

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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SUMMARY

With the rise in overdoses caused by fentanyl, prescription drugs, and heroin, U.S. media coverage and public policy has focused primarily on opioids. While methamphetamine has received less attention, illicit use of methamphetamine has been on the rise across the country for several years.¹ Historically, methamphetamine was most concentrated in the West and Midwest.² However, methamphetamine use is increasing in other parts of the United States, with National Forensic Laboratory Information System (NFLIS) data showing that methamphetamine was the drug most frequently reported in three out of four regions (Mountain Pacific, North Central, and Southern) and third most reported in the North Atlantic region for the period January 1, 2023 through October 30, 2023.³ NFLIS, operated by the U.S. Drug Enforcement Administration (DEA), systematically collects results from drug cases submitted to, and analyzed by, participating state, local, and federal forensic laboratories across the country.⁴ For the year 2022, methamphetamine was the most reported drug across the country by a significant margin, representing nearly 30 percent of all drugs reported.⁵ The next most reported drugs were cocaine at 14.38 percent and fentanyl at 13.81 percent of total reports.⁶

Most of the methamphetamine available in America today is produced in Mexico and is smuggled into the country across the Southwest border.⁷ The domestic production of methamphetamine in clandestine laboratories has declined significantly since 2010, with 2019 reporting the lowest number of laboratories since 2000.⁸ 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.⁹ The methamphetamine that comes into the U.S. from Mexico, however, is made in bulk in large laboratories and is pure.¹⁰ Seizures of methamphetamine sampled through the Methamphetamine Profiling Program averaged 97.2 percent purity for 2019.¹¹ 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.¹² Unable to keep up with the steady flow of cheap, high-grade methamphetamine from Mexico,

¹ *State and Territory Report on Enduring and Emerging Threats*, U.S. DEP’T OF JUST., DRUG ENF’T ADMIN. 1 (Jan. 2024), [Street Report - Jan 2024 - FINAL.pdf \(dea.gov\)](#) (reflecting that deaths from psychostimulants, primarily methamphetamine, have “sharply increased” in the last five years).

² *2020 National Drug Threat Assessment*, U.S. DEP’T OF JUST., DRUG ENF’T ADMIN. 19 (March 2021), [2020 National Drug Threat Assessment \(NDTA\) \(dea.gov\)](#).

³ U.S. DEP’T OF JUST., DRUG ENF’T ADMIN., *State and Territory Report*, *supra* note 1, at 2.

⁴ *National Forensic Laboratory Information System Questions and Answers (Q&A)*, U.S. DRUG ENF’T ADMIN., DIVERSION CONTROL DIV. 1, [National Forensic Laboratory Information System Questions and Answers \(Q&A\) \(usdoj.gov\)](#).

⁵ *NFLIS-Drug 2022 Annual Report*, U.S. DEP’T OF JUST., DRUG ENF’T ADMIN. 9, Table 1.1 (March 2023), [2022 NFLIS-Drug Annual Report.pdf](#).

⁶ *Id.*

⁷ U.S. DEP’T OF JUST., DRUG ENF’T ADMIN., *2020 National Drug Threat Assessment*, *supra* note 2, at 19.

⁸ *Id.* at 23.

⁹ *Id.* at 23-24.

¹⁰ *Id.* at 21.

¹¹ *Id.* at 19-20.

¹² *Id.* at 20.

dealers in America have opted to source their methamphetamine from Mexico as opposed to producing the drugs themselves.

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

Beginning on the following page, LAPPA examines state statutes and regulations related to methamphetamine and precursor chemicals/drugs and provides jurisdiction-by-jurisdiction tables describing aspects of each law or regulation in effect as of May 2024. Following those tables is a section related to pending state legislation and regulations on the subject.¹³ The state tables include information regarding the following:

- Statutory and/or regulatory citations related to methamphetamine and precursors;
- Any restrictions in statute or regulation related to precursor chemicals or drugs;
- The criminal penalties for possessing, manufacturing, or trafficking methamphetamine;
- Methamphetamine cleanup and disposal provisions;
- Other statutory provisions of note; and
- Recently introduced legislation or regulations.

NOTE: The terminology and language used in the statutory descriptions set forth in this document in the following pages are those that are used within the statutes and regulations being described, and the spelling of terms is that used in the statutes and regulations.

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

<u>ALABAMA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • ALA. CODE §§ 13A-12-211 to 13A-12-218 (2024) (included in “Drug Possession and Sale Offenses”) • ALA. CODE § 13A-12-231 (2024) (trafficking in cannabis, cocaine, illegal drugs, amphetamine, methamphetamine, synthetic controlled substances; penalties) • ALA. CODE § 13A-12-250 (2024) (additional penalty if unlawful sale on or near school campus) • ALA. CODE § 13A-12-270 (2024) (additional penalty for unlawful sale within three-mile radius of public housing project) • ALA. CODE § 13A-12-291 (2024) (specific crimes warranting suspension of driver’s license) • ALA. CODE § 20-2-180 to 20-2-190.2 (2024) (included in “Precursor Chemicals”)
Effective date(s) of most recent substantive amendment(s) related to methamphetamine, ephedrine, or pseudoephedrine	<ul style="list-style-type: none"> • 1988 (§ 13A-12-215) • 1989 (§§ 13A-12-250 and 13A-12-270) • September 26, 2001 (§§ 13A-12-217 and 13A-12-218) • May 20, 2009 (§ 20-2-182) • April 24, 2012 (§§ 20-2-190 and 20-2-190.1) • August 1, 2012 (§ 20-2-190.2) • September 1, 2012 (§ 13A-12-211) • January 30, 2016 (§§ 13A-12-212 and 13A-12-291) • July 1, 2023 (§ 13A-12-231)
Restrictions placed on precursors	<p>§ 20-2-182 (license required for furnishing listed precursor chemical; licensing procedure; record of transactions) – a manufacturer, wholesaler, retailer, or other person who sells, transfers, manufacturers, purchases for resale, or otherwise furnishes ephedrine or pseudoephedrine must first obtain, on a biennial basis, a license issued by the Board of Pharmacy.</p> <p>§ 20-2-183 (permit for possession; requirements to receive permit; copies) – any person having a legitimate need for using a listed precursor, including ephedrine or pseudoephedrine, shall apply in person to the Board of Pharmacy for a permit to possess such chemical each time said chemical is obtained.</p> <p>§ 20-2-185 (reporting transactions—Board to supply form) – any person who sells, transfers, purchases for resale, or otherwise furnishes to a person in this state a listed precursor chemical shall submit a report of the transaction on a form obtained from the Board of Pharmacy that includes the information required by ALA. CODE § 20-2-183.</p>

