exceptions--violations, penalty;” effective as amended 1.1.2017). Within any 30-day period, no person can sell or purchase more than nine 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. This provision does not apply to products sold pursuant to a valid prescription.</p>
<p>V.A.M.S. 195.418 (“Limitations on the retail sale of methamphetamine precursor drugs--violations, penalty;” effective as amended 1.1.2017). 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>V.A.M.S. 579.115 (“Copy of suspicious transaction report for certain drugs to be submitted to chief law enforcement officer, when--suspicious transaction defined—penalty;” effective as amended 1.1.2017). 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>
<p>V.A.M.S. 579.060 (“Unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs--violation, penalty;” effective as amended 1.1.2017). It is a class A misdemeanor to unlawfully sell, distribute, or purchase over-the-counter methamphetamine precursor drugs.</p>

<u>MISSOURI</u>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>V.A.M.S. 579.015 (“Possession or control of a controlled substance—penalty;” effective as amended 1.1.2017). The possession of methamphetamine is a class D felony.</p>
<p>V.A.M.S. 579.020 (“Delivery of a controlled substance—penalties;” effective as amended 1.1.2017). 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>V.A.M.S. 579.030 (“Distribution of a controlled substance in a protected location—penalty;” effective as amended 1.1.2017). 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>V.A.M.S. 579.055 (“Manufacture of a controlled substance—penalties;” effective as amended 1.1.2017). 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>V.A.M.S. 579.065 (“Trafficking drugs, first degree—penalty;” effective as amended 1.1.2017). 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. This provision is a class B felony, but it is a class A felony if the quantity is 90 grams or more.</p>
<p>V.A.M.S. 579.068 (“Trafficking drugs in the second degree—penalty;” effective 1.1.2017). 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. This provision is a class C felony. It is a class B felony if the quantity involved is between 90 and 450 grams. It is a class A felony if the quantity involved is 450 grams or more.</p>
<u>Methamphetamine cleanup and disposal</u>
Not addressed by state law.
<u>Other statutory provisions of note</u>
None.

<u>MISSOURI</u>
<u>Relevant legislation considered in 2019</u>
<p>2020 House Bill 1775 (“Adds provision relating to prescriptions for ephedrine”). Provides that no department, county, city, or other political subdivision may enact any ordinances or regulations, concerning products containing ephedrine or pseudoephedrine that require, prior to or as a condition of sale or delivery, a written or oral prescription. The legislation was pre-filed in December 2019 and introduced in January 2020.</p>
<p>2020 Senate Bill 706 (“Establishes a ‘Prescription Abuse Registry’ and modifies provisions relating to ephedrine, phenylpropanolamine, and pseudoephedrine”). The bill would make a prescription required for the dispensation, sale, or distribution of any drug containing ephedrine, phenylpropanolamine, or pseudoephedrine in an amount greater than 3.6 grams per 24-hour period, or 7.5 grams in a 30-day period. The bill was pre-filed in December 2019 and introduced in January 2020.</p>



⁴² See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

MONTANA**Restrictions placed on precursors**

[MCA §§ 44-4-1001 to 1005](#) (collectively, the “Methamphetamine Watch Program;” effective 7.1.2005). Directs the state Department of Justice to develop a “methamphetamine watch program.” Among other things, the program’s stated purpose is to: (1) inform retailers of the problems associated with the illicit manufacture and use of methamphetamine; (2) establish procedures for retailers and others to report to law enforcement suspicious transactions involving products that may be used to illicitly manufacture methamphetamine; and (3) increase community awareness of methamphetamine and problems associated with its use. Directs the Department to “provide grants for public and private organizations to engage in initiatives designed to support the program.”

[MCA § 50-32-501](#) (“Restricted possession, purchase, or other transfer of ephedrine or pseudoephedrine--exceptions—penalties;” effective as amended 1.1.2016). 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.

[MCA § 50-32-502](#) (“Restricted sale and access to ephedrine or pseudoephedrine products--exceptions—penalties;” effective as amended 1.1.2016). 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.

[MCA § 50-32-503](#) (“Electronic recordkeeping and monitoring system;” effective as amended 1.1.2016). 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.

MONTANA**Criminal penalties for possessing, manufacturing, or trafficking methamphetamine**

MCA § 45-5-622 (“Endangering welfare of children;” effective as amended 10.1.2007). 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.

MCA § 50-32-101 (“Definitions;” effective as amended 10.1.2013). Montana’s state controlled substances act defines “dangerous drug” as “a drug, substance, or immediate precursor in Schedules I through V,” including methamphetamine.

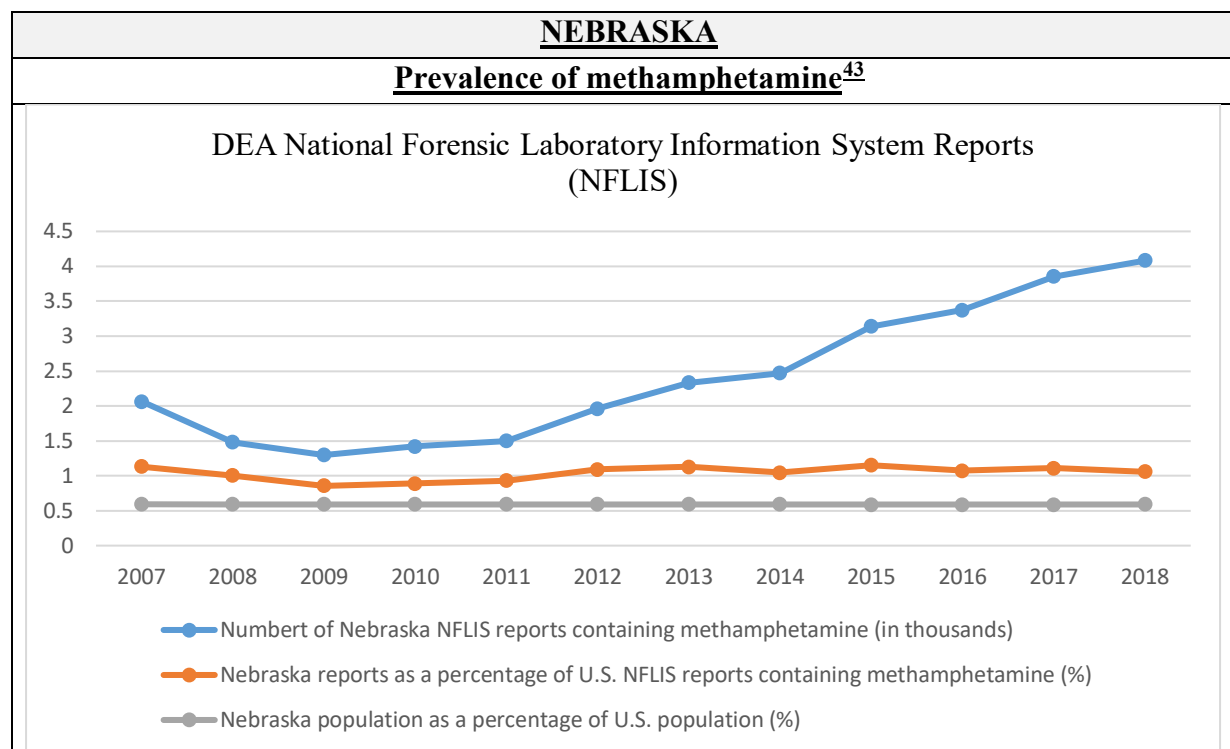
MCA §§ 45-9-101 to 45-9-110 (Various “offenses involving dangerous drugs;” last amended date varies, some as recently as 10.1.2017). Other than certain offenses involving marijuana/THC, Montana’s criminal laws refer to “dangerous drugs” generally, rather than individually identifying ones such as methamphetamine. In numerical order, MCA §§ 45-9-101 to 45-9-110 address: criminal distribution, criminal possession, criminal possession with intent to distribute, fraudulently obtaining, altering labels, criminal possession of precursors (including ephedrine and pseudoephedrine), criminal distribution on or near school property, and criminal production and manufacture.

MCA § 45-9-125 (“Continuing criminal enterprise—penalty;” effective 1991). 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.

MCA 45-9-130 (“Mandatory fine for possession and storage of dangerous drugs--disposition of proceeds;” effective as amended 7.1.2001). 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 *State v. Yang*, --- P.3d ---, 2019 WL 5932259 (Mont. Nov. 12, 2019).**

MCA § 45-9-132 (“Operation of unlawful clandestine laboratory—penalties;” effective as amended 10.1.2003). 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 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.

<u>MONTANA</u>
<u>Methamphetamine cleanup and disposal</u>
<p>MCA §§ 75-10-1301 to 75-10-1306 (collectively, “Methamphetamine Contamination—Indoor Property Decontamination Standards;” effective 10.1.2005). 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.</p>
<u>Other statutory provisions of note</u>
<p>MCA § 45-9-102 (“Criminal possession of dangerous drugs;” effective as amended 7.1.2017). The state statute prohibiting possession of dangerous drugs was amended in 2005 to provide a specific sentence for second-offense possession of methamphetamine that included a possibility of placement in a residential community-based methamphetamine treatment program.</p> <p>MCA § 53-1-203 (“Powers and duties of department of corrections;” effective as amended 10.1.2019). 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>MCA § 46-1-1115 (“Treatment court support account--distribution of funds—report;” effective 5.9.2019). 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>MCA § 50-32-609 (“Good Samaritan protections;” effective as amended 7.1.2019). 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. Also, pursuant to the July 2019 amendments, the provisions of MCA §§ 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> <p>Mont.Admin.R. 20.7.901 to 20.7.919 (collectively, “Establishment of a Methamphetamine Treatment Center;” effective as amended 8.25.2018). Within the rules for the the state Department of Corrections, this provides implementing regulations for the residential methamphetamine treatment programs authorized by MCA §§ 45-9-102 and 53-1-203.</p>
<u>Relevant legislation considered in 2019</u>
<p>None other than legislation adopted in 2019.</p>



The blue line shows the number of NFLIS reports in Nebraska (in thousands) containing methamphetamine for years 2007 to 2017. Recent years show a drastic increase, starting in 2012. 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, during the entire 2007-2017 period, Nebraska's share of total U.S. reports containing methamphetamine is higher than what might be expected based on population alone.

Other statistics about the use of methamphetamine in Nebraska include:

- The DEA's St. Louis Field Division, which included Nebraska at the time, reports a high availability of methamphetamine in the area during the first half of 2017.
- The methamphetamine-related death rate in 2017 in Nebraska was between 2.2 and 5.3 per 100,000 population.
- In 2017, Nebraska had a total of three methamphetamine clandestine laboratory incidents including laboratory, dumpsite, and chemical/equipment seizures.
- Methamphetamine was the most commonly identified drug in Nebraska in 2017; it exceeds the second most common drug (cannabis/THC), by a factor of 2:1.

⁴³ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

NEBRASKA**Restrictions placed on precursors**

[Neb.Rev.St. § 28-450](#) (“Unlawful sale, distribution, or transfer of ephedrine, pseudoephedrine, or phenylpropanolamine; immediate precursor; prohibited acts; violation; penalty;” effective as amended 5.31.2005). 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.

[Neb.Rev.St. § 28-451](#) (“Anhydrous ammonia; possession; penalty;” effective 4.17.2001). Makes it a Class IV felony to possess anhydrous ammonia with the intent to manufacture methamphetamine.

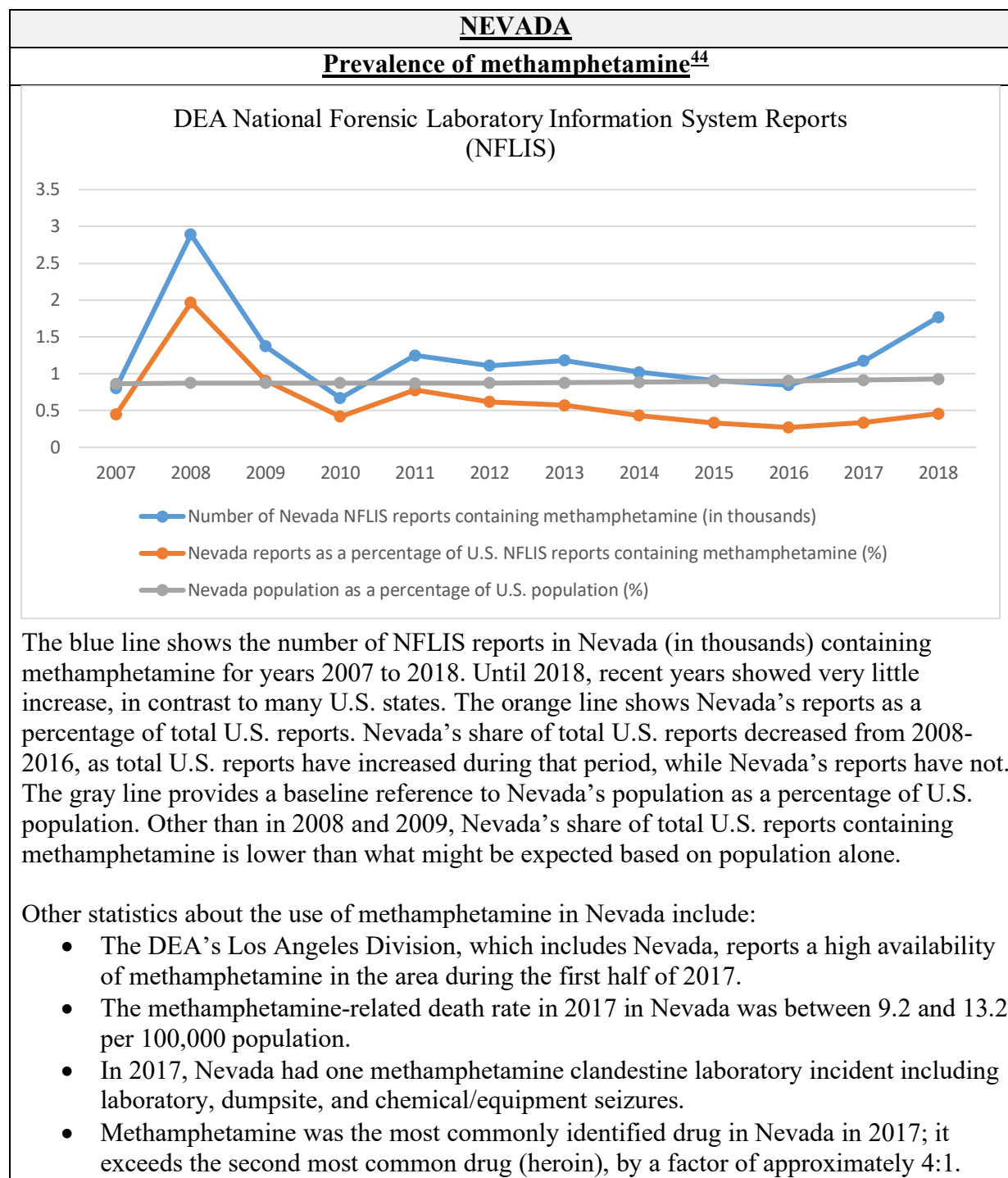
[Neb.Rev.St. § 28-452](#) (“Ephedrine, pseudoephedrine, or phenylpropanolamine; possession; penalty;” enacted 4.17.2001). Makes it a Class IV felony to possess ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, with the intent to manufacture methamphetamine.

[Neb.Rev.St. § 28-453](#) (“Methamphetamine; retailer education program;” effective 4.17.2001). 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.

[Neb.Rev.St. §§ 28-456 and 28-456.01](#) (“Phenylpropanolamine or pseudoephedrine;” effective as amended 3.19.2009 and 1.1.2012, respectively). 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.

[Neb.Rev.St. §§ 28-458 to 28-462](#) (collectively “Methamphetamine precursor;” effective 1.1.2012). 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.

<u>NEBRASKA</u>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>Neb.Rev.St. § 28-416 (“Prohibited acts; violations; penalties;” effective as amended 8.24.2017). 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 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>Neb.Rev.St. § 28-457 (“Methamphetamine; prohibited acts; violation; penalties;” effective 5.20.2003). 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>Neb.Rev.St. § A2-COP (“Classification of Penalties”). Provides the felony classes and minimum/maximum for terms of imprisonment for all crimes by statutory citation.</p>
<u>Methamphetamine cleanup and disposal</u>
<p>Neb.Rev.St. §§ 71-2432 to 71-2436 (collectively, “Clandestine Drug Labs;” effective as amended 7.1.2019). 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>
<u>Other statutory provisions of note</u>
<p>Neb.Rev.St. § 28-455 (“Methamphetamine Awareness and Education Fund; created; use; investment;” effective 4.17.2001). 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>
<u>Relevant legislation considered in 2019</u>
<p>2019 Legislative Resolution No. 95 (“Interim study to examine the prevalence and economic costs of methamphetamine use in the state”). Directs the Health and Human Services Committee to examine methamphetamine’s prevalence and cost in Nebraska and determine ways to assist local communities. The bill can be carried over to the next session.</p> <p>2019 Legislative Bill No. 488 (“Adopt school district requirements for mental health education and change school district requirements for drug awareness and prevention”). Requires each school district to incorporate age-appropriate comprehensive drug awareness and prevention education into the school program for students. The bill can be carried over.</p>

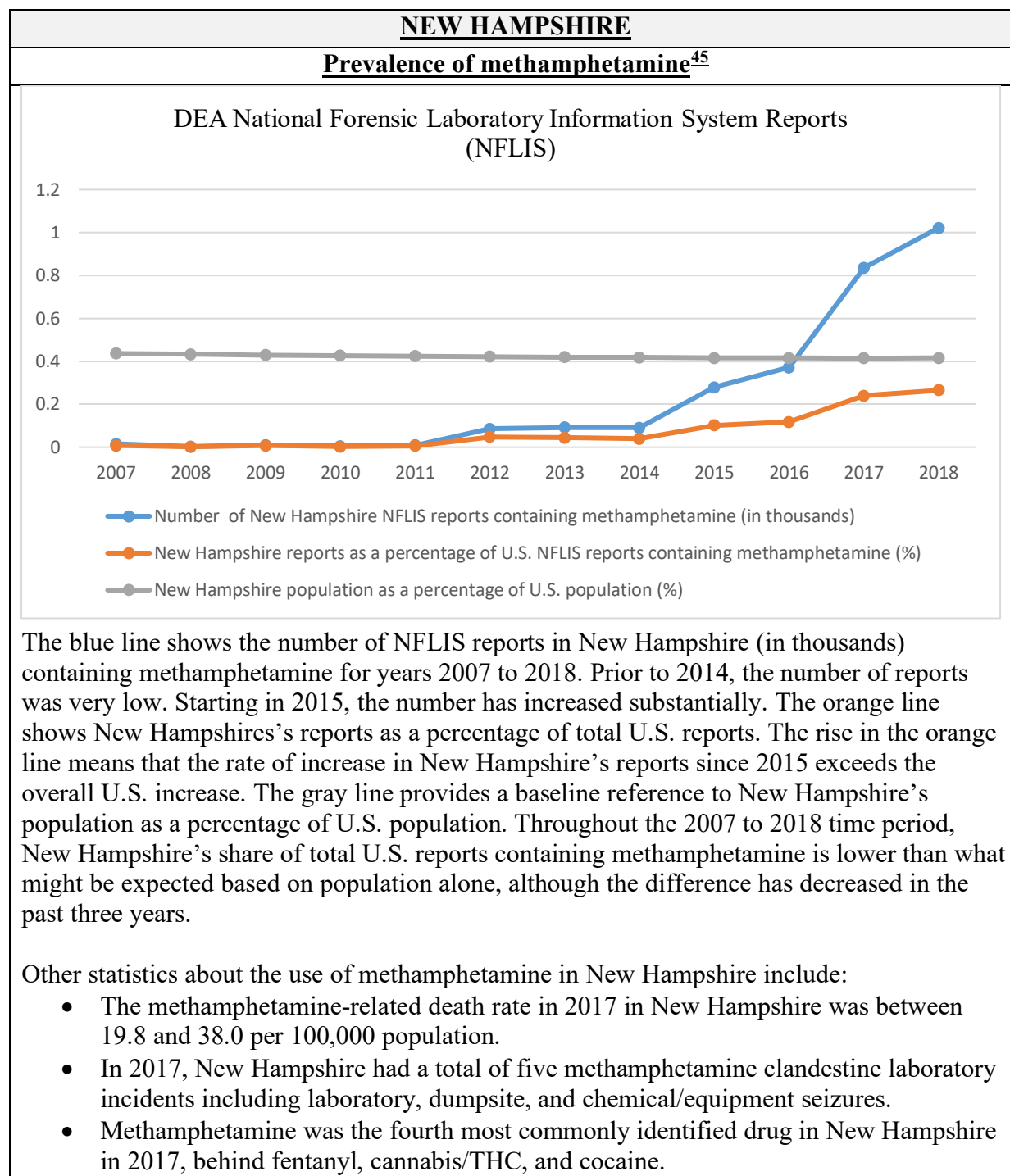


⁴⁴ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>NEVADA</u>
<u>Restrictions placed on precursors</u>
<p>N.R.S. §§ 453.352 to 453.359 (collectively, “Methamphetamine precursors;” effective as last amended 7.1.2017). Requires a retail distributor to store “a product that is a precursor to methamphetamine” in a locked cabinet or behind a counter. Limits the amount that can be sold to any one person without a prescription to 3.6 grams per day and nine grams per 30-days. Requires a retail distributor to maintain a logbook and for the purchaser to sign the logbook and present valid photo ID. Provides that upon the first offense, it is a misdemeanor for a person to acquire more than the daily or monthly allowed amount of methamphetamine precursor. A second offense is a gross misdemeanor and the third or subsequent offense is a category D felony. Makes it a category D felony to enter a false statement in a logbook.</p> <p>N.R.S. §§ 639.400 to 639.450 (collectively, “Products that are precursors to methamphetamine;” effective as last amended 10.1.2013). Requires sellers of methamphetamine precursors to be pharmacies. Requires pharmacies to report to the state Department of Public Safety if the pharmacy becomes aware of any unusual or excessive loss or disappearance of methamphetamine precursors. Requires the state Board of Pharmacy to approve a real-time, stop sale system and adopt regulations governing it. Provides that the failure of a person to use the real-time, stop sale system as required is a misdemeanor punishable by a fine of not more than \$1,000.</p>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>N.R.S. §§ 453.316 to 453.322 (various titles; amendments to take effect 7.1.2020). Except in two cases described below, Nevada’s criminal statutes do not differentiate methamphetamine from other schedule I or schedule II controlled substances, other than marijuana. These three statutes relate to the unlawful: (1) maintaining of a place for the sale of controlled substances; (2) offer, attempt, or commission of an unauthorized act related to controlled substances; and (3) offer, attempt, or commission of an unauthorized act relating to the manufacture of controlled substances.</p> <p>N.R.S. § 453.324 (“Unlawful to possess or dispose of methamphetamine manufacturing waste; exception; penalty;” effective as amended 8.1.2007). A person who knowingly possesses or disposes of methamphetamine manufacturing waste in improper fashion is guilty of a category C felony.</p> <p>N.R.S. §§ 453.326 to 453.3345 (various titles; some with amendments taking effect 7.1.2020). These eight statutes applicable to controlled substances other than marijuana address, among other things: (1) unlawful recordkeeping; (2) allowing a child to be present during commission of a violation; (3) making a controlled substance available that causes death; (4) selling a controlled substance to a minor; and (5) committing a violation near a school, recreational facility, or park.</p>