<u>ALABAMA</u>	
Restrictions placed on precursors (continued)	<p>§ 20-2-188 (exceptions to requirements for sale or transfer of chemicals, and to licensing requirements) – the provisions of this article, Precursor Chemicals, do not apply to the sale or transfer of products which include a listed precursor chemical if the product may be sold lawfully with a prescription or over the counter without a prescription. Notwithstanding any other provision of this article, no person shall be required to obtain a listed precursor license or permit for the sale, receipt, transfer, manufacture, or possession of a listed precursor chemical when: (1) such person is a licensed physician, dentist, veterinarian, podiatrist, or pharmacist, and the action is otherwise lawfully authorized; (2) a domestic lawful distribution in the usual course of business between agents or employees of a single regulated person; or (3) a delivery of a listed precursor chemical to or by a common or contract carrier in the usual course of business.</p> <p>§ 20-2-190 (penalties; sale of ephedrine, etc.; Alabama Drug Abuse Task Force) – restricts the sale of ephedrine and pseudoephedrine to pharmacies licensed by the Alabama Board of Pharmacy. Ephedrine and pseudoephedrine products can only be sold by a licensed pharmacist, a pharmacy technician, or by an employee of the pharmacy under the direct supervision and control of the pharmacist.</p> <p>Requires that ephedrine and pseudoephedrine products 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 unlawful for a person to deliver, sell, or purchase products sold over the counter that contain a combined total of more than 3.6 grams per calendar day or more than 7.5 grams per 30 days of ephedrine or pseudoephedrine products. At the point of sale, the purchaser must be at least 18 years old and must provide a valid form of identification. This statute does not apply to products that are obtained with a valid prescription.</p> <p>§ 20-2-190.1 (smurfing prohibited) – criminalizes the practice of smurfing, which is where one or more people act under the direction of another to circumvent state law by purchasing multiple quantities of ephedrine or pseudoephedrine products for the purpose of manufacturing or attempting to manufacture methamphetamine.</p>

<u>ALABAMA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 20-2-190.2 (electronic drug offender tracking system) – the electronic drug offender tracking system receives ephedrine and pseudoephedrine sales data from pharmacies. This system can generate a stop sale alert to notify that the purchaser has a previous conviction for a drug-related offense. A convicted drug offender may be prohibited from purchasing precursor products for seven to ten years.</p>
	<p>§ 13A-12-211 (unlawful distribution of controlled substances; possession with intent to distribute a controlled substance) – a person commits the crime of unlawful distribution of a controlled substance if he or she sells, furnishes, gives away, delivers, or distributes a Schedule I – V controlled substance. Unlawful distribution is a Class B felony.</p>
	<p>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. Unlawful possession with intent to distribute is a Class B felony.</p>
	<p>§ 13A-12-212 (unlawful possession or receipt of controlled substances) – a person commits the crime of unlawful possession of a controlled substance if, unless otherwise authorized by law, 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. Unlawful possession of a controlled substance is a Class D felony.</p>
	<p>§ 13A-12-215 (sale, furnishing, etc., of controlled substances by persons over age 18 to persons under age 18) – it is a Class A felony for someone over the age of 18 to sell, furnish, or give a controlled substance to a person who is under the age of 18.</p>
	<p>§ 13A-12-217 (unlawful manufacture of a controlled substance in the second degree) – a person commits the crime of unlawful manufacture of a controlled substance in the second degree if he or she manufactures a Schedule I – V controlled substance or possesses ephedrine or pseudoephedrine in any amount with the intent to unlawfully manufacture a controlled substance.</p>

<u>ALABAMA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>Unlawful manufacture of a controlled substance in the second degree is a Class B felony.</p> <p>§ 13A-12-218 (unlawful manufacture of a controlled substance in the first degree) – a person commits the crime of unlawful manufacture of a controlled substance in the first degree if he or she violates ALA. CODE § 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 took place within 500 feet of a residence, place of business, church, or school; (5) a clandestine laboratory operation actually produced any amount of a specified controlled substance; (6) a clandestine laboratory operation was for the production of controlled substances listed in Schedule I or Schedule II; or (7) a person under the age of 17 was present during the manufacturing process. Unlawful manufacture of a controlled substance in the first degree is a Class A felony.</p> <p>§ 13A-12-231 – except as otherwise authorized, 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. Depending on the amount of methamphetamine involved, sentencing ranges from a mandatory minimum term of imprisonment of three (3) calendar years and a fine of \$50,000 to a mandatory term of life imprisonment. Trafficking in methamphetamine shall be treated as a Class A felony, with certain exceptions.</p> <p>§ 13A-12-250 – an additional penalty of five years' incarceration will be added to the sentence of any person convicted of unlawful sale of a controlled substance, if such sale occurred 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>

<u>ALABAMA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 13A-12-270 – an additional penalty of five years' incarceration will be added to the sentence of any person convicted of unlawful sale of a controlled substance, if such sale occurred within a three-mile radius of a public housing project owned by a housing authority.</p> <p>§ 20-2-190 – notwithstanding the provisions of ALA. CODE § 20-2-188, a person who possesses, sells, transfers, or otherwise furnishes or attempts to solicit another or conspires to possess, sell, transfer, or otherwise furnish ephedrine or pseudoephedrine commits an offense if the person takes such action with the knowledge or intent that the substance will be used in the unlawful manufacture of a controlled substance. This offense is a Class B felony.</p>
Methamphetamine cleanup and disposal	None.
Other statutory provisions of note	§ 13A-12-291 – a person's driver's license will be suspended for the conviction or adjudication of, or a finding of delinquency based on: (1) criminal solicitation to commit trafficking in or unlawful possession with intent to distribute methamphetamine; (2) attempt to commit trafficking in or unlawful possession with intent to distribute methamphetamine; (3) criminal conspiracy to commit trafficking in methamphetamine; (4) trafficking in methamphetamine; and (5) unlawful possession with intent to distribute methamphetamine.
Recently proposed legislation	None.