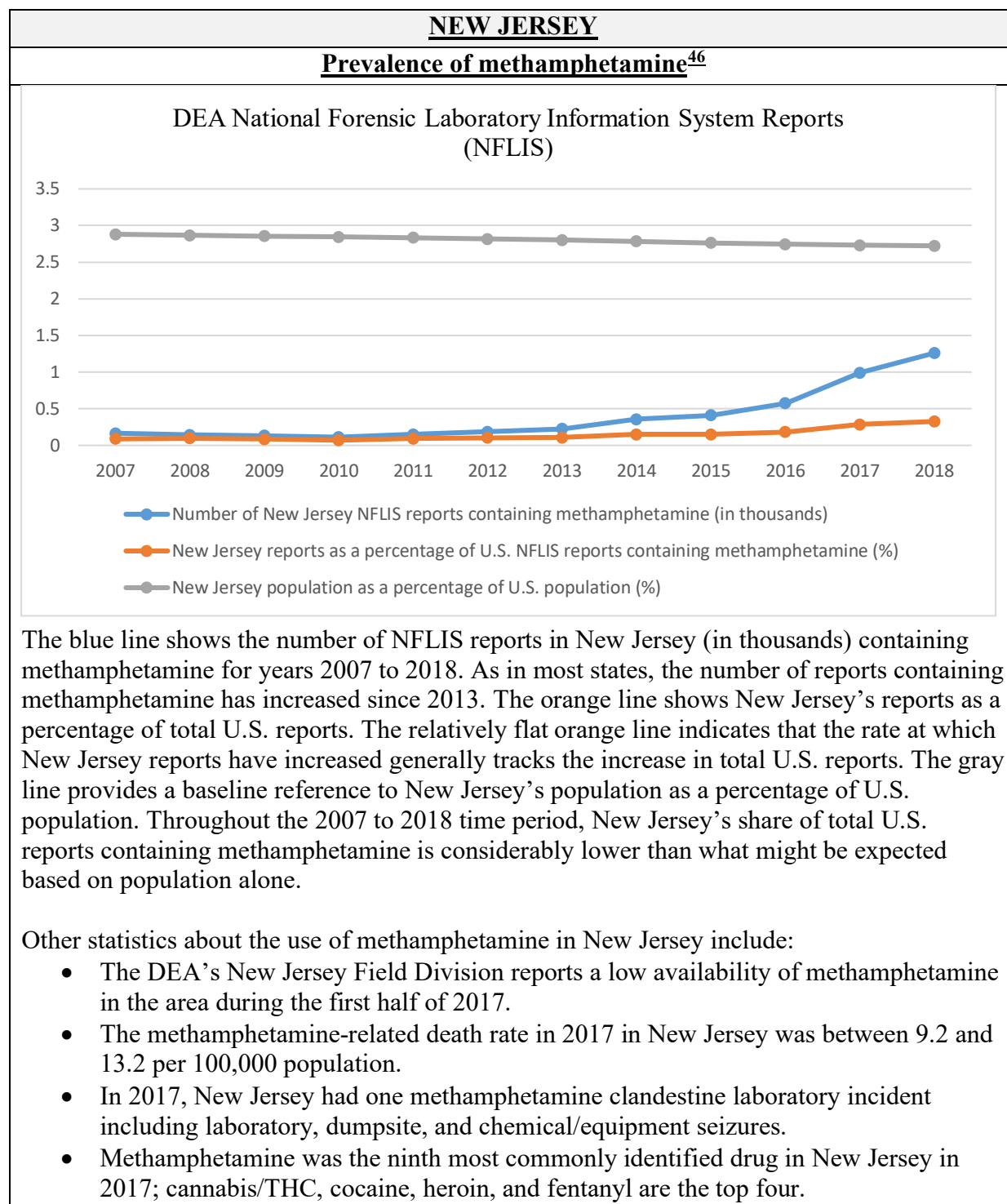
<u>NEVADA</u>
<u>Criminal penalties for methamphetamine (continued)</u>
<p>N.R.S. § 453.3351 (“Additional penalty for commission of certain violations which involve methamphetamine under certain circumstances;” amendment effective 7.1.2020). Provides for an enhanced additional sentence of imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime, in cases where the violation included the manufacture of any material which contains any quantity of methamphetamine: (1) within 500 feet of certain public areas; or (2) in a manner which creates a great risk of death or substantial bodily harm to another person.</p>
<p>N.R.S. §§ 453.3353, 453.336, 453.3361, 453.337, 453.3385, 453.3395 (various titles; some with amendments effective 7.1.2020). Statutes applicable to controlled substances other than marijuana relating to: (1) additional and alternative penalties for violations that result in death or substantial bodily harm to another person; (2) unlawful possession not for purpose of sale; (3) unlawful possession for sale of flunitrazepam, gamma-hydroxybutyrate and schedule I or II substances; (4) trafficking in schedule I controlled substances and flunitrazepam, gamma-hydroxybutyrate; and (5) trafficking in schedule II controlled substances.</p>
<u>Methamphetamine cleanup and disposal</u>
<p>N.R.S. § 40.770 (“Limitation on liability of seller, seller’s agent and buyer’s agent for failure to disclose certain facts concerning property;” effective as amended 7.1.2009). 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>N.R.S. § 439.4797 (“Powers of boards of health; regulations by State Environmental Commission;” effective as amended 7.1.2011). 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>N.R.S. § 453.324 (“Unlawful to possess or dispose of methamphetamine manufacturing waste; exception; penalty;” effective as amended 8.1.2007). A person who knowingly possesses or disposes of methamphetamine manufacturing waste in improper fashion is guilty of a category C felony.</p>
<p>N.R.S. §§ 489.770 to 489.780 (collectively, “Disclosure that Home, Building or Coach Has Been Used in Manufacture of Methamphetamine;” effective as amended 7.1.2009). Provides requirements for when disclosure to any prospective purchaser is necessary.</p>

<u>NEVADA</u>
<u>Other statutory provisions of note</u>
<p>N.R.S. § 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;” effective 10.1.2003). 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>N.R.S. § 484C.110 (“Unlawful acts; affirmative defense; additional penalty for violation committed in work zone or pedestrian safety zone;” effective as amended 7.1.2017). 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).</p>
<u>Relevant legislation considered in 2019</u>
<p>2019 Assembly Bill 236 (“Makes various changes related to criminal law and criminal procedure;” enacted effective 7.1.2020). Among many other provisions: (1) section 112 of the bill decreases certain penalties associated with controlled substance violations; (2) section 113 of the bill revises the penalties for possession of a controlled substance; and (3) section 119 of this bill establishes the crimes of low-level trafficking and high-level trafficking and revises the quantity of schedule I controlled substances other than marijuana and schedule II controlled substances for the purposes of imposing a penalty.</p>
<p>2019 Senate Bill No. 49 (“Requires the Director of the Department of Corrections to establish a program of treatment for offenders with substance use disorders”). Section 7 of this bill requires the Director, in conjunction with others, to establish programs of treatment for offenders with substance use disorders rather than establishing therapeutic communities for offenders who are substance abusers. The bill was in committee upon adjournment of the legislative session. There is no carryover to the next session (in 2021).</p>



⁴⁵ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

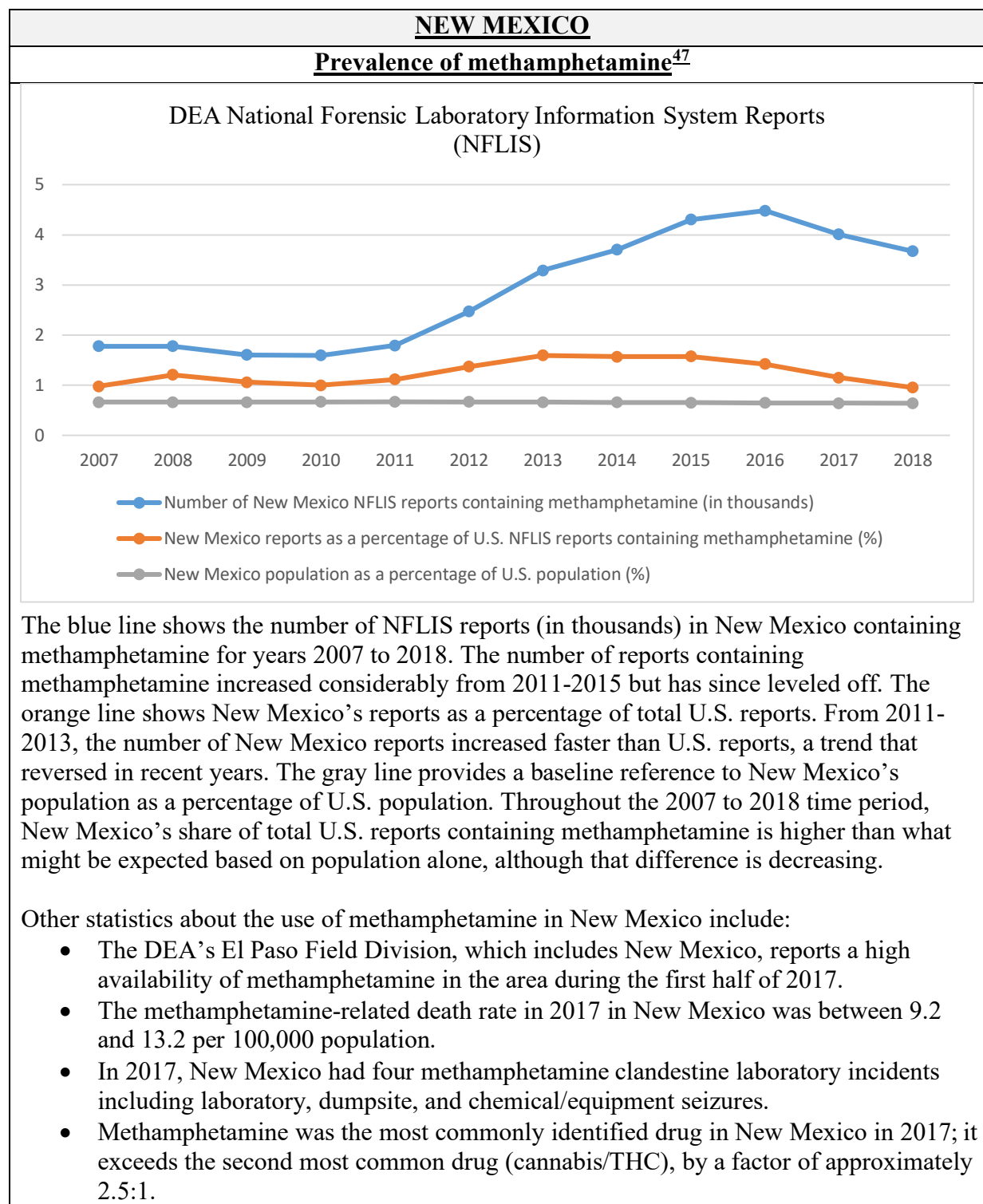
<u>NEW HAMPSHIRE</u>
<u>Restrictions placed on precursors</u>
<p>N.H. Rev. Stat. §§ 318-B:47 to 318-B:50 (collectively, “Ephedrine and Pseudoephedrine;” effective 1.1.2019). Provides that no person shall knowingly and unlawfully possess a drug product containing ephedrine, pseudoephedrine, or phenylpropanolamine with the intent to use it to manufacture methamphetamine. Requires retailers to keep products in a locked display or behind the counter. Prohibits retailers allowing purchaser to acquire more than 3.6 grams within a 24-hour period or nine grams within a 30-day period. Requires retail establishments to use an electronic registry system to record the sale of products. Requires purchaser to present valid photo identification. A violation is a class A misdemeanor.</p>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>N.H. Rev. Stat. § 318-B:26 (“Penalties;” effective as amended 9.16.2017). 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>N.H. Rev. Stat. §§ 318-D:1 to D:5 (collectively, “Methamphetamine-related Offenses;” effective 1.1.2007). These five statutes contain provisions related to: (1) the manufacture of methamphetamine; (2) injuries resulting from manufacturing; (3) transfer of property previously used to manufacture methamphetamine; and (4) anhydrous ammonia.</p>
<p>N.H. Rev. Stat. §§ 639-A:1 to 639-A:4 (collectively, “Methamphetamine-related Crimes;” effective as amended 7.4.2016). Makes it a crime to manufacture or store/dispose of methamphetamine: (1) in the presence of a child or vulnerable adult; (2) in the residence of a child or a vulnerable adult; (3) in any location where a child or vulnerable adult might reasonably be expected to be present; (4) within any drug-free school zone; (5) in a room offered to the public for overnight accommodations; or (6) in a residential building.</p>
<u>Methamphetamine cleanup and disposal</u>
<p>N.H. Rev. Stat. § 477:4-g (“Notification Prior to Sale, Transfer, Lease, or Rental of Real Property on Which Methamphetamine Has Been Produced;” effective as amended 1.1.2007). Requires disclosure to prospective purchasers/lessees if the state Department of Environmental Resources has not yet certified property as remediated.</p>
<u>Other statutory provisions of note</u>
None.
<u>Relevant legislation considered in 2019</u>
<p>2019 House Bill No. 1614 (“Relative to the penalties for use or possession of a controlled drug”). This bill proposes to reduce penalties for controlled drugs in a quantity that would not be fatal. This bill was filed in December 2019 and introduced in January 2020.</p>



⁴⁶ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>NEW JERSEY</u>
<u>Restrictions placed on precursors</u>
<p>N.J.S.A. § 2C:35-25 (“Restrictions on retail sales of ephedrine products; disorderly persons offense; exceptions;” effective 11.22.2005). 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>N.J.S.A. § 2C:35-26 (“Reporting loss of ephedrine products to law enforcement authorities;” effective 11.22.2005). 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>
<p>N.J.S.A. § 2C:35-27 (“Possession of certain amounts of ephedrine products to give rise to permissive inference of purpose to create methamphetamine;” effective 11.22.2005). 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>N.J.S.A. § 2C:35-28 (“Unlawful possession of precursor with intent to manufacture methamphetamine; crime of second degree;” effective 11.22.2005). 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>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>N.J.S.A. § 2C:35-3 (“Leader of narcotics trafficking network;” effective as amended 6.25.1999). 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>N.J.S.A. § 2C:35-4 (“Maintaining or operating a controlled dangerous substance production facility;” effective as amended 6.25.1999). 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>

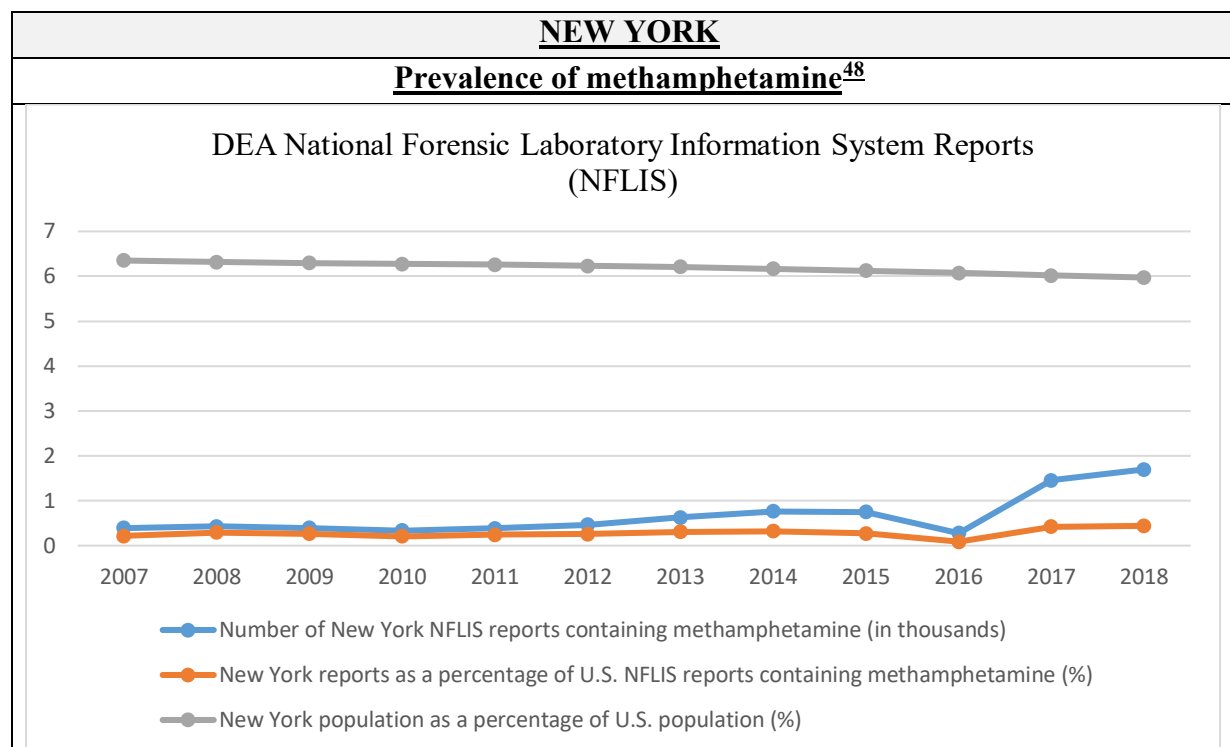
<u>NEW JERSEY</u>
<u>Criminal penalties for methamphetamine (continued)</u>
<p>N.J.S.A. § 2C:35-5 (“Manufacturing, distributing, or dispensing;” effective as amended 11.1.2000). It is unlawful for any person knowingly or purposely to manufacture, distribute, or dispense or to possess or have under his control with intent to manufacture, distribute, or dispense, a controlled dangerous substance, including methamphetamine. A violation is a crime of the first, second, or third degree, depending on the amount involved (five ounces or more, between 0.5 and five ounces, or less than 0.5 ounces, respectively).</p>
<p>N.J.S.A. §§ 2C:35-6 to 2C:35-8 (various titles; last amended 1.12.2010 or earlier). These five statutes pertain to the unlawful distributing, dispensing, or possessing of controlled dangerous substances: (1) while employing a juvenile in the scheme; (2) within 1,000 feet of school property; (3) within near proximity to public housing, parks, or facilities; or (4) to persons under age 18.</p>
<p>N.J.S.A. § 2C:35-9 (“Strict liability for drug-induced deaths;” effective 7.9.1987). 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>
<p>N.J.S.A. 2C:35-10 (“Possession, use or being under the influence, or failure to make lawful disposition;” effective as amended 8.1.1997). 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.</p>
<u>Methamphetamine cleanup and disposal</u>
Not addressed by state law.
<u>Other statutory provisions of note</u>
None.
<u>Relevant legislation considered in 2019</u>
<p>2018 Assembly Bill 968 / Senate Bill No. 321 (“Allows certain drug dealing offenses to be graded by ‘units,’ rather than weight, of controlled dangerous substances”). This bill would establish new classification schemes for certain controlled dangerous substances that are difficult to measure by weight, including methamphetamine. Neither bill has moved out of committee since introduction in January 2018. There is no carryover, as New Jersey’s legislative session runs from 2018-2019.</p>
<p>2018 Senate Bill No. 2584 (“Changes element of crime of strict liability for drug-induced death so that liability is based on drug being ‘direct contributing factor’ to death”). This bill has not moved out of committee since introduction in May 2018. There is no carryover, as New Jersey’s legislative session runs from 2018-2019.</p>