<u>ALASKA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • ALASKA STAT. ANN. § 11.71.010 (West 2024) (misconduct involving a controlled substance in the first degree) • ALASKA STAT. ANN. § 11.71.021 (West 2024) (misconduct involving a controlled substance in the second degree) • ALASKA STAT. ANN. § 11.71.030 (West 2024) (misconduct involving a controlled substance in the third degree) • ALASKA STAT. ANN. § 11.71.210 (West 2024) (purchase or receipt of restricted amounts of certain listed chemicals) • ALASKA STAT. ANN. § 17.30.090 (West 2024) (sale or purchase of certain listed chemicals) • ALASKA STAT. ANN. §§ 46.03.500 to 46.03.599 (West 2024) (collectively titled “Cleanup of Illegal Drug Sites”) • ALASKA ADMIN. CODE tit. 18, § 79.010 to 79.900 (2024) (collectively titled “Illegal Drug Manufacturing Sites”)
Effective date(s) of most recent substantive amendment(s) related to methamphetamine, ephedrine, or pseudoephedrine	<ul style="list-style-type: none"> • 1982 (§ 11.71.010) • July 17, 2003 (§§ 46.03.510 to 46.03.540, 46.03.560 to 46.03.599) • February 20, 2005 (§§ 79.010 to 79.900) • June 3, 2006 (§§ 11.71.210, 17.30.090, 46.03.500, and 46.03.550) • July 9, 2019 (§§ 11.71.021 and 11.71.030)
Restrictions placed on precursors	<p>§ 11.71.210 – it is illegal to purchase or receive 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 purchased pursuant to a valid prescription or in the ordinary course of business as a retailer or wholesaler, wholesale drug distributor licensed by the Board of Pharmacy, manufacturer of drug products licensed by the Board of Pharmacy, pharmacist, or healthcare professional.</p> <p>Additionally, the statute does not apply to more than six but less than 24 grams of ephedrine or pseudoephedrine 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>Purchase or receipt of restricted amounts of ephedrine or pseudoephedrine is a class C felony.</p>

<u>ALASKA</u>	
Restrictions placed on precursors (cont'd)	<p>§ 17.30.090 – a retailer, seller, or vendor 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, seller, or vendor cannot sell ephedrine or pseudoephedrine products to a person under the age of 16.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 11.71.010 – 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 or engages in a continuing criminal enterprise. A person is engaged in a “continuing criminal enterprise” if: (1) the person commits a violation of this chapter punishable as a felony; or (2) that violation is part of a continuing series of five or more violations of this chapter which the person undertakes in concert with at least five other persons organized, supervised, or otherwise managed by the person and from which the person obtains substantial income or resources. Misconduct involving methamphetamine in the first degree is an unclassified felony.</p> <p>§ 11.71.021 – a person commits the crime of misconduct involving a controlled substance in the second degree if the person:</p> <ol style="list-style-type: none"> (1) Manufactures any material, compound, mixture, or preparation that contains methamphetamine or an immediate precursor of methamphetamine; (2) Possesses an immediate precursor of methamphetamine with the intent to manufacture any material, compound, mixture, or preparation that contains methamphetamine; (3) Possesses a listed chemical with intent to manufacture any material, compound, mixture, or preparation that contains methamphetamine; (4) Possesses methamphetamine in an organic solution with the intent to extract methamphetamine from it; (5) Delivers an immediate precursor of methamphetamine to another person with reckless disregard that the precursor will be used to manufacture any material, compound, mixture, or preparation of methamphetamine; or (6) Delivers a listed chemical to another person with reckless disregard that the listed chemical will be used

<u>ALASKA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>to manufacture any material, compound, mixture, or preparation that contains methamphetamine or an immediate precursor of methamphetamine.</p> <p>Possessing more than six grams of ephedrine, pseudoephedrine, or phenylpropanolamine is prima facie evidence that the person intends to use the listed chemicals to manufacture, to aid or abet another person to manufacture, or to deliver to another person who intends to manufacture methamphetamine. This provision does not apply if the ephedrine or pseudoephedrine was dispensed to the person pursuant to a valid prescription or such substances are possessed in the ordinary course of a legitimate business as a retailer or wholesaler, wholesale drug distributor, manufacturer of drug products, pharmacist, or healthcare professional. Also does not apply to a person who possesses less than 24 grams of ephedrine or pseudoephedrine kept in a locked storage area on the premises of a legitimate business or nonprofit organization 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 to obtain medicinal products.</p> <p>Misconduct involving a controlled substance in the second degree is a class A felony.</p> <p>§ 11.71.030 – a person commits the crime of misconduct involving a controlled substance in the third degree if the person possesses any amount of methamphetamine with reckless disregard that the possession occurs on or within 500 feet of school grounds or at or within 500 feet of a recreation or youth center, or possesses any amount of methamphetamine on a school bus. Further, a person violates this section if, under circumstances not proscribed by ALASKA STAT. ANN. § 11.71.021, the person manufactures or delivers any amount of methamphetamine or possesses any amount with intent to manufacture or deliver. It is an affirmative defense that the prohibited conduct took place entirely within a private residence located within 500 feet of the school grounds or recreation or youth center. Misconduct involving a controlled substance in the third degree is a class B felony.</p>

<u>ALASKA</u>	
Methamphetamine cleanup and disposal	<p>§ 46.03.500 (notice of illegal drug manufacturing site; internet list) – after law enforcement determines that a site constitutes an illegal drug manufacturing site, the law enforcement agency shall notify the owner of the property, the occupants and users of the property, and the Alaska Department of Environmental Conservation that the determination has been made. The owner of the property has the option to appeal the determination. The department is required to maintain on its website a list of all properties for which a notice of illegal drug manufacturing has been issued.</p> <p>§ 46.03.510 (restrictions on property) – until the property has been determined to be fit for use, property for 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, except as necessary for sampling, testing, or decontamination. An oral or written contract that would transfer, sell, lease, rent, or otherwise allow the use of the property in violation of this section is voidable at the option of the purchaser, transferee, user, lessee, or renter. This does not make voidable: (1) a promissory note or other evidence of indebtedness or mortgage if such evidence was given to a person other than the person transferring, selling, using, leasing, or renting the property to induce the person to finance the transfer, sale, use, leasing, or rental of the property; (2) make voidable a lease or rental agreement between the property owner and the person who caused the property to be contaminated and determined unfit for use; or (3) impair obligations or duties to be performed on termination of a contract, such as payment of damages or return of refundable deposits.</p> <p>Notwithstanding these provisions, property which is the subject of a notice of illegal drug manufacturing may be transferred or sold if full written disclosure is made to the prospective transferee or purchaser. A person who knowingly transfers, sells, leases, or rents property, knowingly allows another to use or occupy property, or, being the property owner, uses or occupies the property in violation of this section is guilty of a class A misdemeanor.</p> <p>§ 46.03.520 (sampling and testing procedures) – sets forth the sampling and testing procedures for substances covered by</p>

<u>ALASKA</u>	
Methamphetamine cleanup and disposal (cont'd)	<p>ALASKA STAT. ANN. § 46.03.530, including methamphetamine, to determine if property is fit for use.</p> <p>§ 46.03.530 (standards for determining fitness) – property for which a notice was received is not fit for use if sampling and testing of the property shows the presence of substances for which the department has set a limit under this section. Requires the Department of Public Safety to annually submit a list of substances to the Department of Environmental Conservation and shall adopt regulations that set the limit for each such substance.</p> <p>§ 46.03.540 (decontamination requirements) – if the owner desires to decontaminate the property for which a notice has been issued, the owner shall follow guidelines established by the department. The department shall provide a copy of the guidelines to any person who requests a copy.</p> <p>§ 46.03.550 (fitness for use) – property for which notice has been issued shall be determined by the department to be fit for use if the owner certifies to the department under penalty of unsworn falsification in the second degree that: (1) based on sampling and testing procedures and performed by approved laboratories, the limits on methamphetamine are not exceeded on the property; (2) if the property was ever sampled and tested and the test results showed the property to be unfit for use, decontamination procedures were performed in accordance with established guidelines; or (3) a court has held that the determination that the property was an illegal drug manufacturing site was not made in compliance with law.</p> <p>§ 46.03.560 (securing the property) – the owner of property for which a notice was received shall ensure that the property is vacated and secured against use within four days after receiving notice if the owner does not test the property within four days after receipt of notice or within four days after receiving the test results if the owner tests the property, the test shows the presence of a substance that exceeds the limits set forth in regulation, and the owner does not begin decontamination procedures within four days after receiving the test results.</p> <p>18 AAC 79.010 to 79.900. The regulations of the Department of Environmental Conservation detail the protocols for sampling and testing procedures, fitness standards, and</p>

<u>ALASKA</u>	
Methamphetamine cleanup and disposal (cont'd)	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.
Other statutory provisions of note	None.
Recently proposed legislation	Yes. See Pending State Legislation .

<u>ARIZONA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • ARIZ. REV. STAT. ANN. § 13-705 (2024) (dangerous crimes against children; sentences; definitions) • ARIZ. REV. STAT. ANN. § 13-3404 (2024) (sale of precursor or regulated chemicals; report; exemptions; violation; classification) • ARIZ. REV. STAT. ANN. § 13-3404.01 (2024) (possession or sale of precursor chemicals, regulated chemicals, substances or equipment; exceptions; classification) • ARIZ. REV. STAT. ANN. § 13-3407 (2024) (possession, use, administration, acquisition, sale, manufacture or transportation of dangerous drugs; classification) • ARIZ. REV. STAT. ANN. § 13-3407.01 (2024) (manufacturing methamphetamine under circumstances that cause physical injury to a minor; classification) • ARIZ. REV. STAT. ANN. § 32-1977 (2024) (sale of methamphetamine precursors by a pharmacy permittee; electronic sales tracking system; violation; classification; state preemption) • ARIZ. REV. STAT. ANN. § 36-104 (2024) (powers and duties)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • October 1, 1999 (§ 13-3404) • May 20, 2005 (§§ 13-3404.01, 13-3407.01, and 36-104) • April 13, 2011 (§ 13-3407) • May 14, 2012 (§ 32-1977) • April 9, 2021 (§ 13-705)
Restrictions placed on precursors	<p>§ 13-3404 – a manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any precursor chemical, including ephedrine or pseudoephedrine, shall submit a report to the department of public safety of all those transactions unless the entity is required to report similar transactions to a federal agency. The department of safety shall provide a common reporting form that contains, among other things, the name of the substance; quantity sold, transferred, or furnished; date sold, transferred, or furnished; and the name and address of the person buying or receiving the substance. Does not apply to: (1) the sale, transfer, or furnishing of ordinary ephedrine or pseudoephedrine; (2) the sale for personal use of ephedrine or pseudoephedrine totaling four packages or less; or (3) the sale, transfer, or furnishing of a precursor chemical by a wholesaler or manufacturer if both parties to the transaction possess a valid and current permit issued pursuant to law. Requires that manufacturers, wholesalers, retailers, and other persons who sell, transfer, or furnish a precursor chemical in a suspicious transaction to report such transaction to the department of public safety in writing.</p>

<u>ARIZONA</u>	
Restrictions placed on precursors (cont'd)	<p>Provides that this section does not apply to the sale, transfer, or furnishing to or by any practitioner or pharmacist pursuant to a valid prescription or the sale, transfer, or furnishing to or by a hospital, long-term healthcare provider, or managed healthcare provider or other licensed or permitted healthcare provider that administers or dispenses precursor chemical medications under the supervision of a practitioner. Also provides that failure to submit required reports, maintain required records, furnishing false information or omitting information, and other violations are class 5 or 6 felonies.</p> <p>§ 13-3404.01 – prohibits a person from:</p> <ol style="list-style-type: none"> (1) Knowingly possessing more than 24 grams of pseudoephedrine; (2) Knowingly purchasing more than three packages, not to exceed 9 grams of pseudoephedrine without a valid prescription or a license or permit; (3) Knowingly possessing any ephedrine that is uncombined or that is the sole active ingredient of a product or more than 24 grams of ephedrine that is combined with another active ingredient in any ephedrine product without a license or permit; (4) Knowingly purchasing any ephedrine that is uncombined or is the sole active ingredient of a product or more than three packages, not to exceed 9 grams of ephedrine that is combined with another active ingredient in any ephedrine product without a license or permit; (5) Selling, transferring, or otherwise furnishing any precursor chemical with knowledge that the recipient will use the precursor chemical to unlawfully manufacture a dangerous or narcotic drug; (6) Knowingly sell, transfer, or otherwise furnish more than 9 grams of any precursor chemical without a license or permit; and (7) Selling, transferring, or otherwise furnishing ephedrine or pseudoephedrine in a total amount of more than 9 grams in a single transaction unless the recipient possesses a valid and current permit. <p>Provides criminal penalties for violations.</p>

<u>ARIZONA</u>	
Restrictions placed on precursors (cont'd)	<p>§ 32-1977 – provides that a permittee shall not sell to the same person, and a person shall not purchase, products containing more than 3.6 grams per day or more than 9 grams per 30-day period of ephedrine or pseudoephedrine base. Provides that non-prescription products containing ephedrine or pseudoephedrine must be kept behind the counter or in a locked case where customers do not have access. Further provides that purchasers must present a valid, government-issued photo ID at the point of sale. Requires that the permittee record the name and address of the purchaser, name and quantity of product purchased, date and time of purchase, and the purchaser identification type and number. Further requires the permittee to use an electronic sales tracking system prior to completing a sale and submit the required information to the national precursor log exchange. Requires that the system generate a stop sale alert notification if purchase would exceed the quantity limits of this section. Provides that a violation is a class 3 misdemeanor, punishable only by a fine.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 13-3407 – 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 to another person; (6) obtaining or procuring the administration by fraud, deceit, misrepresentation, or subterfuge; or (7) transporting for sale, importing into this state, or offering to transport or import, or selling, transferring, or offering to sell or transfer. Violation of paragraph (1) is a class 4 felony, with certain exceptions that permit a court to enter judgment of conviction for a class 1 misdemeanor. Other violations range from class 2 to class 3 felonies.</p> <p>Subsections (E) and (F) provide for enhanced minimum, presumptive, and maximum penalties if the dangerous drug involved is methamphetamine.</p> <p>§ 13-3407.01 – 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.</p> <p>§ 13-705 – subsection (T) defines a “dangerous crime against children” to include manufacturing methamphetamine under circumstances that cause physical injury to a minor. Subsection (C) provides the minimum, presumptive, and maximum</p>

<u>ARIZONA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	penalties if the child involved is under age 12 and the defendant is at least 18 years of age or was tried as an adult. Subsection (E) provides the minimum, presumptive, and maximum penalties if the child involved is 12-14 years of age and the defendant is at least 18 years of age or was tried as an adult.
Methamphetamine cleanup and disposal	None.
Other statutory provisions of note	§ 36-104 – provides that the director of the state Department of Health Services accept 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.
Recently proposed legislation	Yes. See Pending State Legislation .