⁴⁷ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>NEW MEXICO</u>
<u>Restrictions placed on precursors</u>
<p>N. M. S. A. 1978, § 30-31-10 (“Schedule V;” effective as amended 7.1.2006). Any compound, mixture, or preparation that contains any detectable quantity of pseudoephedrine is in Schedule V, but pseudoephedrine products in liquid form including liquid filled gel caps and pseudoephedrine products already classified as dangerous drugs are excluded.</p>
<p>N. M. S. A. §§ 30-31B-1 to 30-31B-18 (collectively, “Drug Precursors;” effective as amended 5.14.2018). These statutes address certain listed “drug precursors,” which include ephedrine and pseudoephedrine. However, 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>N.M. Admin. Code 16.19.20.53 (“Dispensing Without a Prescription;” effective as amended 6.26.2018). 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>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>N. M. S. A. § 30-6-1 (“Abandonment or abuse of a child;” effective as amended 6.19.2019). 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>N. M. S. A. §§ 30-31-20 to 30-31-25.1 (various controlled substance offenses; effective as amended 7.1.2019). Criminal penalties for methamphetamine are not identified expressly; rather, they are contained within New Mexico’s laws prohibiting conduct with respect to controlled substances generally. The seven statutes encompassed in this grouping address, in order: (1) trafficking controlled substances; (2) distribution to a minor; (3) controlled substance possession; (4) controlled substance violations of administrative provisions; (5) controlled substance prohibited acts; and (6) possession, delivery, or manufacture of drug paraphernalia.</p>
<u>Methamphetamine cleanup and disposal</u>
<p>N.M. Admin. Code 20.4.5 (“Clandestine Drug Laboratory Remediation;” adopted 1.1.2008). 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.</p>

<u>NEW MEXICO</u>
<u>Other statutory provisions of note</u>
None.
<u>Relevant legislation considered in 2019</u>
<p>2019 House Bill No. 317 (“Drugged Driving Penalties”). This bill would prohibit driving with specified amounts of certain drugs in the driver’s blood within three hours of driving. For methamphetamine, the proposed limit is 100 nanograms per milliliter of blood. The bill died in committee when the legislative session ended.</p> <p>2019 Senate Memorial 8 (“A memorial requesting the formation of a task force to study the feasibility of converting correctional facilities into drug and alcohol treatment facilities”). This bill was tabled and then died when the legislative session ended.</p> <p>2019 Senate Bill No. 240 (“Mobile Rural Health Service for Substance Use”). The bill proposes to appropriate \$500,000 to the state Human Services Department for programs that deploy mobile units in six counties to provide rural health services and evidence-based, peer-supported substance use recovery services. The bill was reported out of Senate committee favorably. However, there was no further action and it died when the legislative session ended.</p>



The blue line shows the number of NFLIS reports (in thousands) in New York containing methamphetamine for years 2007 to 2018. The number of reports containing methamphetamine has increased from 2011 onward. The orange line shows New York's reports as a percentage of total U.S. reports. The relatively flat nature of the orange line indicates that New York's increase in reports generally tracks the increase in reports nationwide. The gray line provides a baseline reference to New York's population as a percentage of U.S. population. Throughout the 2007 to 2018 time period, New York's share of total U.S. reports containing methamphetamine is much lower than what might be expected based on population alone.

Other statistics about the use of methamphetamine in New York include:

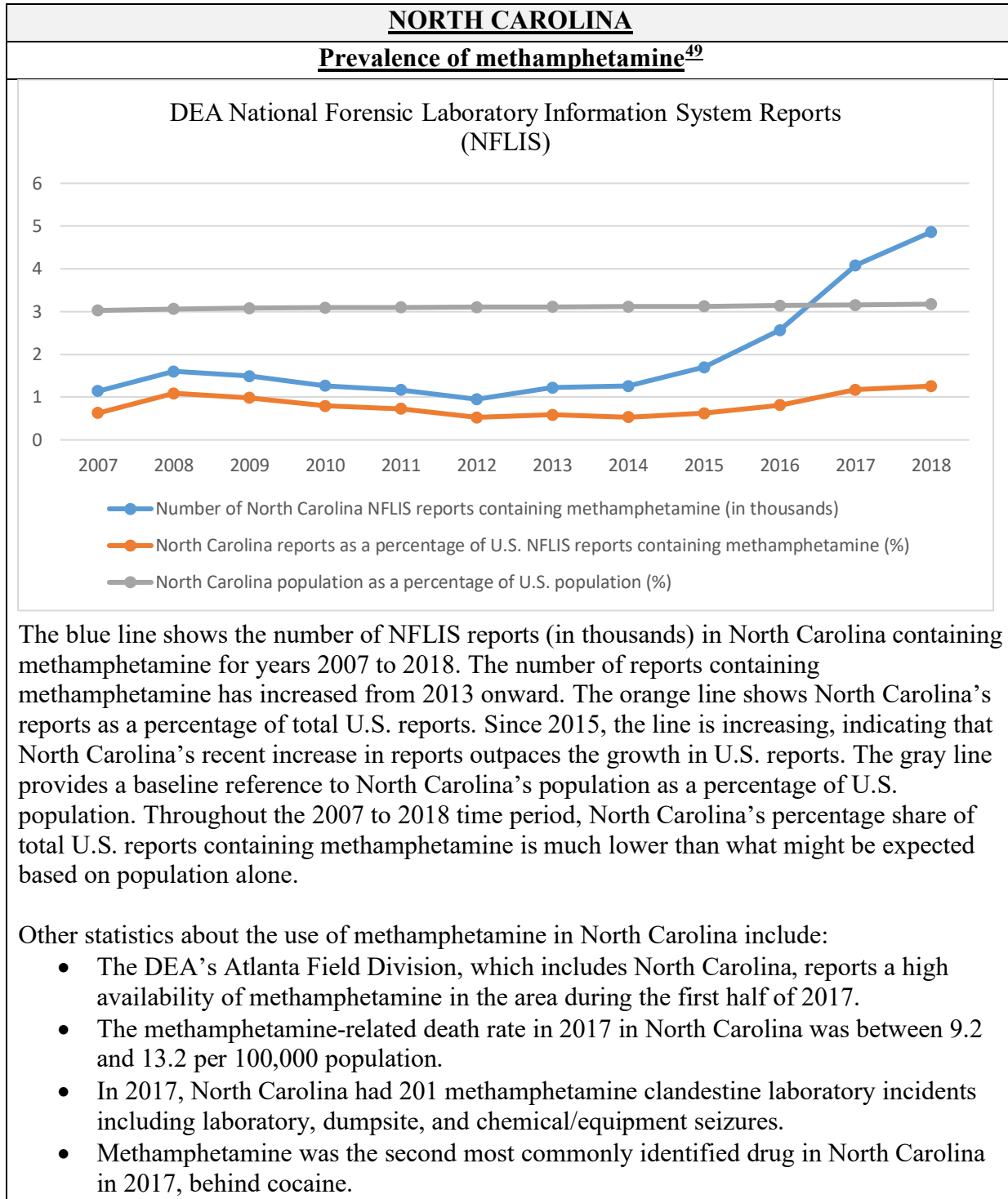
- The DEA's New York Field Division reports a low availability of methamphetamine in the area during the first half of 2017.
- The methamphetamine-related death rate in 2017 in New York was between 9.2 and 13.2 per 100,000 population.
- In 2017, New York had 25 methamphetamine clandestine laboratory incidents including laboratory, dumpsite, and chemical/equipment seizures.
- Methamphetamine was the seventh most commonly identified drug in New York in 2017; the four most commonly identified drugs were cocaine, cannabis/THC, heroin and fentanyl.

⁴⁸ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>NEW YORK</u>
<u>Restrictions placed on precursors</u>
<p>N.Y. Public Health Law § 3384 (“Information program for retailers;” effective 11.1.2005). 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>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>N.Y. Penal Law §§ 220.09, 220.16, 220.18, 220.29, 220.41, 220.43 (criminal possession and criminal sale of controlled substance offenses; effective as amended 12.14.2004). The severity of violation depends on the the amount of controlled substance possessed or sold.</p>
<p>N.Y. Penal Law § 220.70 (“Criminal possession of methamphetamine manufacturing material in the second degree;” effective 10.1.2005). 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>
<p>N.Y. Penal Law § 220.71 (“Criminal possession of methamphetamine manufacturing material in the first degree;” effective 10.1.2005). 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>N.Y. Penal Law § 220.72 (“Criminal possession of precursors of methamphetamine;” effective 10.1.2005). 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>N.Y. Penal Law § 220.73 (“Unlawful manufacture of methamphetamine in the third degree;” effective 10.1.2005). 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>N.Y. Penal Law § 220.74 (“Unlawful manufacture of methamphetamine in the second degree;” effective 10.1.2005). 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>N.Y. Penal Law § 220.75 (“Unlawful manufacture of methamphetamine in the first degree;” effective 10.1.2005). 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>

<u>NEW YORK</u>
<u>Methamphetamine cleanup and disposal</u>
<p>N.Y. Penal Law § 220.76 (“Unlawful disposal of methamphetamine laboratory material;” effective 10.1.2005). 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>Other statutory provisions of note</u>
<p>N.Y. Executive Law § 221-c (“Statewide repository of data relating to unlawful methamphetamine laboratories;” effective 10.1.2005). 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>N.Y. Executive Law § 221-d (“Discovery of an unlawful methamphetamine laboratory;” effective 10.1.2005). 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>N.Y. General Municipal Law § 209-dd (“Discovery of unlawful drug laboratory;” effective 10.1.2005). Provides that all emergency services personnel shall be provided with information on recognizing the signs of an unlawful methamphetamine laboratory.</p>
<p>N.Y. Mental Hygiene Law § 7.09 (“Powers of the office and commissioner. How exercised;” effective as amended 10.18.2019). 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>N.Y. Mental Hygiene Law § 19.27 (“Methamphetamine awareness and education program;” effective 11.1.2005). 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>

<u>NEW YORK</u>
<u>Relevant legislation considered in 2019</u>
<p>2019 Assembly Bill 4225 (“Relates to requiring the Office of Alcoholism and Substance Abuse Services to encourage, aid, and facilitate clinical research into the use of ibogaine in drug treatment”). Requires the office of alcoholism and substance abuse services to encourage, aid, and facilitate clinical research into the use of ibogaine in drug treatment for heroin, methamphetamine, and cocaine addiction. This bill is currently in committee.</p>
<p>2019 Assembly Bill 4703 (“Creates new criminal action pertaining to sale or purchase of pseudoephedrine”). This bill is currently in committee.</p>
<p>2019 Assembly Bill 6300 / Senate Bill 946 (“Relates to penalties for the crimes relating to methamphetamine laboratory operations”). Increases the severity of certain methamphetamine-related crimes. These bills are currently in committee.</p>
<p>2019 Assembly Bill 6304 / Senate Bill 1878 (“Relates to the possession and sale of methamphetamine”). Restructures the gradation of these offenses with respect to methamphetamine. These bills are currently in committee.</p>
<p>2019 Assembly Bill 6623 / Senate Bill 579 (“Relates to properties contaminated by the production, distribution, or storage of the narcotic drug methamphetamine”). These bills are currently in committee.</p>
<p>2019 Assembly Bill 6720 (“Regulates the sale of methamphetamine precursor drugs”). At present, New York does not have state-specific restrictions placed on sales of precursors. This bill is currently in committee.</p>
<p>2019 Assembly Bill 6936 (“Requires landowners to disclose if property has ever been contaminated from methamphetamines before sale or lease”). This bill is still in committee.</p>
<p>2019 Assembly Bill No. 7955 (“Enacts the ‘children and recovering mothers (CHARM) act’”). Enacts the CHARM Act to provide guidance, education, and assistance to healthcare providers caring for expectant mothers with substance use disorder; also provides for the screening of newborns for substance abuse exposure. This bill is currently in committee.</p>
<p>2019 Senate Bill 1117 (“Authorizes gifts, on personal income tax returns, for substance use disorder education and recovery”). This bill is currently in committee.</p>

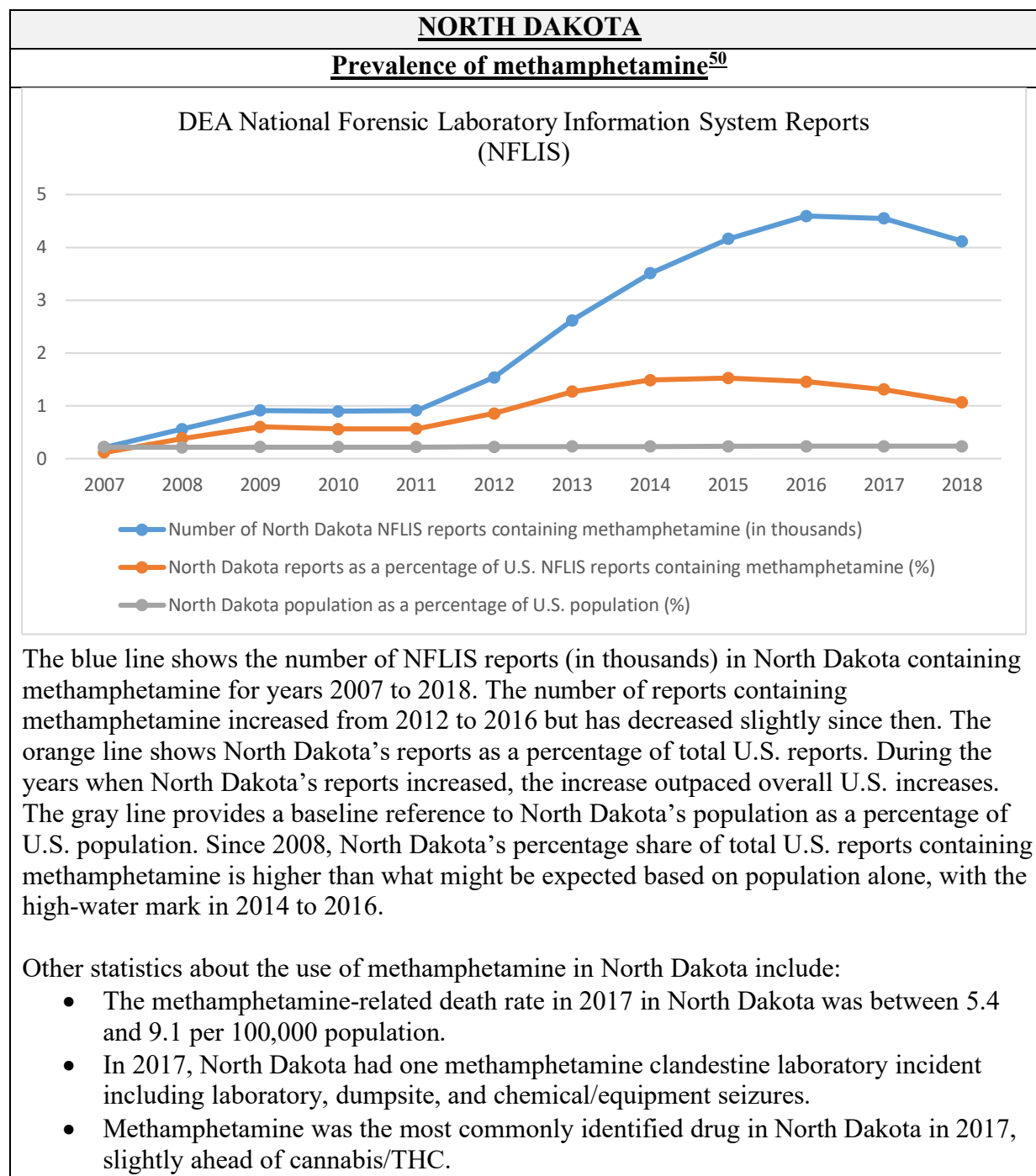


⁴⁹ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>NORTH CAROLINA</u>
<u>Restrictions placed on precursors</u>
<p>N.C.G.S.A §§ 90-113.50. to 90-113.69 (collectively, “Control of Methamphetamine Precursors;” effective as amended 7.17.2012). Limits non-prescription sales of pseudoephedrine products to 3.6 grams per day and nine grams in a 30-day period. Requires buyers to be at least age 18 and provide a valid photo ID. Before completing a sale of a pseudoephedrine product, a retailer must electronically submit the required information to the NPLeX electronic tracking system. If a retailer willfully and knowingly violates the provisions of the statute, the retailer shall be guilty of a Class A1 misdemeanor. Any purchaser or employee who willfully and knowingly violates the statute shall be guilty of a Class 1 misdemeanor for the first offense. A retailer who fails to train employees in accordance with the statute shall be fined up to \$500 for the first violation.</p>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>N.C.G.S.A. § 14-18.4 (“Death by distribution of certain controlled substances; aggravated death by distribution of certain controlled substances; penalties;” effective 12.1.2019). 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>N.C.G.S.A. § 15A-1340.16 (“Aggravated and mitigated sentences;” effective as amended 12.1.2017). 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>N.C.G.S.A. § 15A-1340.16D (“Manufacturing methamphetamine; enhanced sentence;” effective as amended 12.1.2013). Provides for enhanced sentences in cases where the 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>

<u>NORTH CAROLINA</u>
<u>Criminal penalties for methamphetamine (continued)</u>
<p>N.C.G.S.A. §§ 90-95 to 95.7 (controlled substance offenses; effective as last amended 12.1.2018). Criminal penalties for methamphetamine are contained within North Carolina’s laws prohibiting conduct with respect to controlled substances generally. The seven statutes encompassed in this grouping address, in order: (1) violations generally; (2) continuing criminal enterprise; (3) restitution to law-enforcement agencies for undercover purchases, drug analyses, and seizure and cleanup of clandestine laboratories; (4) employing or intentionally using a minor to commit a drug law violation; (5) employing a minor to commit a drug offense; (6) promoting drug sales by a minor; and (7) participating in a drug violation by a minor.</p> <p>N.C.G.S.A. § 90-98 (“Attempt and conspiracy; penalties; effective as amended 12.1.1997). 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>
<u>Methamphetamine cleanup and disposal</u>
<p>N.C.G.S.A. § 90-95.3 (“Restitution to law enforcement agencies for undercover purchases; restitution for drug analyses; restitution for seizure and cleanup of clandestine laboratories;” effective as amended 10.1.2002). 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> <p>N.C.G.S.A. § 130A-284 (“Decontamination of property used for the manufacture of methamphetamine;” effective as amended 1.1.2005). 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>
<u>Other statutory provisions of note</u>
<p>N.C.G.S.A. § 15A-534.6 (“Bail in cases of manufacture of methamphetamine;” effective as amended 8.30.2007). 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>N.C.G.S.A. § 90-113.64 (“SBI annual report;” effective as amended 7.1.2015). 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 and to the Legislative Commission on Methamphetamine Abuse by March 1 each calendar year.</p>
<u>Other statutory provisions of note (continued)</u>

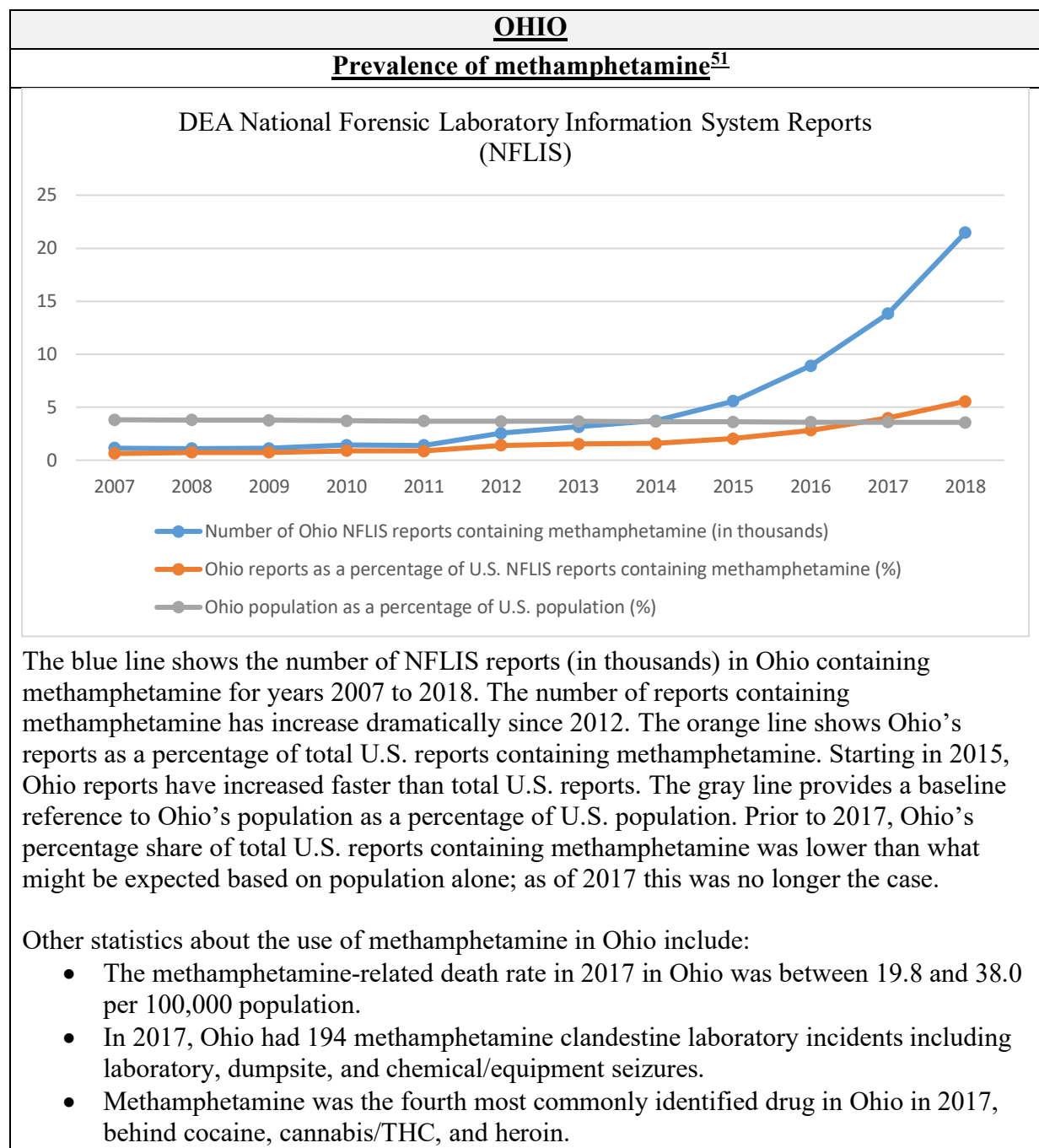
<u>NORTH CAROLINA</u>
<p>N.C.G.S.A. § 114-43 (“Methamphetamine Watch Program -- good faith actions immune from civil and criminal liability;” effective 8.3.2004). Grants immunity for any person who, in good faith, takes one of several listed actions as part of a Methamphetamine Watch Program approved by the Department of Justice.</p> <p>N.C.G.S.A. § 120-226 (“Commission established; purpose; reports;” effective 9.27.2005). Establishes the Legislative Commission on Methamphetamine Abuse.</p> <p>N.C.G.S.A. § 143B-925 (“Study and report on use of pseudoephedrine products to make methamphetamine;” effective as amended 7.1.2014). Requires the State Bureau of Investigation to study issues regarding the use of pseudoephedrine products to make methamphetamine and report annually.</p>
<u>Relevant legislation considered in 2019</u>
<p>2019 Senate Bill 474 (“Clean Up Obsolete Boards”). Proposes to abolish several boards and commissions within the government that appear to be no longer functional. This includes the Legislative Commission on Methamphetamine Abuse. The bill passed the Senate in May 2019. It is presently in a House committee.</p>



⁵⁰ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>NORTH DAKOTA</u>
<u>Restrictions placed on precursors</u>
<p>NDCC, 19-03.4-01 (“Definition--Drug paraphernalia;” effective as amended 4.7.2003). 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>
<p>NDCC, 19-03.4-03 (“Unlawful possession of drug paraphernalia—Penalty;” effective as amended 8.1.2019). Provides the penalties for possession of drug paraphernalia.</p>
<p>NDCC, 19-03.4-04 (“Unlawful manufacture or delivery of drug paraphernalia—Penalty;” effective 4.12.2001). 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>NDCC, 19-03.4-07 (“Prima facie proof of intent;” effective 4.7.2003). Possession of more than 24 grams of a methamphetamine precursor drug or combination of precursor drugs is prima facie evidence of intent to violate NDCC, 19-03.4-03 and 19-03.4-04 relating to drug paraphernalia. The term “drug paraphernalia” includes methamphetamine precursor drugs.</p>
<p>NDCC, 19-03.4-08 (“Retail or over-the-counter sale of scheduled listed chemical products—Penalty;” effective as amended 8.1.2011). Products containing ephedrine, pseudoephedrine, or phenylpropanolamine must be behind a counter or other barrier or in a locked cabinet, where purchasers do not have direct access to the products before the sale is made. If a purchaser has no valid prescription, the purchaser must produce identification showing proof that he or she is at least 18 years old. The daily sales limit is 3.6 grams. The 30-day sales limit is nine grams. Sales must be in blister packs, each blister containing not more than two dosage units. The retailer must maintain a written list of sales, and before completing the transaction, the person making the sale must submit all the information from the written record into the electronic recordkeeping system. The state Bureau of Criminal Investigation must provide retailers of listed chemical products access to a real-time electronic recordkeeping system to enter into the record system any transaction required to be recorded. A person who willfully sells products in violation of the age restriction is guilty of an infraction. A person who willfully sells more than two packages of products in violation of the blister pack requirement is guilty of a class A misdemeanor.</p>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>NDCC, 19-03.1-22.2 (“Endangerment of child or vulnerable adult;” effective as amended 8.1.2017). 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>

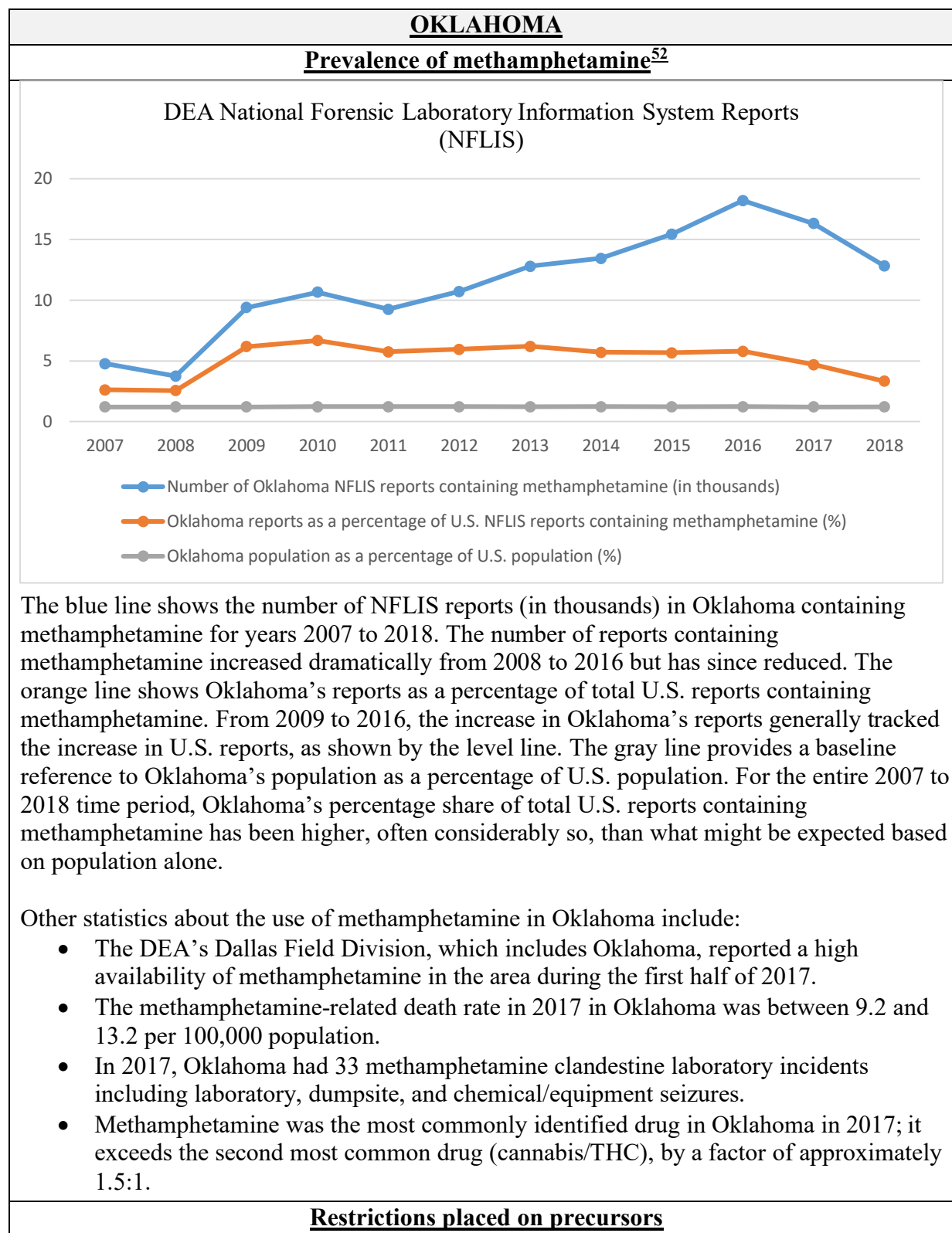
<u>NORTH DAKOTA</u>
<u>Criminal penalties for methamphetamine (continued)</u>
<p>NDCC, 19-03.1-23 (“Prohibited acts—Penalties;” effective as amended 8.1.2019). General statute covering state controlled substance act violations. It is unlawful for a person to willfully manufacture, deliver, or possess 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>NDCC, 19-03.1-23.1 (“Increased penalties for aggravating factors in drug offenses;” effective as amended 8.1.2017). 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.</p>
<u>Methamphetamine cleanup and disposal</u>
Not addressed by state law.
<u>Other statutory provisions of note</u>
<p>NDCC, 19-03.1-23.4 (“Overdose prevention and immunity;” effective as amended 8.1.2019). 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>NDCC, 19-03.1-45 (“Drug abuse assessment and treatment--Presentence investigation--Certified drug abuse treatment programs;” effective as amended 8.1.2019). 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>NDCC, 50-06-42 (“Substance use disorder treatment voucher system;” effective as amended 8.1.2019). 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.</p>
<u>Relevant legislation considered in 2019</u>
None.



⁵¹ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>OHIO</u>
<u>Restrictions placed on precursors</u>
<p>R.C. § 2925.55 to 2925.58 (collectively, “Pseudoephedrine Sales;” effective as amended 3.20.2013). Limits sales of pseudoephedrine or ephedrine products to 3.6 grams per day and nine grams within 30 days. Requires purchaser to be at least age 18, unless a pharmacist dispenses the product pursuant to a valid prescription. Purchaser must present valid photo ID. A seller may perform a transaction scan to check the validity of a driver’s or commercial driver’s license or identification card presented by a card holder as a condition for selling the product. Violations are misdemeanors of the first to fourth degrees, depending on the offense.</p>
<p>R.C. § 3715.05 to 3715.06 (various retailer requirements; effective as amended 3.20.2013). 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>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>R.C. § 2919.22 (“Endangering children;” effective as amended 3.22.2019). 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>R.C. § 2925.02 to 2925.14 (collectively, “Drug Offenses;” effective as amended 10.17.2019). Criminal penalties for methamphetamine are contained within Ohio’s laws prohibiting conduct with respect to controlled substances generally. The 12 statutes encompassed in this grouping address the following prohibited activities: (1) corrupting another; (2) trafficking; (3) illegal manufacturing; (4) aggravated funding of trafficking; (5) illegal assembly or possession of chemicals; (6) sale; and (7) possession.</p>
<p>R.C. § 2925.52 (“Destruction of chemicals used to produce methamphetamine; preservation of samples;” effective as amended 5.17.2006). 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>R.C. § 2933.33 (“Search of premises for illegal manufacture of methamphetamine;” effective 5.17.2006). 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>

<u>OHIO</u>
<u>Methamphetamine cleanup and disposal</u>
<p>R.C. § 3745.13 (“Recovery of costs from persons causing environmental emergencies or contamination by operation of illegal methamphetamine laboratory;” effective as amended 12.20.2012). 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>
<u>Other statutory provisions of note</u>
<p>R.C. § 109.60 (“Duty of sheriffs and chiefs of police to take fingerprints; report; exception;” effective as amended 4.6.2017). 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>R.C. § 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;” effective as amended 9.17.2010). 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>
<p>R.C. § 4511.19 (“Driving while under the influence of alcohol or drugs; tests; presumptions; penalties; immunity for those withdrawing blood;” effective as amended 9.29.2017). 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.</p>
<u>Relevant legislation considered in 2019</u>
<p>2019 Senate Bill 55 (“To enhance penalties for certain drug trafficking offenses committed in the vicinity of a community addiction services provider and to name the act’s provisions the ‘Relapse Reduction Act’”). The bill enhances the penalties for drug trafficking offenses when committed within 1,000 feet of a substance addiction services provider’s facility. The bill passed the Senate in May 2019. It was reported out of House committee in October 2019.</p>



⁵² See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

OKLAHOMA

[63 Okl.St. Ann. § 2-212](#) (“Schedule V;” effective as amended 11.1.2013). 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.

[63 Okl.St. Ann. § 2-321 to 2-333](#) (collectively, the “Precursor Substances Act;” effective as amended 11.1.2013). 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.

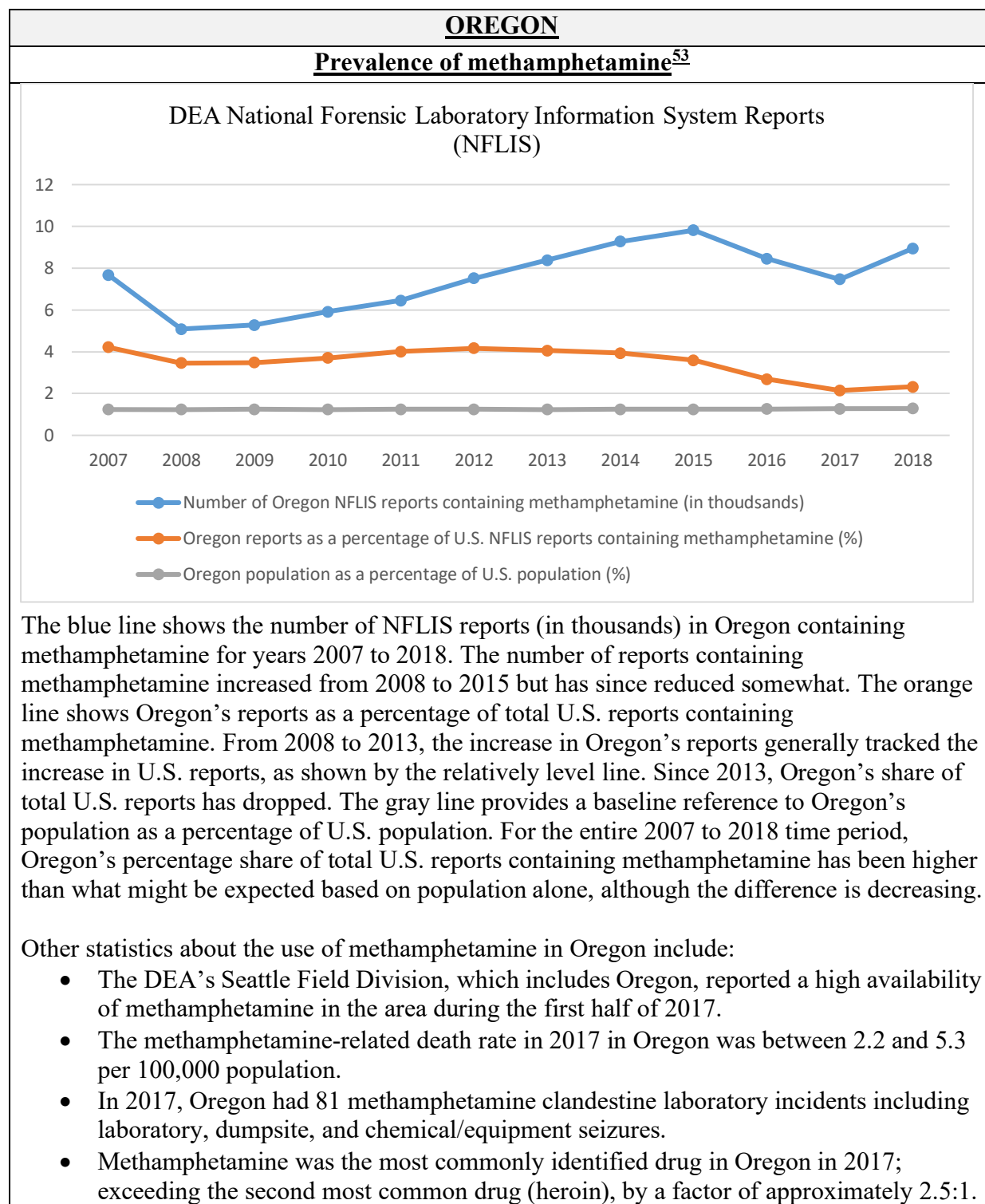
[63 Okl.St. Ann. § 2-341](#) (“Pharmacy electronic drug tracking service;” effective 7.1.2012). Any pharmacy that dispenses any compound mixture or preparation containing any detectable quantity of base pseudoephedrine or ephedrine shall maintain an electronic record of the sale. Each pharmacy must access 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.

[63 Okl.St. Ann. § 2-701](#) (“Oklahoma State Bureau of Narcotics and Dangerous Drugs Control registry;” effective as amended 11.1.2013). 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.

Criminal penalties for possessing, manufacturing, or trafficking methamphetamine

[63 Okl.St. Ann. §§ 2-401 to 2-413.1](#) (various controlled substance offenses; effective as amended as recently as 11.1.2018). Contains separate statutes for drug offense levels A through G. Addresses offering, attempting, and conspiring to commit crimes.

<u>OKLAHOMA</u>
<u>Criminal penalties for methamphetamine (continued)</u>
<p>63 Okl.St. Ann. §§ 2-414 to 2-420 (collectively, “Trafficking in Illegal Drugs Act;” effective as amended as recently as 4.4.2019). Applies to persons convicted of crimes related to several substances, including methamphetamine.</p>
<p>63 Okl.St. Ann. § 2-419.1 (“Use of minors in transportation, sale, etc. of controlled dangerous substances—Penalties;” effective as amended 7.1.1999). 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>
<u>Methamphetamine cleanup and disposal</u>
<p>41 Okl.St. Ann. § 118 (“Duties of landlord and tenant;” effective as amended 11.1.2010). 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>63 Okl.St. Ann. § 2-333 (“Knowingly selling, transferring, distributing, or dispensing products to be used in the production of certain controlled substances--Penalty—Damages;” effective as amended 6.3.2008). 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>
<p>60 Okl.St. Ann. § 833 (“Disclaimer and disclosure statements;” effective as amended 11.1.2003). Property disclosure statements must include statements regarding the existence of prior manufacturing of methamphetamine.</p>
<u>Other statutory provisions of note</u>
<p>63 Okl.St. Ann. § 2-417 (“Drug Abuse Education Revolving Fund;” effective as amended 2012). 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.</p>
<u>Relevant legislation considered in 2019</u>
None.