<u>ARKANSAS</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • ARK. CODE ANN. § 5-64-212 (West 2024) (substances in Schedule V—ephedrine combination product, pseudoephedrine, and phenylpropanolamine) • ARK. CODE ANN. § 5-64-406 (West 2024) (delivery to minors—enhanced penalties) • ARK. CODE ANN. § 5-64-407 (West 2024) (manufacture of methamphetamine in the presence of certain persons—enhanced penalties) • ARK. CODE ANN. § 5-64-411 (West 2024) (proximity to certain facilities—enhanced penalties) • ARK. CODE ANN. § 5-64-419 (West 2024) (possession of a controlled substance) • ARK. CODE ANN. § 5-64-420 (West 2024) (possession of methamphetamine, heroin, or cocaine with the purpose to deliver) • ARK. CODE ANN. § 5-64-422 (West 2024) (delivery of methamphetamine, heroin, or cocaine) • ARK. CODE ANN. § 5-64-423 (West 2024) (manufacture of methamphetamine, heroin, or cocaine) • ARK. CODE ANN. § 5-64-440 (West 2024) (trafficking a controlled substance) • ARK. CODE ANN. § 5-64-1001 (West 2024) (drug manufacturers, wholesalers, retailers—recordkeeping) • ARK. CODE ANN. §§ 5-64-1101 to 5-64-1104 (West 2024) (collectively titled “Ephedrine, Pseudoephedrine, Phenylpropanolamine”) • ARK. CODE ANN. §§ 8-7-1401 to 8-7-1407 (West 2024) (collectively titled “Controlled Substances Contaminated Property Cleanup Act”)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • 1989 (§ 5-64-1001) • March 24, 2005 (§ 5-64-1101) • July 31, 2007 (§§ 5-64-1104 and 8-7-1401 to 8-7-1407) • July 27, 2011 (§§ 5-64-212, 5-64-406, 5-64-420, 5-64-422, 5-64-423, and 5-64-1102) • August 16, 2013 (§§ 5-64-419 and 5-64-440) • July 22, 2015 (§ 5-64-1103) • January 1, 2024 (§§ 5-64-407 and 5-64-411)
Restrictions placed on precursors	§ 5-64-212 – 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.

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

<u>ARKANSAS</u>	
Restrictions placed on precursors (cont'd)	<p>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>§ 5-64-1001 – any manufacturer, wholesaler, retailer, or other person that sells, transfers, or otherwise furnishes ephedrine, pseudoephedrine, or phenylpropanolamine to any person in Arkansas is required to maintain accurate records of those transactions.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 5-64-406 – any person who is 18 years old or older who delivers or traffics methamphetamine to a person under the age of 18 who is at least three years younger than the person is subject to an enhanced sentence.</p> <p>§ 5-64-407 – a person who is found guilty of or pleads guilty or nolo contendere to manufacture of methamphetamine or possession of drug paraphernalia with the purpose to manufacture methamphetamine may be subject to an enhanced sentence of an additional term of imprisonment of 10 years if the offense is committed:</p> <ol style="list-style-type: none"> (1) In the presence of a minor, elderly person, or incompetent person who may or may not be related to the person; (2) With a minor, elderly person, or incompetent person in the same home or building where the methamphetamine was being manufactured or where the drug paraphernalia to manufacture methamphetamine was in use or was in preparation to be used; 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>§ 5-64-411 – 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>

<u>ARKANSAS</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 5-64-419 – 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> <p>§ 5-64-420 – it is unlawful for a person to possess methamphetamine with the purpose to deliver which can be shown by a variety of factors including:</p> <ol style="list-style-type: none"> (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>§ 5-64-422 – it is unlawful for a person to deliver methamphetamine in the following amounts: (1) delivering less than two grams is a Class C felony; (2) delivering two grams or more but less than 10 grams is a Class B felony; and (3) delivering 10 grams or more but less than 200 grams is a Class Y felony.</p> <p>§ 5-64-423 – 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>

<u>ARKANSAS</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	§ 5-64-440 – a person engages in the trafficking of methamphetamine if he or she possesses, delivers, or manufactures 200 grams or more of methamphetamine.
Methamphetamine cleanup and disposal	§§ 8-7-1401 to 8-7-1407 detail the protocols and policies related to clandestine drug laboratory cleanup.
Other statutory provisions of note	None.
Recently proposed legislation	None.

<u>CALIFORNIA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • CAL. HEALTH & SAFETY CODE § 11100 (West 2024) (transactions reported; exemptions; punishment; offenses involving minors) • CAL. HEALTH & SAFETY CODE § 11351 (West 2024) (possession or purchase for sale of designated controlled substances; punishment) • CAL. HEALTH & SAFETY CODE § 11379 (West 2024) (transportation, sale, furnishing, etc.; punishment; definition; prosecution under aiding and abetting, accessory, or conspiracy theory) • CAL. HEALTH & SAFETY CODE § 11379.6 (West 2024) (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) • CAL. HEALTH & SAFETY CODE § 11379.7 (West 2024) (convictions for specified violations involving methamphetamine or phencyclidine; structures where underage child present; great bodily injury suffered by underage child; additional punishment) • CAL. HEALTH & SAFETY CODE § 11379.9 (West 2024) (death or great bodily injury of another person; use of methamphetamine or phencyclidine; punishment) • CAL. HEALTH & SAFETY CODE § 11380 (West 2024) (adult using minor as agent; inducing minor to violate provisions; furnishing to minor; punishment) • CAL. HEALTH & SAFETY CODE § 11380.1 (West 2024) (enhancement of sentence imposed under § 11380) • CAL. HEALTH & SAFETY CODE § to 11380.7 (West 2024) (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) • CAL. HEALTH & SAFETY CODE § 11383.5 (West 2024) (possession with intent to manufacture methamphetamine or N-ethylamphetamine; punishment) • CAL. HEALTH & SAFETY CODE § 11383.7 (West 2024) (possession with intent to sell, transfer, or furnish chemicals to persons having intent to manufacture methamphetamine or N-ethylamphetamine; punishment) • CAL. HEALTH & SAFETY CODE §§ 25400.10 to 25400.47 (West 2024) (collectively titled “Methamphetamine or Fentanyl Contaminated Property Cleanup Act”)