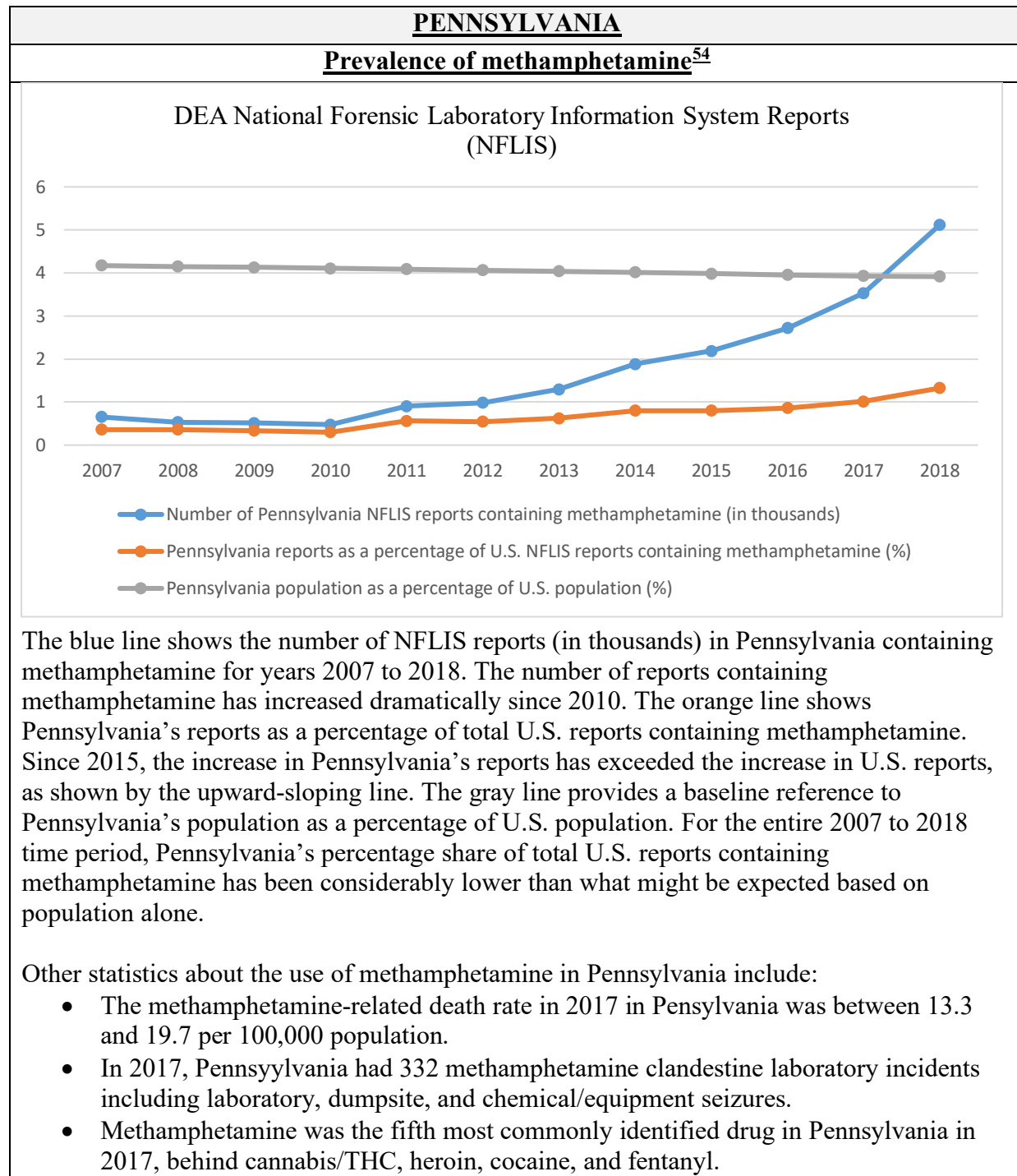


⁵³ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>OREGON</u>
<u>Restrictions placed on precursors</u>
<p>OAR 855-080-0023 (“Schedule III;” effective as amended 6.29.2007). Products containing pseudoephedrine, ephedrine, and phenylpropanolamine are Schedule III substances and available by prescription only.</p> <p>O.R.S. § 475.754 (“Affirmative defenses;” effective 2011). It is an affirmative defense to a charge of violating ORS § 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>O.R.S. § 475.973 (“Unlawful possession of ephedrine, pseudoephedrine or phenylpropanolamine; unlawful distribution of ephedrine, pseudoephedrine or phenylpropanolamine;” effective as amended 6.28.2011). 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>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>O.R.S. § 135.242 (“Security release; defendants charged with certain methamphetamine crimes;” effective 1.1.2009). Provides that when a defendant is charged with certain methamphetamine-related crimes, and the court finds certain factors present, the court may not release the defendant on any form of release other than a security release and shall set a security amount of not less than \$500,000.</p> <p>O.R.S. § 475.752 (“Prohibited acts generally; penalties;” effective as amended 8.15.2017). Provides that it is unlawful for any person to: (1) manufacture or deliver a controlled substance; or (2) knowingly or intentionally possess a controlled substance unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a practitioner.</p> <p>O.R.S. §§ 475.886 to 475.894 (various provisions specifically applicable to methamphetamine; effective as amended 1.1.2012 and 8.15.2017). The five statutes within this grouping address, in order: (1) manufacture of methamphetamine; (2) manufacture of methamphetamine within 1,000 feet of a school; (3) delivery of methamphetamine; (4) delivery within 1,000 feet of a school; and (5) possession of methamphetamine.</p>

<u>OREGON</u>
<u>Criminal penalties for methamphetamine (continued)</u>
<p>O.R.S. §§ 475.906 and 475.907 (“Delivery to minors” and “Sentencing for unlawful delivery of cocaine, methamphetamine, heroin or ecstasy to minors convictions;” effective 1.1.2009). It is unlawful for any person to 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>O.R.S. § 475.925 (“Sentencing for unlawful delivery or manufacture of a controlled substance convictions;” effective 1.1.2009). 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>O.R.S. § 475.935 (“Manufacture or delivery of methamphetamine; sentencing;” effective 2009). When the court sentences a person convicted of delivery of methamphetamine under O.R.S. § 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>
<u>Methamphetamine cleanup and disposal</u>
<p>O.R.S. § 86.771 (“Notice of sale; contents;” effective as amended 1.1.2015). 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>O.R.S. §§ 475.405 to 475.495 (collectively, “Illegal drug cleanup;” effective as amended 2017). 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> <p>O.R.S. § 475.977 (“Possessing or disposing of methamphetamine manufacturing waste;” effective 8.16.2005). 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.</p>

<u>OREGON</u>
<u>Other statutory provisions of note</u>
<p>O.R.S. § 419B.005 (“Definitions;” effective as amended 1.1.2020). 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>O.R.S. § 475.898 (“Medical assistance for drug-related overdose; immunity from arrest or prosecution;” effective as amended 4.21.2017). The immunity provided by this section applies to unlawful possession of methamphetamine as described in ORS § 475.894.</p> <p>O.R.S. § 475.902 (“Directives to Oregon Criminal Justice Commission;” effective as amended 1.1.2010). 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>
<u>Relevant legislation considered in 2019</u>
<p>2019 House Bill 2257 (“Relating to drugs; and declaring an emergency;” adopted). Among other provisions, the Department of Corrections shall study the diagnosis, treatment, and continuity of care for persons in the custody of correctional facilities in the state, in particular for persons experiencing substance use disorders, including opioid and opiate addiction. In addition, the bill provides that the Oregon Health Authority shall convene an advisory group to advise the authority on the authority’s establishment of accreditation requirements for treatment programs for substance use disorders, including opioid and opiate addiction.</p> <p>2019 House Bill 2303 (“Relating to pseudoephedrine; prescribing an effective date”). Allows a pharmacist to prescribe and dispense pseudoephedrine to a person who is at least 18 years of age and who provides to the pharmacist the person’s valid government-issued photo ID. Requires the pharmacist to query the prescription monitoring program prior to prescribing and dispensing. Limits the amount of pseudoephedrine a person may receive. Allows the State Board of Pharmacy to adopt rules. The bill was passed by the House and passed (in amended form) by the Senate. At the time the legislature adjourned, the bill was back in the House. There is no carryover with Oregon legislation.</p> <p>2019 House Bill 2797 (“Relating to homicide resulting from controlled substance offense; declaring an emergency”). Requires a sentence of 58 to 130 months imprisonment if the person is convicted of unlawful delivery or manufacture of controlled substance that results in death of another person from use of controlled substance. Punishes a maximum of 20 years imprisonment, \$375,000 fine, or both. The bill was in the House committee upon adjournment of the legislature. There is no carryover with Oregon legislation.</p>



⁵⁴ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>PENNSYLVANIA</u>
<u>Restrictions placed on precursors</u>
<p>18 Pa.C.S.A. § 6316 (“Selling or furnishing certain stimulants to minors;” effective May 1997). 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> <p>35 P.S. § 780-113.6 (“Ephedrine and pseudoephedrine; electronic tracking;” effective as amended 4.7.2014). 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> <p>35 P.S. §§ 881 to 888 (collectively, “Noncontrolled substances reporting and registration act;” enacted in 1990). Includes ephedrine, pseudoephedrine, and phenylpropanolamine.</p>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>18 Pa.C.S.A. § 7508 (“Drug trafficking sentencing and penalties;” effective as amended 7.1.2017). Contains mandatory minimum sentences for certain crimes related to controlled substances. The statute was held to be unconstitutional in <i>Commonwealth v. DiMatteo</i>, 644 Pa. 463, 177 A.3d 182 (2018).</p> <p>18 Pa.C.S.A. § 7508.2 (“Operation of methamphetamine laboratory;” effective 6.28.2010). 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>23 Pa.C.S.A. § 6303 (“Definitions;” effective as amended 6.12.2018). The definition of “child abuse” in Pennsylvania law includes causing a child to be present at a location while a violation of 18 Pa.C.S. § 7508.2 (see above) is occurring.</p> <p>35 P.S. § 780-113 (“Prohibited acts; penalties;” effective as amended 4.7.2014). Contains a list of 39 enumerated acts involving controlled substances that are prohibited. Among these acts are: (1) the unlawful manufacture of methamphetamine or phencyclidine in a structure where any child under 18 years of age is present or where the manufacturing causes any child under 18 years of age to suffer bodily injury; and (2) the knowing possession of ephedrine, pseudoephedrine, or phenylpropanolamine with the intent to manufacture methamphetamine.</p>

<u>PENNSYLVANIA</u>
<u>Criminal penalties for methamphetamine (continued)</u>
<p>35 P.S. § 780-113.3 (“Methamphetamine production;” effective as amended 4.19.2010). 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>35 P.S. § 780-113.4 (“Operating a methamphetamine laboratory and illegal dumping of methamphetamine waste;” effective 6.28.2010). 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>35 P.S. § 780-114 (“Distribution to persons under age eighteen;” effective as amended 10.1972). 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>
<p>204 Pa.Code § 303.14 (“Guideline sentence recommendations-Economic sanctions;” effective as amended 12.6.2019). 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>204 Pa.Code § 303.15 (“Offense listing;” effective as amended 12.6.2019). Contains sentencing guidelines for offenses, including those that are methamphetamine related.</p>
<u>Methamphetamine cleanup and disposal</u>
<p>18 Pa.C.S.A. § 1110 (“Restitution for cleanup of clandestine laboratories;” effective 1.18.2005). 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>

<u>PENNSYLVANIA</u>
<u>Methamphetamine cleanup and disposal (continued)</u>
<p>18 Pa.C.S.A. § 3313 (“Illegal dumping of methamphetamine waste;” effective 6.28.2010). 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>35 P.S. § 780-113.4 (“Operating a methamphetamine laboratory and illegal dumping of methamphetamine waste;” effective as amended 4.29.2010). 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>35 P.S. § 780-113.5 (“Environmental costs;” effective as amended 4.29.2010). 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>Other statutory provisions of note</u>
<p>18 Pa.C.S.A. § 7508.1 (“Substance Abuse Education and Demand Reduction Fund;” effective as amended 5.11.2006). 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 for 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>35 P.S. § 780-113.2 (“Clandestine drug laboratory data repository;” effective as amended 9.13.2004). 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>35 P.S. § 780-113.7 (“Drug overdose response immunity;” effective 12.1.2014). 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>
<u>Relevant legislation considered in 2019</u>

PENNSYLVANIA

2019 House Bill No. 596 (“An Act providing for a detoxification and addiction treatment bed registry”). This bill was passed by the House in June 2019. It is currently in the Senate.

2019 House Bill 1343 / Senate Bill 508 (“An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in other offenses, further providing for the offense of drug trafficking sentencing and penalties”). These bills are currently in committee.

2019 House Bill 1944 (“An Act . . . providing for opioid action task force . . . further providing for residential drug and alcohol treatment programs for pregnant women and mothers and their dependent children and for staff training and referral mechanisms; in powers and duties of the Department of Drug and Alcohol Programs, providing for residential drug and alcohol treatment programs for pregnant women and mothers and their dependent children; providing for intergovernmental collaboration on substance abuse and for public health emergency; and making editorial changes”). This bill is in House committee.

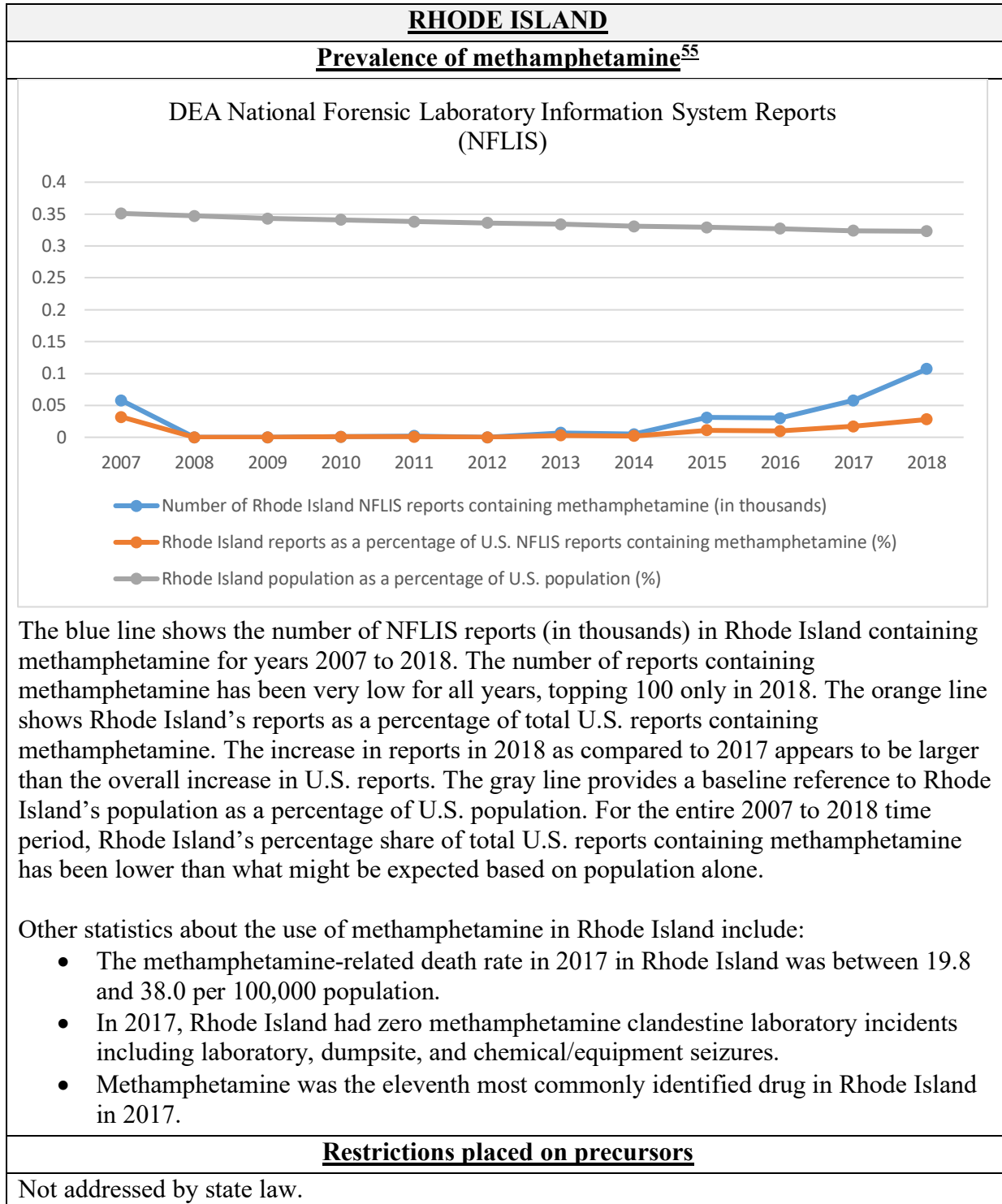
2019 House Resolution 147 (“A Resolution directing the Joint State Government Commission to conduct a comprehensive review of unused properties, buildings and facilities owned by the Commonwealth and how to repurpose those properties, buildings and facilities for use as facilities appropriate for addiction treatment and recovery supports and to issue a report”). This resolution was adopted in June 2019.

2019 House Resolution 216 (“A Resolution establishing a legislative task force on overdose recovery and directing the Joint State Government Commission to conduct a study on warm hand-off to treatment for individuals with a substance use disorder in this Commonwealth and to report its findings and recommendations to the House of Representatives”). This resolution was adopted in June 2019.

2019 Senate Bill 80 (“An Act providing for remediation of real property contaminated by methamphetamine production, for decontamination guidelines to be developed by Department of Health and for restitution; prohibiting certain activity relating to certain property; providing for enforcement; establishing immunity for real estate professionals under certain circumstances; and authorizing fees”). The bill is currently in a Senate committee.

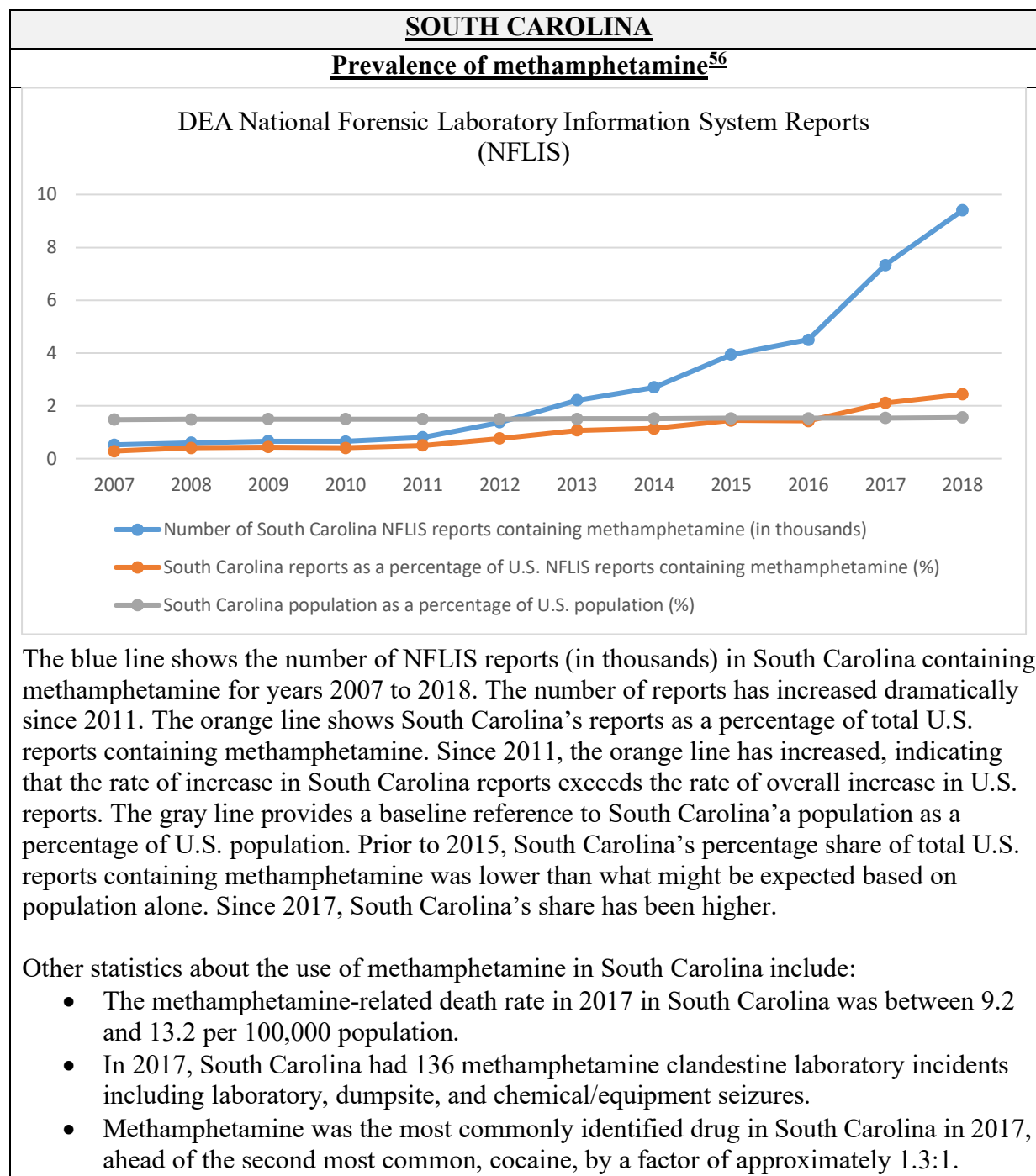
2019 Senate Bill 118 (“An Act establishing Recovery-to-work as a pilot program within the Department of Labor and Industry; and providing for local recovery-to-work pilot programs, for incentives to encourage business participation and for powers and duties of the Department of Labor and Industry”). This bill was passed by Senate in June 2019.

2019 Senate Bill 501 (“An Act amending Titles 42 (Judiciary and Judicial Procedure) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes”). This bill, which would add a provision on drug trafficking to the Commonwealth’s controlled substance act, among other things, was signed into law on December 18, 2019.