<u>CALIFORNIA</u>	
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • 1990 (§ 11380.1) • 1996 (§ 11379.7) • September 28, 1998 (§ 11379.9) • 1990 (§ 11380) • March 29, 2000 (§ 11351) • September 12, 2003 (§ 11100) • September 29, 2006 (§§ 11380.7, 11383.5, and 11383.7) • January 1, 2015 (§ 11379) • January 1, 2016 (§ 11379.6) • January 1, 2020 (§§ 25400.10 to 25400.47)
Restrictions placed on precursors	<p>Health & Safety Code § 11100 – 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>Health & Safety Code § 11383.5 – any person who possesses the listed chemicals and/or drugs, including ephedrine and pseudoephedrine, with the intent to manufacture methamphetamine is guilty of a felony and will be punished by imprisonment.</p> <p>Health & Safety Code § 11383.7 – any person who possesses the listed chemicals and/or drugs, 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 is guilty of a felony and will be punished by imprisonment.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	Health & Safety Code § 11351 – every person who possesses for sale or purchases for the purposes of sale a controlled substance will be punished by imprisonment.

<u>CALIFORNIA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>Health & Safety Code § 11379 – 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 methamphetamine, unless upon the prescription of a healthcare professional, shall be punished by imprisonment for 2-4 years. Subsection (b) provides that any person who transports methamphetamine within this state from one county to another noncontiguous county shall be punished by imprisonment for 3-9 years.</p> <p>Health & Safety Code § 11379.6 – any person who manufactures methamphetamine, either directly or indirectly by chemical extraction or independently by means of chemical synthesis, shall be punished by imprisonment of 3-7 years and by a fine not exceeding \$50,000.</p> <p>Except when an enhancement pursuant to § 11379.7 is pled and proved, the following may be considered an aggravating factor:</p> <ul style="list-style-type: none"> (1) The fact that a person under 16 years of age resided in a structure in which a violation of this section involving methamphetamine occurred; or (2) The fact that a violation of this section involving methamphetamine occurred within 200 feet of an occupied residence or any structure where another person was present at the time of the offense. <p>All fines collected pursuant to this offense will be transferred to the State Treasury for deposit in the Clandestine Drug Lab Clean-up Account.</p> <p>Health & Safety Code § 11379.7 – except as otherwise provided in subsection (b), any person convicted of violation of § 11379.6, or an attempt to violate such section, as that section relates to methamphetamine, when the commission or attempted commission of the crime occurs in a structure where any child under 16 years of age is present, shall, in addition and consecutive to the punishment prescribed for the felony of which he or she has been convicted, be punished by an additional term of two years in the state prison.</p>

<u>CALIFORNIA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>Subsection (b) provides that any person convicted of a violation of § 11379.6, or an attempt to violate such section, as that section relates to methamphetamine, where the commission of the crime causes any child under 16 years of age to suffer great bodily injury, shall, in addition and consecutive to the punishment prescribed for the felony of which he or she has been convicted, be punished by an additional term of five years in the state prison.</p> <p>Health & Safety Code § 11379.9 – except as otherwise provided by law, any person convicted of a violation of, or an attempt to violate § 11379.6 as that section relates to methamphetamine, when the commission or attempted commission of the offense causes the death or great bodily injury of a person other than an accomplice, shall, in addition and consecutive to any other punishment authorized by law, be punished by an additional term of one year in the state prison for each injury or death.</p> <p>Health & Safety Code § 11380 – every person 18 years of age or over who violates any provision of this chapter involving certain specified controlled substances including methamphetamine by the use of a minor as agent, who solicits, induces, encourages, or intimidates any minor with the intent that the minor shall violate any provision of this article involving those controlled substances or who unlawfully furnishes, offers to furnish, or attempts to furnish those controlled substances to a minor shall be punished by imprisonment for a period of 3-9 years. This section does not apply to a registered pharmacist furnishing controlled substances pursuant to a prescription.</p> <p>Health & Safety Code § 11380.1 – notwithstanding any other provision of law, any person 18 years of age or over who is convicted of a violation of § 11380, in addition to the punishment imposed for that conviction, shall receive an additional punishment as follows:</p> <ol style="list-style-type: none"> (1) If the offense involved methamphetamine or any analog thereof and occurred upon the grounds of, or within, a church or synagogue, a playground, a public or private youth center, a child daycare facility, or a public swimming pool, during hours in which the facility is open for business, classes, or school-related programs,

<u>CALIFORNIA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>or at any time when minors are using the facility, the defendant shall, as a full and separately served enhancement to any other enhancement provided in this section, be punished by imprisonment in the state prison for one year; and</p> <p>(2) If the offense involved a minor who is at least four years younger than the defendant, the defendant shall, as a full and separately served enhancement, be punished by imprisonment in the state prison for 1-3 years at the discretion of the court.</p> <p>The court may strike the additional punishment if it determines that there are mitigating circumstances and states on the record the reasons for striking the additional punishment.</p> <p>Health & Safety Code § 11380.7 – notwithstanding any other provision of law, any person who is convicted of trafficking methamphetamine, or of a conspiracy to commit trafficking in methamphetamine, in addition to the punishment imposed for the conviction, shall be imprisoned for an additional one year if the violation occurred upon the grounds of, or within 1,000 feet of, a drug treatment center, detoxification facility, or homeless shelter. Provides that the additional punishment may not be imposed unless the allegation is charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact. Further, if any other additional punishment is imposed pursuant to law, the additional punishment provided for in this section shall not be imposed. The court may strike the additional punishment if it determines that there are mitigating circumstances and states on the record the reasons for striking the additional punishment. Sets forth factors the court should consider in striking the additional punishment and factors indicating the court should not exercise its discretion to strike the additional punishment.</p>
Methamphetamine cleanup and disposal	Health & Safety Code §§ 25400.10 to 25400.47 detail the protocols and policies related to clandestine drug laboratory cleanup.
Other statutory provisions of note	None.
Recently proposed legislation	None.