⁵⁵ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>RHODE ISLAND</u>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
R.I. Gen.Laws §§ 21-28-4.01 to 21-28-4.11 (various controlled substance offenses; effective as amended 6.30.2017). Criminal penalties for methamphetamine are not identified expressly; rather, they are contained within Rhode Island's laws prohibiting conduct with respect to controlled substances generally. The 15 statutes encompassed in this grouping contain provisions with respect to: (1) prohibited acts (labeled by levels A, B, C, E, and F); (2) minimum sentences based upon the amount of controlled substance involved; (3) distribution to persons under age 18; (4) distribution or manufacturing near schools; (5) conspiracy; and (6) second offenses.
<u>Methamphetamine cleanup and disposal</u>
Not addressed by state law.
<u>Other statutory provisions of note</u>
R.I. Gen.Laws § 21-28-4.17.1 ("Assessment for drug education, counseling and treatment;" effective as amended 2002). 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.
<u>Relevant legislation considered in 2019</u>
2019 House Resolution 5751 ("House resolution creating a special legislative commission to study the efficacy of involuntary inpatient treatment for non-court involved individuals diagnosed with substance use disorder"). This resolution was adopted in June 2019.
2019 House Bill 5935 / Senate Bill 26 ("An act relating to insurance – insurance coverage for mental illness and substance abuse"). Requires insurance coverage for at least 90 days of residential or inpatient services for mental health and/or substance use disorders for American Society of Addiction Medicine levels of care 3.1 and 3.3. In Spring 2019, the respective House and Senate committees reviewing these bills each recommended the measures be held for further study.

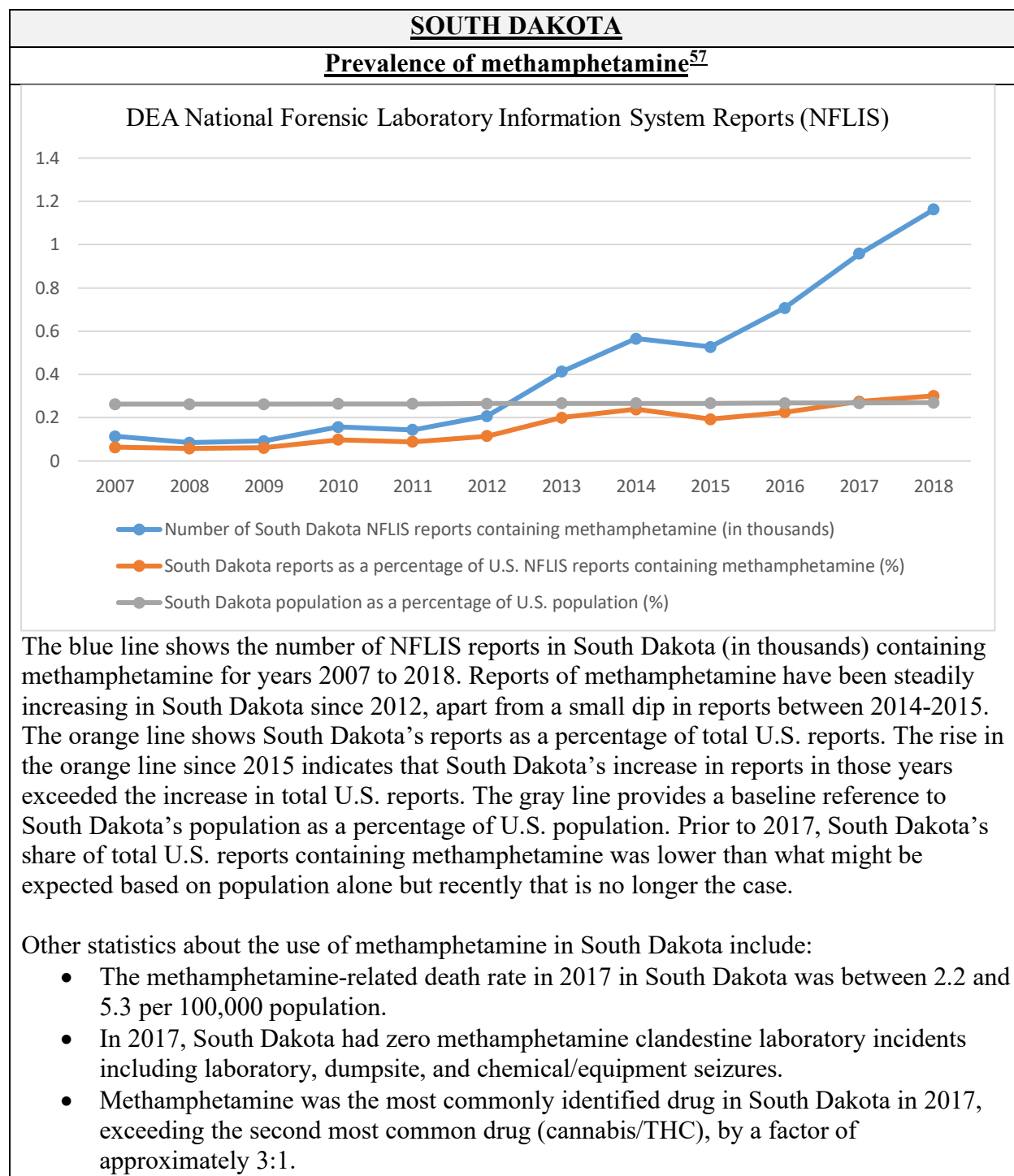


⁵⁶ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>SOUTH CAROLINA</u>
<u>Restrictions placed on precursors</u>
<p>S.C. Code § 23-3-1200 (“SLED electronic monitoring system; collection, storage and use of information;” effective 7.1.2010). 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.</p>
<p>S.C. Code § 44-53-398 (“Sale of products containing ephedrine or pseudoephedrine; penalties; training of sales personnel;” effective as amended 7.1.2010). 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>S.C. Code § 16-1-90 (“Crimes classified as felonies;” effective 6.11.2010). 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>S.C. Code § 16-1-100 (“Crimes classified as misdemeanors;” effective 9.25.2007). Purchasing a product containing ephedrine or pseudoephedrine from any person other than a manufacturer or registered wholesale distributor is a misdemeanor.</p>
<p>S.C. Code § 44-53-375 (“Possession, manufacture, and trafficking of methamphetamine and cocaine base and other controlled substances; penalties;” effective as amended 4.21.2016). 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>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>S.C. Code § 16-1-90 (“Crimes classified as felonies;” effective 6.11.2010). 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>S.C. Code § 16-1-100 (“Crimes classified as misdemeanors;” effective 9.25.2007). The possession of less than one gram of methamphetamine is a misdemeanor.</p>
<p>S.C. Code § 44-53-365 (“Theft of controlled substance; penalty;” effective as amended 6.7.2005). 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>S.C. Code § 44-53-370 (“Prohibited acts A; penalties;” effective as amended 4.21.2016). 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>S.C. Code § 44-53-375 (“Possession, manufacture, and trafficking of methamphetamine and cocaine base and other controlled substances; penalties;” effective as amended 4.21.2016). 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 “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>

<u>SOUTH CAROLINA</u>
<u>Criminal penalties for manufacturing (continued)</u>
<p>S.C. Code § 44-53-376 (“Disposal of waste from production of methamphetamine; penalty; emergency or environmental response restitution; exemptions;” effective 5.4.2006). 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>S.C. Code § 44-53-378 (“Exposing child to methamphetamine;” effective 6.16.2008). 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>
<u>Methamphetamine cleanup and disposal</u>
<p>S.C. Code § 44-53-376 (“Disposal of waste from production of methamphetamine; penalty; emergency or environmental response restitution; exemptions;” effective 5.4.2006). 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>
<u>Other statutory provisions of note</u>
<p>S.C. Code § 44-53-1920 (“Limited immunity for a person who seeks medical assistance for another;” effective 6.10.2017). 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>
<u>Relevant legislation considered in 2019</u>
<p>2019 House Bill 3276. This bill proposes to decrease the penalties for the first offense of possessing less than one gram of methamphetamine and requires completion of a drug treatment or rehabilitation program as part of the sentence. Introduced in January 2019.</p>
<p>2019 House Bill 3663. This bill creates the offenses of homicide and great bodily injury by fentanyl, morphine, methamphetamine, or heroin if the person caused the death of a person while giving, selling, or distributing one of the listed drugs. Introduced in January 2019</p>
<p>2019 House Bill 4000 (“General Appropriations Bill”). Among many other things, this bill provides that SLED is authorized to expend funds for the development and implementation of a statewide electronic mandatory reporting system for information pertaining to the discovery or seizure of methamphetamine laboratories and dumpsites. Enacted in May 2019.</p>
<p>2019 House Bill 4687. This bill amends the penalties, weight presumptions, and eliminates mandatory minimum sentences for the unlawful possession, manufacture, and trafficking of methamphetamine or other controlled substances. Filed in November 2019.</p>



⁵⁷ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

SOUTH DAKOTA**Restrictions placed on precursors**

SDCL § 34-20D-1 (“Sale of packages containing pseudoephedrine or ephedrine--Number in single transaction limited--Exception—Misdemeanor;” effective as amended 2006). 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.

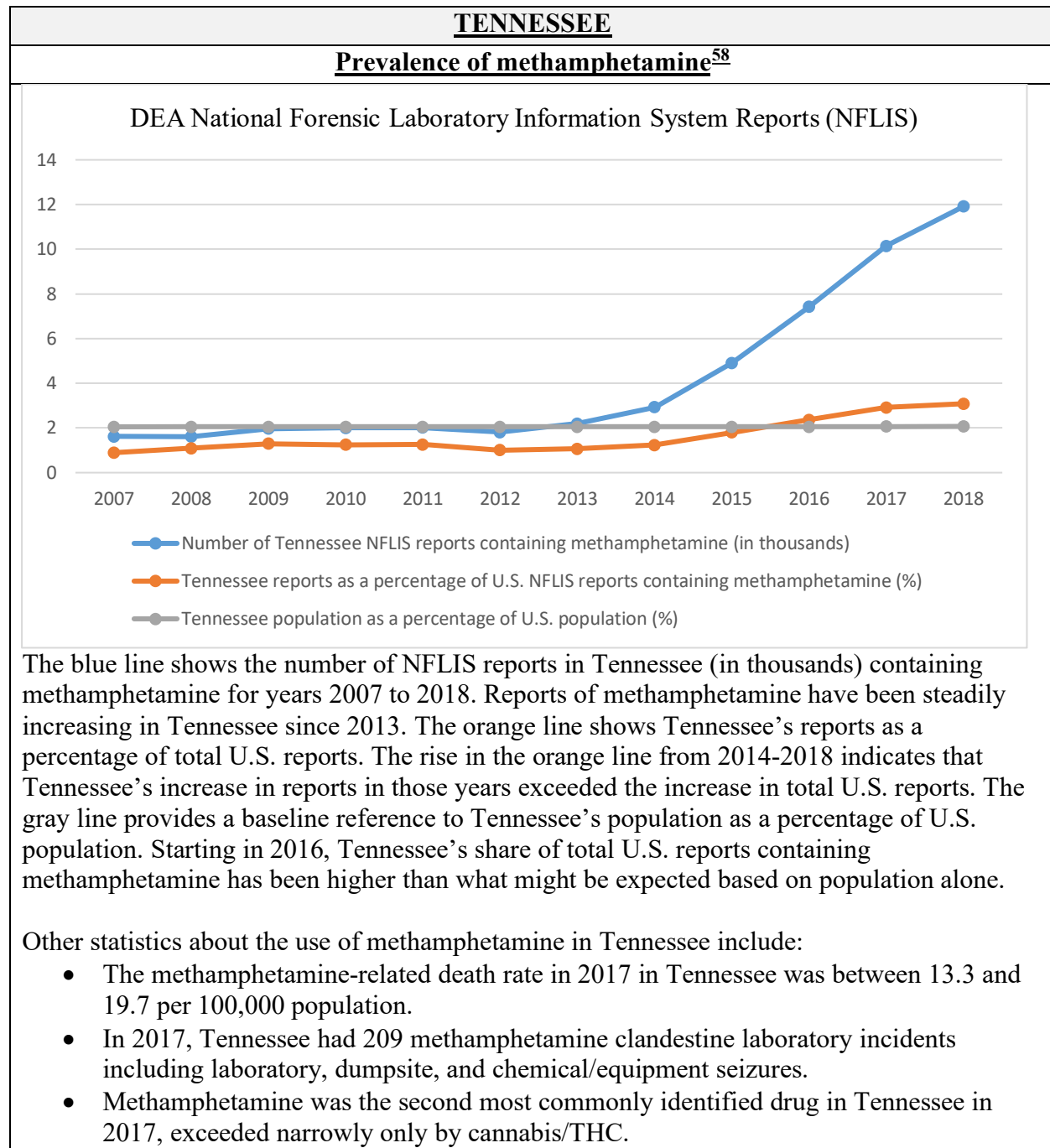
SDCL § 34-20D-2 (“Purchase of packages containing pseudoephedrine or ephedrine--Number in single transaction limited--Exception—Misdemeanor;” effective as amended 2006). A person is prohibited from purchasing more than two packages containing pseudoephedrine or ephedrine as an active ingredient in a 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.

SDCL § 34-20D-3 (“Requirements for display and offer of product containing pseudoephedrine or ephedrine as active ingredient;” effective as amended 2006). 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.

SDCL § 34-20D-8 (“Identification and record of buyer of product containing pseudoephedrine, ephedrine, or phenylpropanolamine--Reporting--Stop-sale alert;” effective as amended 2014). 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.

SDCL § 34-20D-10 (“Possession of product, mixture, or preparation containing ephedrine base, pseudoephedrine base, or phenylpropanolamine base restricted--Exception—Misdemeanor; effective 2006”). 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.

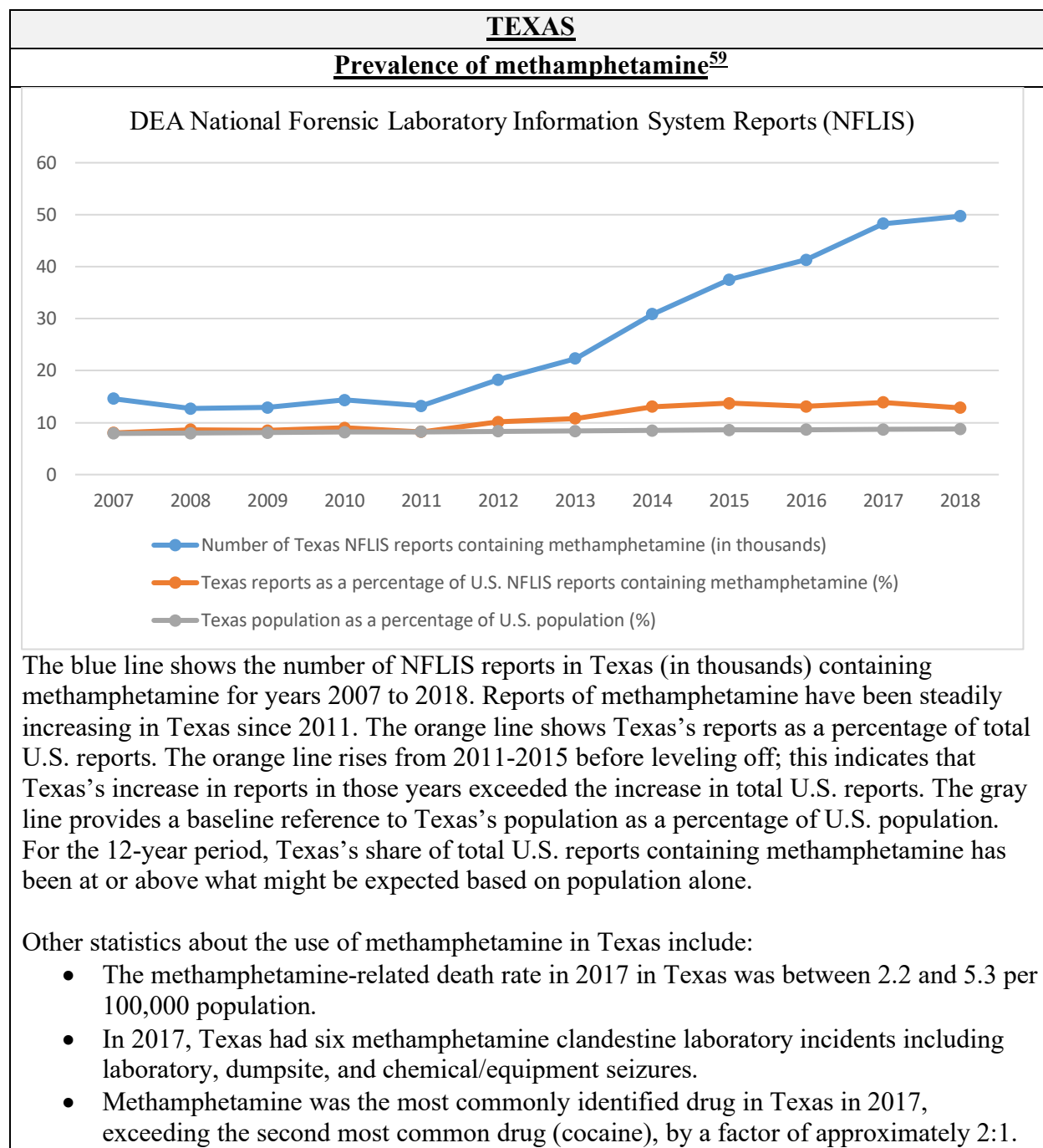
<u>SOUTH DAKOTA</u>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>SDCL § 22-42-4.3 (“Unauthorized manufacture, distribution, counterfeiting, or possession of methamphetamine as felony--Mandatory sentences;” effective 7.1.2018). No person may manufacture, distribute, 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>SDCL § 22-42-5 (“Unauthorized possession of controlled drug or substance as felony;” effective as amended 2013). 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>SDCL § 22-42-5.1 (“Unauthorized ingestion of controlled drug or substance as felony;” effective 2013). 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>
<u>Methamphetamine cleanup and disposal</u>
Not addressed by state law.
<u>Other statutory provisions of note</u>
None.
<u>Relevant legislation considered in 2019</u>
None.



⁵⁸ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>TENNESSEE</u>
<u>Restrictions placed on precursors</u>
<p>T. C. A. § 39-17-431 (“Products containing immediate methamphetamine precursors; violations and penalties;” effective 4.6.2015). 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 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>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>T. C. A. § 39-17-417 (“Offenses; violations, fines; habitual drug offenders;” effective as amended 4.25.2019). 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>T. C. A. § 39-17-418 (“Simple possession; casual exchange;” effective 7.1.2016). It is an offense for a person to knowingly possess or casually exchange a controlled substance. A violation of this provision with respect to any amount of methamphetamine is punishable by no less than 30 days imprisonment.</p> <p>T. C. A. § 39-17-433 (“Promotion of methamphetamine manufacture;” effective 7.1.2011). 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 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>

<u>TENNESSEE</u>
<u>Criminal penalties for methamphetamine (continued)</u>
<p>T. C. A. § 39-17-434 (“Methamphetamine;” effective 7.1.2014). 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>T. C. A. § 39-17-435 (“Initiation of methamphetamine manufacture process;” effective 3.30.2005). 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>
<u>Methamphetamine cleanup and disposal</u>
<p>T. C. A. § 68-212-502 (“Property used to manufacture methamphetamine; persons authorized to perform clean-up;” effective 3.30.2005). 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>T. C. A. § 68-212-503 (“Quarantine of property;” effective 7.1.2014). 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>T. C. A. § 68-212-509 (“Registry of quarantined property;” effective 3.30.2005). 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>Tenn. Comp. R. & Regs. 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 profermed by a professional or company certified by the Commissioner as being able to perform the services of cleaningup sites used to manufacture methamphetamine</p>
<u>Other statutory provisions of note</u>
<p>T. C. A. § 39-17-439 (“Alcohol and drug addiction treatment fee;” 7.10.2014). 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.</p>
<u>Relevant legislation considered in 2019</u>
None.