<u>COLORADO</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • COLO. REV. STAT. ANN. §§ 18-18-403.5 to 18-18-405 (West 2024) (included in “Offenses and Penalties”) • COLO. REV. STAT. ANN. § 18-18-411 (West 2024) (keeping, maintaining, controlling, renting, or making available property for unlawful distribution or manufacture of controlled substances) • COLO. REV. STAT. ANN. § 18-18-412.5 (West 2024) (unlawful possession of materials to make methamphetamine and amphetamine—penalty) • COLO. REV. STAT. ANN. § 18-18-412.8 (West 2024) (retail sale of methamphetamine precursor drugs—unlawful acts—penalty) • COLO. REV. STAT. ANN. § 25-18.5-101 to 25-18.5-110 (West 2024) (collectively titled “Illegal Drug Laboratories”) • 6 COLO. CODE REGS. §§ 1014-3:1-1.0 to 1014-3:3-5.0 (2023)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • August 7, 2013 (§ 25-18.5-102 to 25-18.5-107) • October 1, 2013 (§§ 18-18-404, 18-18-412.5, 18-18-412.8) • July 1, 2022 (§ 18-18-403.5) • May 1, 2023 (§ 18-18-405) • July 1, 2023 (§ 18-18-411)
Restrictions placed on precursors	<p>§ 18-18-412.5 – notwithstanding any other law to the contrary, no person shall possess ephedrine, pseudoephedrine, or phenylpropanolamine with the intent to use such product as an immediate precursor in the manufacture of any controlled substance. A violation of this section is a level 2 drug felony.</p> <p>§ 18-18-412.8 – a person may not knowingly deliver in or from a store to the same individual during any 24-hour period more than three and six-tenths grams of a methamphetamine precursor drug or a combination of two or more methamphetamine precursor drugs. Further, a person may not purchase more than three and six-tenths grams of a methamphetamine precursor drug or a combination of two or more methamphetamine precursor drugs during any 24-hour period. A person may not deliver in a retail sale in or from a store a methamphetamine precursor drug to a minor under 18 years of age. A person who knowingly violates a provision of this section commits a level 2 drug misdemeanor.</p> <p>“Methamphetamine precursor drug” means ephedrine, pseudoephedrine, or phenylpropanolamine but does not include a substance contained in any package or container that is labeled for pediatric use.</p>

<u>COLORADO</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	§ 18-18-403.5 (unlawful possession of a controlled substance—notice to revisor of statutes—repeal) – except as otherwise provided by law, it is unlawful for a person to possess a controlled substance, including methamphetamine. A person who violates this subsection by possessing more than four grams of methamphetamine commits a level 4 drug felony.
	§ 18-18-404 (unlawful use of a controlled substance) – any person who uses a controlled substance, including methamphetamine, 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.
	§ 18-18-405 (unlawful distribution, manufacturing, dispensing, or sale) – it is unlawful for any person to knowingly manufacture, dispense, sell, distribute, or possess with the intent to manufacture, dispense, sell, or distribute a controlled substance. A violation involving any material, compound, mixture, or preparation that weighs more than 112 grams of methamphetamine, or an adult that sells, distributes, or otherwise transfers any quantity of a Schedule I or II controlled substance or any material, compound, mixture, or preparation that contains any amount of a Schedule I or II controlled substance, to a minor and 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 any material, compound, mixture, or preparation that weighs more than seven grams, but not more than 112 grams, and contains methamphetamine is a level 2 drug felony. A violation involving any material, compound, mixture, or preparation that weighs not more than seven grams and contains methamphetamine is a level 3 drug felony.
	§ 18-18-411 – 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.

<u>COLORADO</u>	
Methamphetamine cleanup and disposal	§§ 25-18.5-101 to 25-18.5-110 and 6 CCR 1014-3 detail the requirements and protocols related to the cleanup of methamphetamine affected properties.
Other statutory provisions of note	None.
Recently proposed legislation	None.

<u>CONNECTICUT</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • CONN. GEN. STAT. ANN. § 21a-277 (West 2024) (penalty for illegal manufacture, distribution, sale, prescription, dispensing) • CONN. GEN. STAT. ANN. § 21a-278 (West 2024) (penalty for illegal manufacture, distribution, sale, prescription or administration by non-drug-dependent person) • CONN. GEN. STAT. ANN. § 21a-278a (West 2024) (penalty for illegal manufacture, distribution, sale, prescription or administration) • CONN. GEN. STAT. ANN. § 21a-279 (West 2024) (penalty for illegal possession of a controlled substance other than cannabis; alternative sentences; immunity)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • July 1, 2015 (§ 21a-279) • October 1, 2017 (§§ 21a-277, 21a-278) • October 1, 2021 (§ 21a-278a)
Restrictions placed on precursors	None.
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 21a-277 – no person may manufacture, distribute, sell, prescribe, dispense, compound, transport with the intent to sell or dispense, possess with the intent to sell or dispose, offer, give or administer to another person, except as otherwise authorized by law, any controlled substance other than a narcotic substance, a hallucinogenic substance, or cannabis. Any person who violates this subdivision for a first offense may be fined not more than \$25,000 or imprisoned not more than seven years, or both. For any subsequent offense, the person may be fined not more than \$100,000 or imprisoned not more than 15 years, or both.</p> <p>§ 21a-278 – no person may manufacture, distribute, sell, prescribe, dispense, compound, transport with intent to sell or dispense, possess with intent to sell or dispense, offer, give, or administer to another person, except as otherwise authorized by law, a narcotic substance, a hallucinogenic substance, an amphetamine-type substance, or 1kg or more of a cannabis-type substance. The provisions of this subdivision shall not apply to a person who is, at the time of the offense, a drug-dependent person. A person who violates this subdivision for a first offense shall be imprisoned not less than five years nor more than 20 years, and for subsequent offenses, imprisoned not less than 10 years or more than 25 years.</p>

<u>CONNECTICUT</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 21a-278a – any person 18 years of age or older, who is not a drug-dependent person, that distributes, sells, prescribes, dispenses, offers, gives, or administers any controlled substance to another person who is under the age of 18 and is at least two years younger than the person shall be imprisoned for a term of two years, which shall not be suspended and shall be in addition and consecutive to any term of imprisonment imposed for a violation of §§ 21a-277 or 21a-278.</p> <p>Any person who violates §§ 21a-277 or 21a-278 at a specific location that the trier of fact determines is:</p> <ol style="list-style-type: none"> (1) In or on the real property comprising: (a) a public or private elementary or secondary school; (b) a public housing project; or (c) a licensed child care center, that is identified as a child care center by a sign posted in a conspicuous place; or (2) Within 200 feet of the perimeter of the real property comprising such place, <p>shall be imprisoned for a term of three years, which shall not be suspended and shall be in addition and consecutive to any term of imprisonment imposed for violation of §§ 21a-277 or 21a-278.</p> <p>Any person who employs, hires, uses, persuades, induces, entices, or coerces a person under the age of 18 to violate §§ 21a-277 or 21a-278 shall be imprisoned for a term of three years, which shall not be suspended and shall be in addition and consecutive to any term of imprisonment imposed for violation of those statutes.</p> <p>§ 21a-279 – any person who possesses or has under such person's control any quantity of any controlled substance shall be guilty of a class A misdemeanor. For a second offense, the court shall evaluate such person and, if the court determines such person is drug-dependent, may suspend prosecution and order such person to undergo a substance abuse treatment program. For any subsequent offense, the court may find such person to be a persistent offender for possession of a controlled substance.</p>