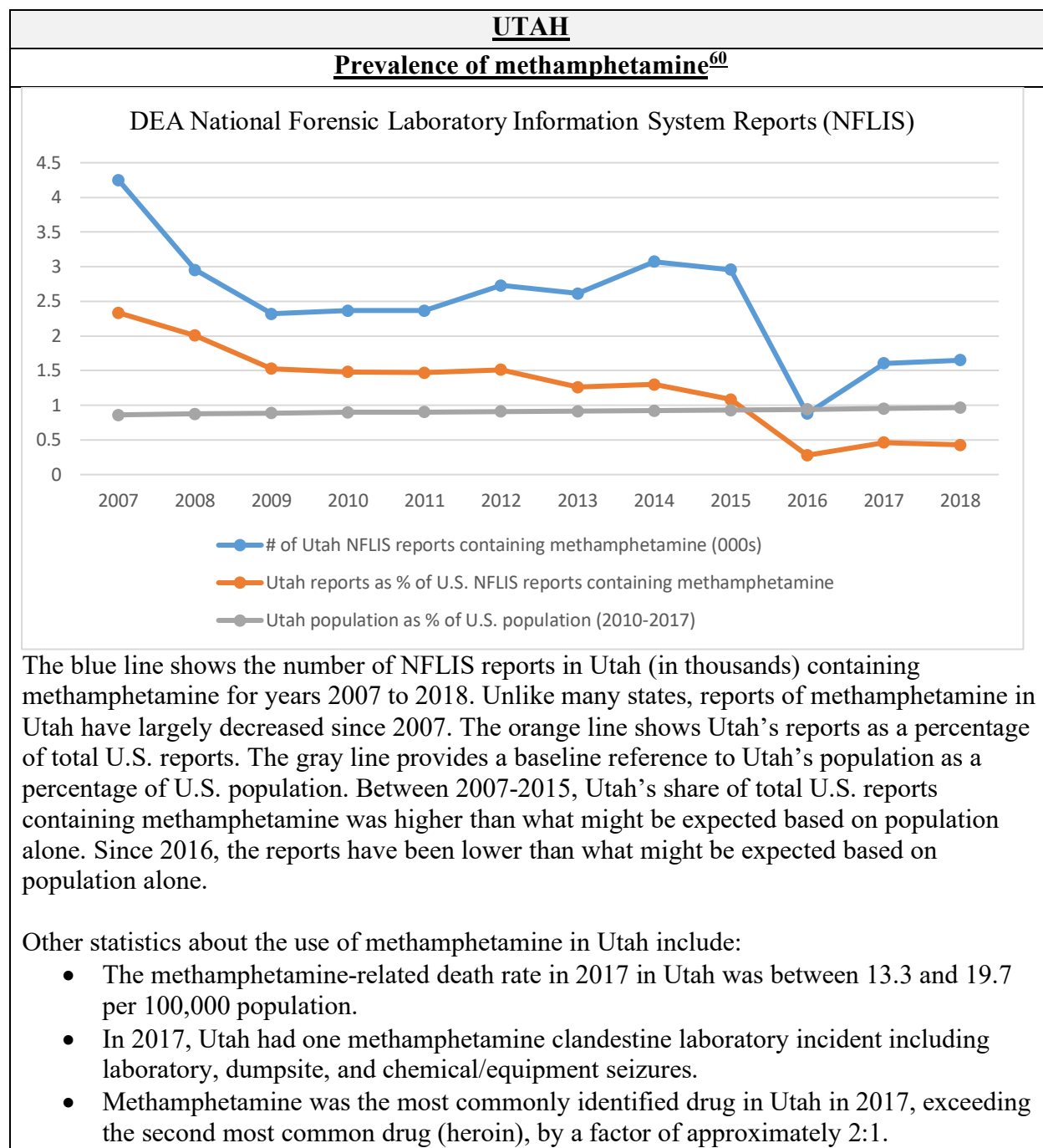


⁵⁹ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>TEXAS</u>
<u>Restrictions placed on precursors</u>
<p>V.T.C.A., Health & Safety Code § 431.022 (“Offense: Transfer of Product Containing Ephedrine;” effective 4.2.2015). 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>V.T.C.A., Health & Safety Code § 481.077 (“Chemical Precursor Records and Reports;” effective as amended 9.1.2019). 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 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>V.T.C.A., Health & Safety Code § 481.0771 (“Records and Reports on Pseudoephedrine;” effective 8.1.2005). 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>V.T.C.A., Health & Safety Code § 486.013 (“Restriction of Access to Ephedrine, Pseudoephedrine, and Norpseudoephedrine;” effective as amended 8.1.2005). 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>V.T.C.A., Health & Safety Code § 486.014 (“Prerequisites to and Restrictions on Sale;” effective 9.1.2011). 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>V.T.C.A., Health & Safety Code § 486.0141 (“Transmission of Sales Information to Real-Time Electronic Logging System;” effective 9.1.2011). 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>

<u>TEXAS</u>
<u>Restrictions placed on precursors (continued)</u>
<p>V.T.C.A., Health & Safety Code § 481.124 (“Offense: Possession or Transport of Certain Chemicals with Intent to Manufacture Controlled Substance;” effective as amended 9.1.2016). A person commits an offense if, with the intent to unlawfully manufacture a controlled substance, the person possesses or 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>V.T.C.A., Health & Safety Code § 481.137 (“Offense: Transfer of Precursor Substance for Unlawful Manufacture;” effective 9.1.2001). 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>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>V.T.C.A., Health & Safety Code § 481.112 (“Offense: Manufacture or Delivery of Substance in Penalty Group 1;” effective 9.1.2009). 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>V.T.C.A., Health & Safety Code § 481.1122 (“Manufacture of Substance in Penalty Group 1: Presence of Child;” effective 9.1.2007). 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>V.T.C.A., Health & Safety Code § 481.115 (“Offense: Possession of Substance in Penalty Group 1;” effective 9.1.2009). A person commits an offense if the person knowingly or intentionally possesses methamphetamine. It is a state jail felony if the amount is less than one gram. It is a felony of the third degree if the amount is one gram or more but less than four grams. It is a felony of the second degree if the amount is four grams or more but less than 200 grams. It is a felony of the first degree if the amount is 200 grams or more but less than 400 grams. 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 10 years.</p>

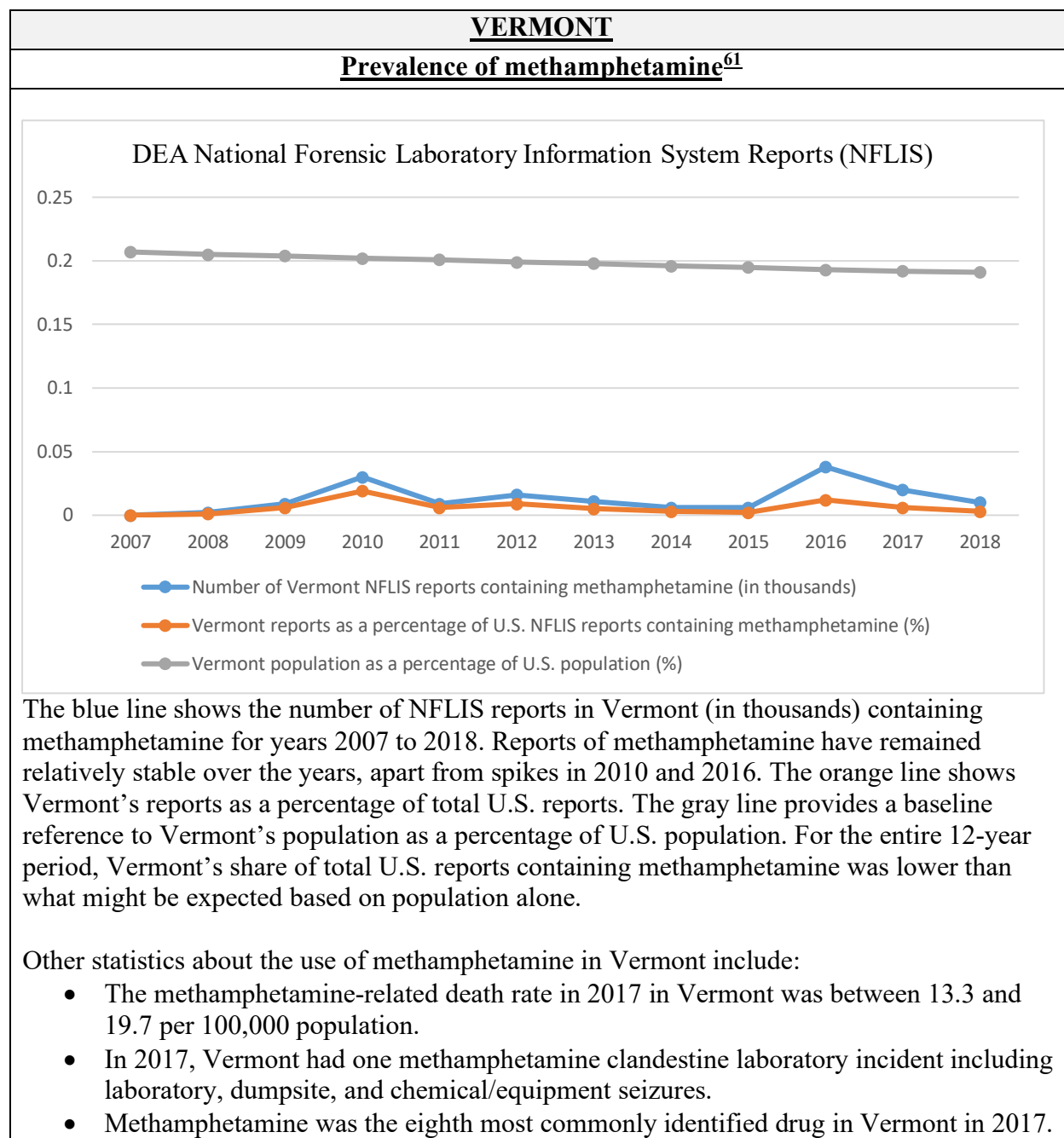
<u>TEXAS</u>
<u>Criminal penalties for methamphetamine (continued)</u>
V.T.C.A., Health & Safety Code § 481.141 (“Manufacture or Delivery of Controlled Substance Causing Death or Serious Bodily Injury;” effective 9.1.2003). If it is determined beyond a reasonable doubt that a person died or suffered 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.
<u>Methamphetamine cleanup and disposal</u>
Not addressed by state law.
<u>Other statutory provisions of note</u>
None.
<u>Relevant legislation considered in 2019</u>
None.



⁶⁰ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>UTAH</u>
<u>Restrictions placed on precursors</u>
<p>U.C.A. 1953 § 58-37c-20 (“Possession of ephedrine, pseudoephedrine, or phenylpropanolamine—Penalties;” effective as amended 5.14.2013). 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>U.C.A. 1953 § 58-37c-20.5 (“Pseudoephedrine products--Limitations on retail sale;” effective 4.30.2007). 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 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.</p>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>U.C.A. 1953 § 58-37d-4 (“Prohibited acts--Second degree felony;” effective as amended 5.14.2019). 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>U.C.A. 1953 § 58-37d-5 (“Prohibited acts--First degree felony;” effective as amended 5.14.2019). 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 clandestine laboratory operation was for the production of cocaine base or methamphetamine base.</p>

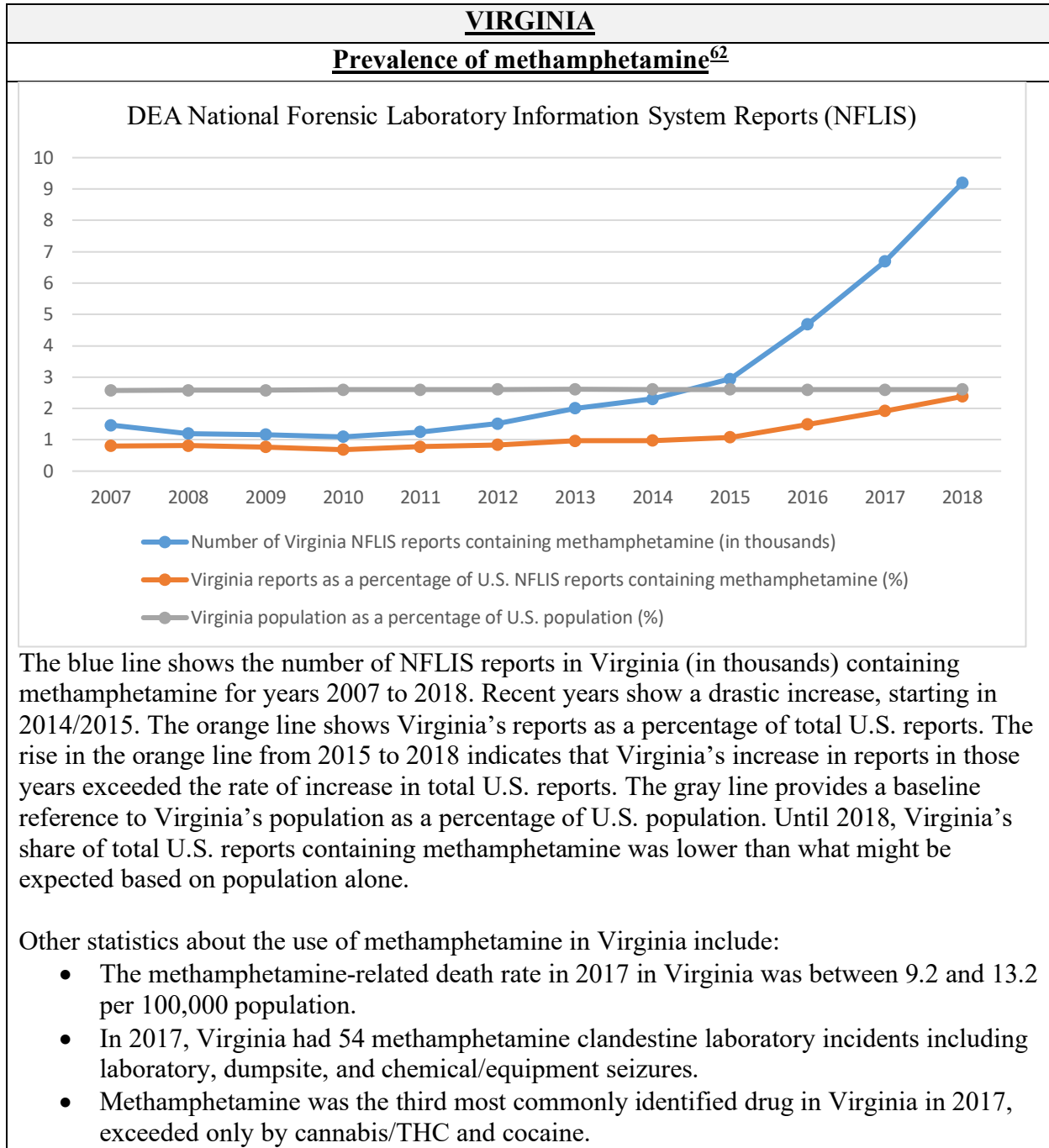
<u>UTAH</u>
<u>Criminal penalties for methamphetamine (continued)</u>
<p>U.C.A. 1953 § 58-37-8 (“Prohibited acts—Penalties;” effective 5.14.2019). It is unlawful for a person to knowingly and intentionally produce, manufacture, or dispense or to possess with intent to produce, manufacture, or dispense, methamphetamine. This is a second-degree felony, punishable by imprisonment for no more than 15 years. It a class A misdemeanor for a person to knowingly and intentionally possess or use methamphetamine. It is a class B misdemeanor for an owner, tenant, or licensee to knowingly and intentionally permit another to use his or her property to use or distribute controlled substances. Driving while under the influence of methamphetamine in a negligent manner that results in serious bodily injury or the death of another is a second-degree felony. A person will be convicted of a first-degree felony if he or she sells, distributes, manufacturers or possesses with the intent to sell, distribute, or manufacture methamphetamine within 100 feet of a school, child-care facility, park, recreation center, church, or library, or in the presence of a person younger than 18 years of age.</p>
<u>Methamphetamine cleanup and disposal</u>
<p>U.C.A. 1953 § 19-6-903 (“Law enforcement reporting and records--Removal from list;” effective 5.3.2004). 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>U.C.A. 1953 § 19-6-905 (“Notification of property owner--Notification of municipality or county;” effective 5.3.2004). 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>U.A.C. R392-600 (“Illegal Drug Operation Decontamination Standards;” effective as amended 8.24.2018). 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>
<u>Other statutory provisions of note</u>
None.
<u>Relevant legislation considered in 2019</u>
None.



⁶¹ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>VERMONT</u>
<u>Restrictions placed on precursors</u>
<p>18 V.S.A. § 4234b (“Ephedrine and pseudoephedrine;” effective as amended 7.1.2018). 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 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.</p>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>18 V.S.A. § 4234a (“Methamphetamine;” effective 2003). 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>18 V.S.A. § 4237 (“Selling or dispensing to minors; selling on school grounds;” effective as amended 7.1.2018). 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>18 V.S.A. § 4236 (“Manufacture or cultivation;” effective 1989). 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>

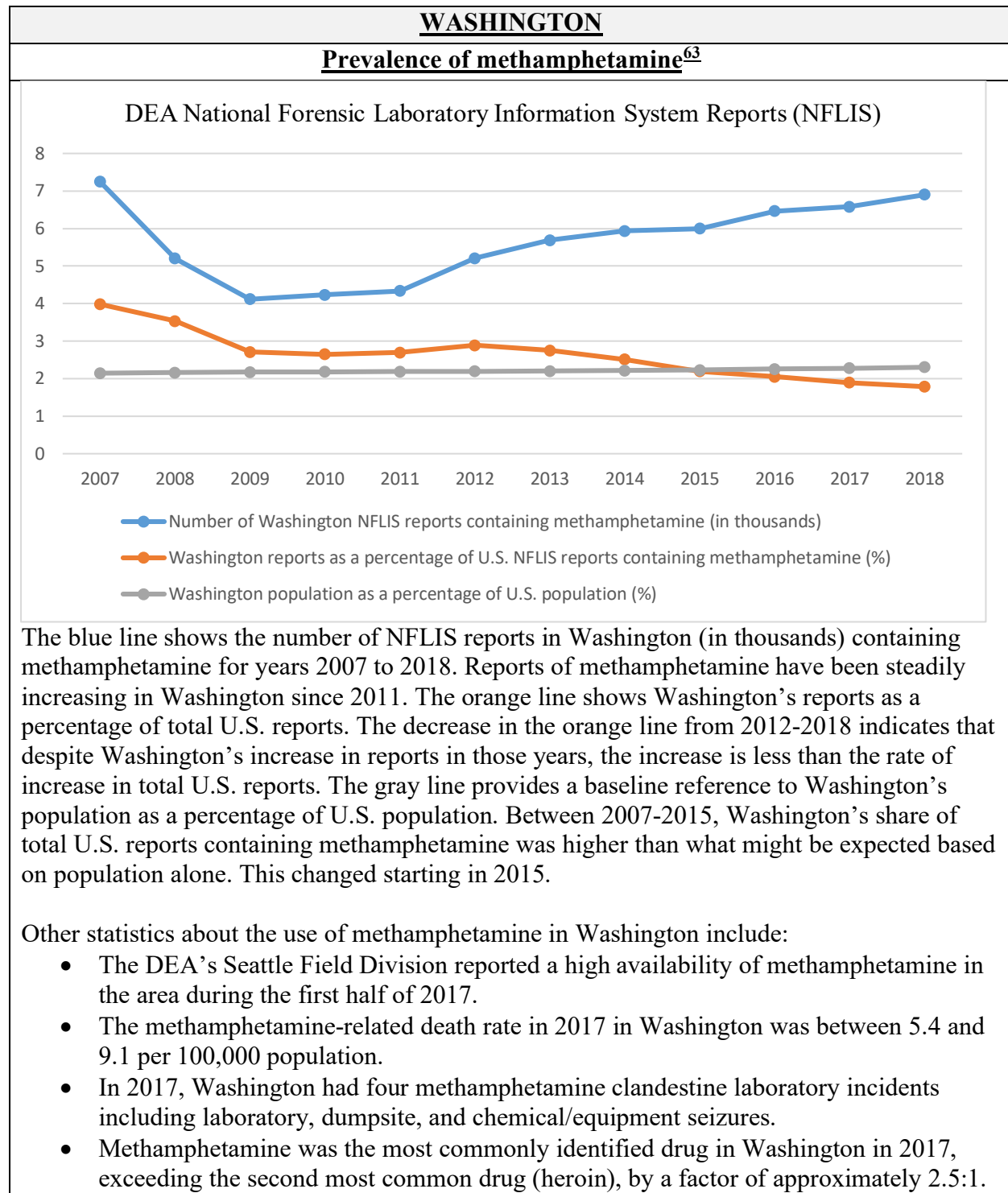
<u>VERMONT</u>
<u>Methamphetamine cleanup and disposal</u>
Not addressed by state law.
<u>Other statutory provisions of note</u>
None.
<u>Relevant legislation considered in 2019</u>
2019 House Bill 103 (“An act relating to unlawful possession of a regulated drug”). This bill proposes to restructure drug possession laws moving from a graduated penalty structure based on the amount possessed to a two-tier structure of categorizing possession as a misdemeanor and possession with intent to sell as a felony. The legislation was in a House committee at the time the legislature entered recess. The bill may be carried over to the next legislative session.



⁶² See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>VIRGINIA</u>
<u>Restrictions placed on precursors</u>
<p>Va. Code §§ 18.2-265.6 to 18.2-265.18 (collectively, “Sale of Ephedrine or Related Compounds;” effective as amended 1.1.2013). Provides daily (3.6 grams) and 30-day (nine gram) limits on pharmacy sales of nonprescription ephedrine or pseudoephedrine products. Requires such products to be displayed for sale behind a store counter that is not accessible to consumers or in a locked case that requires assistance by a store employee for customer access. Requires the purchaser to present photo identification issued by a government or an educational institution and for the pharmacy to record certain information and using an electronic recordkeeping and monitoring system to report all nonprescription sales of any product containing ephedrine or related compounds. Sections 18.2-265.8 to 18.2-265.11 contain additional information about the electronic reporting system requirements. Sections 18.2-265.12 to 18.2-265.15 provide information about the confidentiality of information in the electronic system and use of electronic system information for certain criminal investigations and judicial proceedings. Makes it a class 1 misdemeanor to fail to report nonprescription sales of ephedrine or related compounds.</p>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>VA Code Ann. § 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;” effective as amended 7.1.2014). Makes it unlawful for a person to manufacture, sell, give, distribute, or possess with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance, including methamphetamine. The severity of penalties varies by the amount of methamphetamine involved, with gradations at 10, 100, and 250 grams. The statute also makes it a class 6 felony to possess two or more substances (listed in statute) with the intent to manufacture methamphetamine, methcathinone, or amphetamine.</p>
<p>VA Code Ann. § 18.2-248.02 (“Allowing a minor or incapacitated person to be present during manufacture or attempted manufacture of methamphetamine prohibited; penalties;” effective as amended 10.1.2019). 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>VA Code Ann. § 18.2-248.03 (“Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute methamphetamine; penalty;” effective 7.1.2008). 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>

<u>VIRGINIA</u>
<u>Methamphetamine cleanup and disposal</u>
<p>VA Code Ann. § 15.2-1716.2 (“Methamphetamine lab cleanup costs; localities may charge for reimbursement;” effective as amended 7.1.2012). 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> <p>VA Code Ann. § 18.2-248.04 (“Methamphetamine Cleanup Fund established;” effective 7.1.2012). Establishes a non-reverting account funded by all moneys assessed against a person convicted of manufacture of methamphetamine as methamphetamine cleanup funds.</p> <p>VA Code Ann. § 32.1-11.7 (“Guidelines for cleanup of residential property used to manufacture methamphetamine;” effective as amended 7.1.2014). 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>VA Code Ann. § 55.1-1219 (“Required disclosures for property previously used to manufacture methamphetamine; remedy for nondisclosure;” effective as amended 10.1.2019). 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>Other statutory provisions of note</u>
<p>VA Code Ann. § 18.2-269 (“Presumptions from alcohol or drug content of blood;” effective as amended 3.16.2017). 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.</p>
<u>Relevant legislation considered in 2019</u>
None.



⁶³ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

WASHINGTON**Restrictions placed on precursors**

RCWA 69.43.105 (“Ephedrine, pseudoephedrine, phenylpropanolamine--Sales restrictions--Record of transaction--Exceptions—Penalty;” effective 7.28.2013). 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 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.

RCWA 69.43.110 (“Ephedrine, pseudoephedrine, phenylpropanolamine--Sales restrictions--Electronic sales tracking system—Penalty;” effective 7.28.2013). 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.

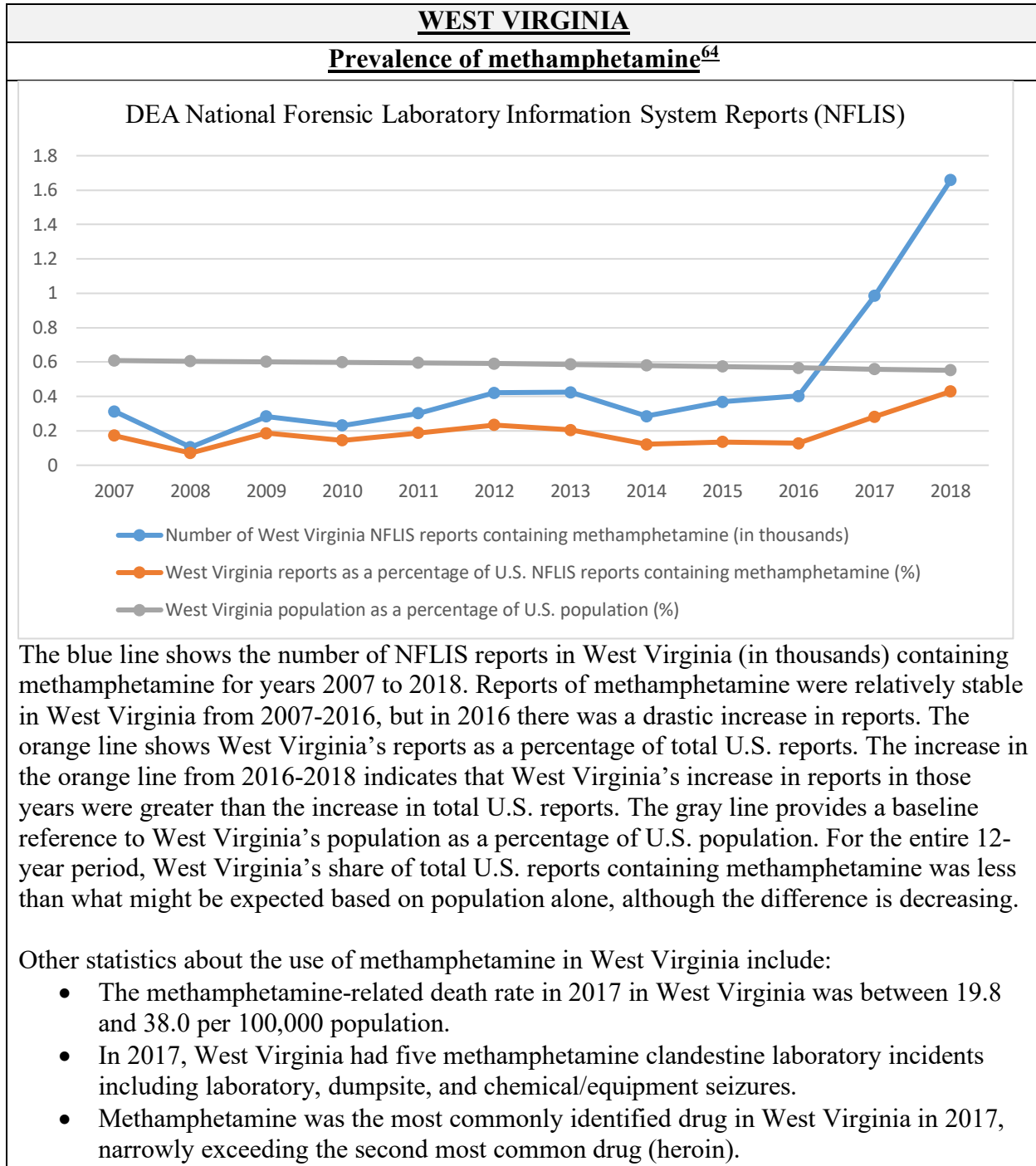
RCWA 69.43.120 (“Ephedrine, pseudoephedrine, phenylpropanolamine--Possession of more than fifteen grams--Penalty—Exceptions;” effective 2001). Any person who possesses more than 15 grams of ephedrine or pseudoephedrine is guilty of a gross misdemeanor. This provision does not apply to ephedrine or pseudoephedrine obtained through a valid prescription.

RCWA 69.43.130 (“Exemptions--Pediatric products-- Products exempted by the pharmacy quality assurance commission;” effective 7.28.2013). Certain pediatric products containing ephedrine or pseudoephedrine are exempt from the provisions in RCWA 69.43.110 and 69.43.120 (see above).

RCWA 69.43.190 (“Products found at methamphetamine sites—Report;” effective 1.1.2006). 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.

RCWA 69.50.440 (“Possession with intent to manufacture—Penalty;” effective as amended 7.24.2005). 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.

<u>WASHINGTON</u>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>RCWA 69.50.401 (“Prohibited acts: A—Penalties;” effective as amended 7.28.2019). 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>RCWA 69.50.4013 (“Possession of controlled substance--Penalty--Possession of useable marijuana, marijuana concentrates, or marijuana-infused products—Delivery;” effective as amended 7.23.2017). It is a class C felony for a person to possess a controlled substance unless the substance was obtained through a valid prescription.</p> <p>RCWA 69.50.4015 (“Involving a person under eighteen in unlawful controlled substance transaction—Penalty;” effective 7.1.2004). 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.</p> <p>RCWA 69.50.406 (“Distribution to persons under age eighteen;” effective as amended 7.28.2019). Any person 18 years old or over who violates RCW 69.50.401 (see above) by distributing methamphetamine to a person under the age of 18 is guilty of a class A felony.</p>
<u>Methamphetamine cleanup and disposal</u>
<p>WAC 246-205 (current with amendments 10.16.2019). 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.</p>
<u>Other statutory provisions of note</u>
None.
<u>Relevant legislation considered in 2019</u>
None.



⁶⁴ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>WEST VIRGINIA</u>
<u>Restrictions placed on precursors</u>
<p>W. Va. Code, § 60A-2-212 (“Schedule V;” effective as amended 6.7.2018). 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>W. Va. Code, § 60A-10-4 (“Purchase, receipt, acquisition and possession of substances to be used as precursor to manufacture of methamphetamine or another controlled substance; offenses; exceptions; penalties;” effective 6.8.2012). 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>W. Va. Code St. R. § 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>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>W. Va. Code, § 60A-4-401 (“Prohibited acts A; penalties;” effective 4.12.2011). 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 up to \$15,000, or both.</p> <p>W. Va. Code, § 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;” effective 3.11.2000). A person can be ineligible for parole if he 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>

WEST VIRGINIA**Criminal penalties for methamphetamine (continued)**

[W. Va. Code, § 60A-4-408](#) (“Second or subsequent offenses;” effective 1971). 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.

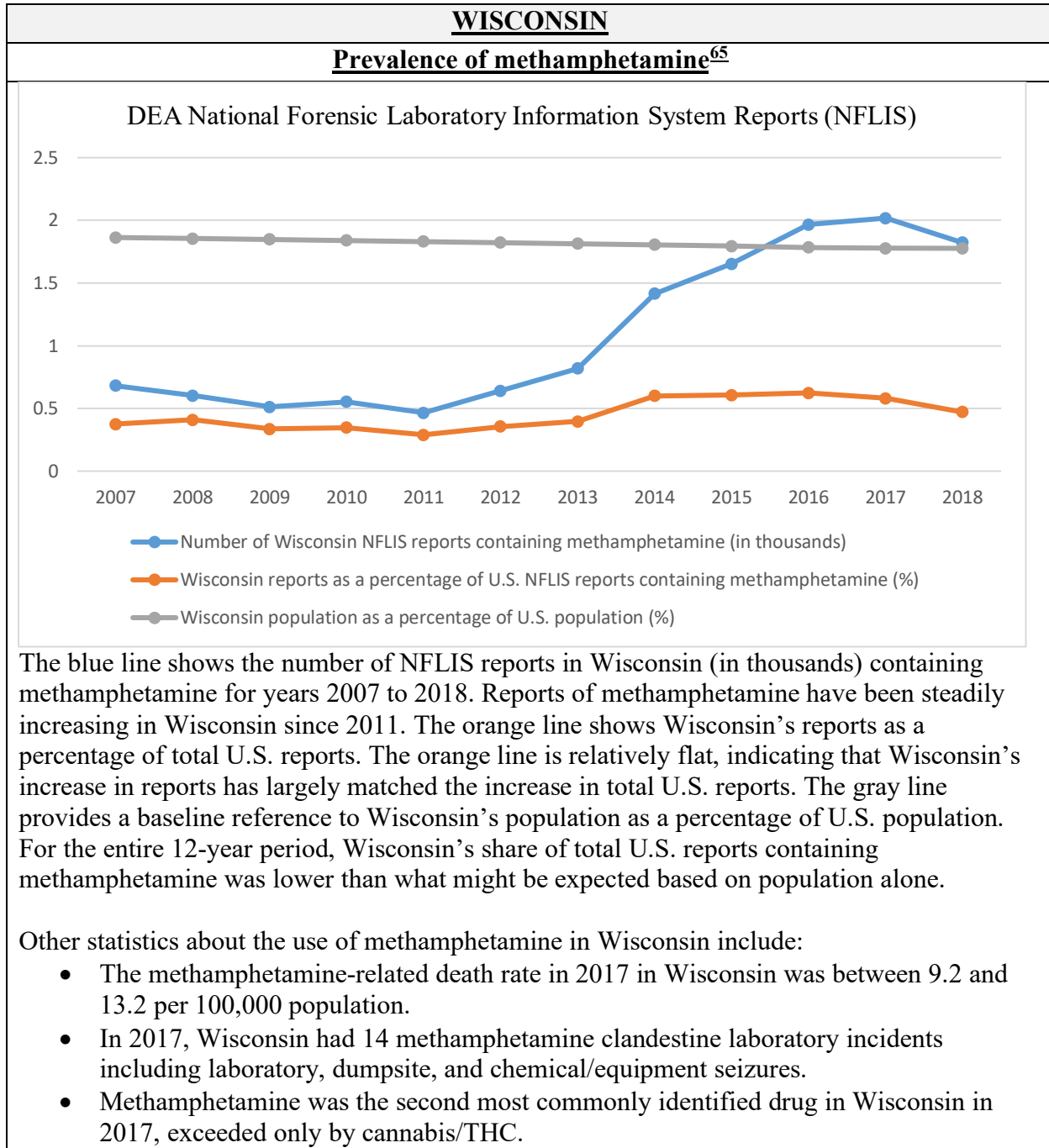
[W. Va. Code, § 60A-4-409](#) (“Prohibited acts--Transportation of controlled substances into state; penalties;” effective as amended 7.7.2017). It is unlawful for any person to transport or cause to be transported into the state a controlled substance with the intent to deliver the same or with the 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.

[W. Va. Code, § 60A-4-411](#) (“Operating or attempting to operate clandestine drug laboratories; offenses; penalties;” effective as amended 6.10.2016). 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.

[W. Va. Code, § 60A-10-12](#) (“Exposure of children to methamphetamine manufacturing; penalties;” effective as amended 7.7.2017). 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 than three years nor more than 15 years, fined no more than \$25,000, or both.

[W. Va. Code, § 60A-10-13](#) (“Exposure of first responders to manufacture methamphetamine; penalties;” effective 4.9.2005). 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.

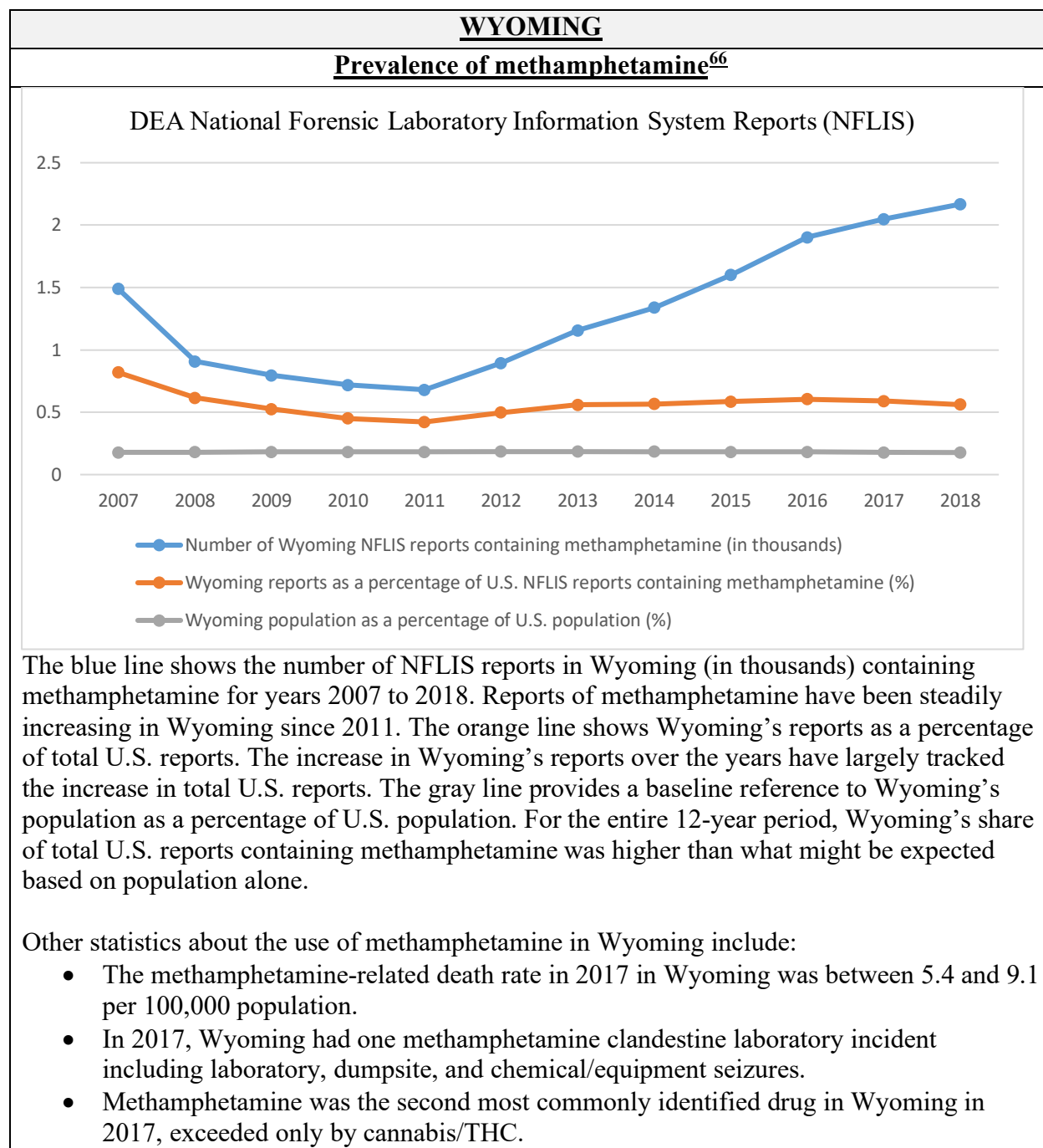
<u>WEST VIRGINIA</u>
<u>Methamphetamine cleanup and disposal</u>
<p>W. Va. Code, §§ 60A-11-1 through 60A-11-6 (effective. 6.8.2007). West Virginia’s clandestine drug laboratory remediation act designates the Department of Health and Human Resources as the state agency to oversee the standards for the remediation of clandestine drug laboratories.</p> <p>W. Va. Code St. R. §§ 64-92-1 through 64-92-14 (“Clandestine Drug Laboratory Remediation;” effective as amended 6.1.2017). 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>
<u>Other statutory provisions of note</u>
None.
<u>Relevant legislation considered in 2019</u>
None.



⁶⁵ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>WISCONSIN</u>
<u>Restrictions placed on precursors</u>
<p>W.S.A. 961.22 (“Schedule V;” effective as amended 10.15.2018). Pseudoephedrine is a schedule V drug in Wisconsin.</p>
<p>W.S.A. 961.23 (“Dispensing of schedule V substances;” effective as amended 6.1.2018). Pseudoephedrine can only be sold by a pharmacist or by a person who is working under the direction of a pharmacist when sold in a retail establishment. Any person purchasing a pseudoephedrine product is required to present a valid photo ID at the time of purchase and sign a record of the transaction. A person is prohibited from purchasing more than 7.5 grams of pseudoephedrine within a 30-day period. A retailer is prohibited from selling a pseudoephedrine product to a person under the age of 18.</p>
<p>W.S.A. 961.235 (“Records relating to sales of pseudoephedrine products;” effective as amended 6.1.2018). 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>Wis. Adm. Code § Phar 8.10 (“Disclosure of suspicious orders of controlled substances;” effective 9.1.1991). Manufacturers and distributors of controlled substances are required to disclose suspicious orders of controlled substances.</p>
<p>W.S.A. 961.41 (“Prohibited acts A—penalties;” effective as amended 4.25.2014). 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>W.S.A. 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>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>W.S.A. 961.41 (“Prohibited acts A—penalties;” effective as amended 4.25.2014). 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>

<u>WISCONSIN</u>
<u>Criminal penalties for methamphetamine (continued)</u>
<p>W.S.A. 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 distributing or manufacturing a controlled substance is guilty of a Class F felony.</p>
<p>W.S.A. 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>W.S.A. 961.473 (“Victim impact panels;” effective 4.11.2018). 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>W.S.A. 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>W.S.A. 961.495 (“Possession or attempted possession of a controlled substance on or near certain places;” effective 5.27.2010). 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>
<u>Methamphetamine cleanup and disposal</u>
Not addressed by state law.
<u>Other statutory provisions of note</u>
None.
<u>Relevant legislation considered in 2019</u>
None.



⁶⁶ See footnotes 1-5 (within discussion of Alabama laws) for citations to the source of these statistics.

<u>WYOMING</u>
<u>Restrictions placed on precursors</u>
<p>W.S.1977 § 35-7-1059 (“Unlawful clandestine laboratory operations; methamphetamine precursors; presumptively illegal amount; methamphetamine precursor sales limitations; registration requirements; reports; penalties;” effective 7.1.2011). 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 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>
<u>Criminal penalties for possessing, manufacturing, or trafficking methamphetamine</u>
<p>W.S.1977 § 35-7-1031 (“Unlawful manufacture or delivery; counterfeit substance; unlawful possession;” effective as amended 7.1.2018). 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>W.S.1977 § 35-7-1036 (“Distribution to person under 18; drug free school zones;” effective as amended 3.10.2014). 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>
<u>Criminal penalties for methamphetamine (continued)</u>
<p>W.S.1977 § 35-7-1039 (“Person using or under influence of controlled substance;” effective 7.1.2004). 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.</p>
<u>Methamphetamine cleanup and disposal</u>
<p>WY Rules and Regulations 041.0004.2 §§ 1 through 17 (“Clandestine Lab Testing and Remediation;” effective 9.14.2010). 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 expect 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.</p>
<u>Other statutory provisions of note</u>
None.
<u>Relevant legislation considered in 2019</u>
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.



LEGISLATIVE ANALYSIS AND PUBLIC POLICY ASSOCIATION