<u>CONNECTICUT</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>Any person who violates such subsection with intent to commit such violation at a specific location that the trier of fact determines is in or on, or within 200 feet of the perimeter of the real property comprising a (1) public or private elementary or secondary school and who is not enrolled as a student in such school; or (2) licensed child care center that is identified as a child care center by a sign posted in a conspicuous place, shall be guilty of a class A misdemeanor and shall be sentenced to a term of imprisonment and a period of probation during which such person shall perform community service as a condition of such probation.</p> <p>Includes a Good Samaritan provision providing that this section does not apply to any person (1) who, in good faith, seeks medical assistance for another person who such person reasonably believes 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 and, in good faith, seeks medical assistance for him or herself, if evidence of possession or control of a controlled substance was obtained as a result of the seeking of such medical assistance.</p>
Methamphetamine cleanup and disposal	None.
Other statutory provisions of note	None.
Recently proposed legislation	None.

<u>DELAWARE</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • DEL. CODE ANN. tit. 16, § 4740 (West 2024) (sale of pseudoephedrine or ephedrine) • DEL. CODE ANN. tit. 16, §§ 4751c to 4756 (West 2024) (included within “Offenses and Penalties”) • DEL. CODE ANN. tit. 16, § 4760a (West 2024) (operating or attempting to operate clandestine laboratories; cleanup; penalties) • DEL. CODE ANN. tit. 16, § 4767 (West 2024) (first offenders controlled substances diversion program)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • September 1, 2011 (§§ 4751d and 4767) • August 27, 2013 (§§ 4740 and 4760a) • July 21, 2016 (§ 4752b) • December 15, 2019 (§§ 4751c, 4752, 4753, 4754, and 4756)
Restrictions placed on precursors	<p>§ 4740 – 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 (NPLEx) system before completing the sale, provided the NPLEx system is available without charge for accessing the system. If the NPLEx system generates a stop sale alert, the pharmacy or retailer shall not complete the sale. The system shall include an override function.</p> <p>Requires that materials, compounds, mixtures, or preparations containing ephedrine or pseudoephedrine shall be dispensed, offered for sale, sold, or distributed only from behind a checkout counter, pharmacy counter, or in a locked storage container where the public is not permitted.</p> <p>A licensed pharmacist, sales clerk, or pharmacy technician shall require that any person purchasing, receiving, or otherwise acquiring ephedrine or pseudoephedrine shall be 18 or older, produce a photo identification with date of birth, and sign a written log or receipt showing the date of the transaction, name of the person, and the amount of such substance. The written log shall be retained for at least 12 months.</p> <p>No person, other than pharmacy or retail establishment, shall purchase, receive, or otherwise acquire more than 9 grams of ephedrine or pseudoephedrine within any 30-day period.</p> <p>A violation of this section is a class A misdemeanor.</p>

<u>DELAWARE</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 4751c (quantity tiers related to drug offenses) – “tier 3 controlled substances quantity” means, among other things, 25 grams or more of methamphetamine, or of any mixture containing such substance. “Tier 2 controlled substances quantity” means, among other things, 10 grams or more of methamphetamine, or of any mixture containing such substance. “Tier 1 controlled substances quantity” means, among other things, 5 grams or more of methamphetamine, or of any mixture containing such substance.</p> <p>§ 4751d (knowledge of weight or quantity not an element of the offense; proof of weight or quantity) – in any prosecution under this subchapter in which the weight or quantity of a controlled substance is an element of the offense, the State need not prove that the defendant had any knowledge as to the weight or quantity of the substance possessed. The State need only prove that the defendant knew that the substance was possessed; and, that the substance was that which is alleged, and that the substance weighed a certain amount or was in a certain quantity.</p> <p>§ 4752 (drug dealing or possession; class B felony) – it is unlawful for any person to:</p> <ol style="list-style-type: none"> (1) Manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance in a tier 3 quantity; (2) Possess a controlled substance in a tier 3 quantity; or (3) Manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance in a tier 2 quantity and an aggravating factor applies. <p>Violation of this statute is a class B felony.</p> <p>§ 4752b (drug dealing—resulting in death; class B felony) – a person is guilty of drug dealing resulting in death when the person delivers a Schedule I or II controlled substance in a Tier 1 or greater quantity to another person in violation of this chapter, and said controlled substance thereafter causes the death of another person who uses or consumes it. It is not a defense to a prosecution under this section that the defendant did not directly deliver the controlled substance to the decedent. A violation of this section is a class B felony.</p>

<u>DELAWARE</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>It is an affirmative defense to a prosecution under this section that the defendant made a good faith effort to promptly seek, provide, or obtain emergency medical or law enforcement assistance to another person who was experiencing a medical emergency after using a Schedule I or II controlled substance, and whose death would otherwise form the basis for criminal liability under this section.</p> <p>§ 4753 (drug dealing or possession; class C or E felony) – it is unlawful for any person to:</p> <ul style="list-style-type: none"> (1) Manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance in a tier 2 quantity; or (2) Possess a controlled substance in a tier 2 quantity. <p>Violation of (1) is a class C felony. Violation of (2) is a class E felony.</p> <p>§ 4754 (drug dealing; class D felony) – except as otherwise authorized by law, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance. Violation of this section is a class D felony.</p> <p>§ 4756 (drug possession; class G felony) – except as otherwise authorized by law, it is unlawful for any person to possess a controlled substance in a tier 1 quantity. Violation of this section is a class G felony.</p>
Methamphetamine cleanup and disposal	<p>§ 4760a – any person who knowingly operates or attempts to operate a clandestine laboratory is guilty of a class C felony. Any person convicted of this violation will be responsible for all costs, if any, associated with remediation of the site of the laboratory and any costs associated with the cleanup of any substances, materials, or hazardous waste, and for the cleanup of any other site resulting from the operation or disposal of substances or materials from the laboratory.</p>
Other statutory provisions of note	<p>§ 4767 – any person who:</p> <ul style="list-style-type: none"> (1) Has not previously been convicted of any offense under state or federal law relating to narcotic drugs, marijuana, or stimulant, depressant, hallucinogenic drug or other substance who is charged through information

<u>DELAWARE</u>	
Other statutory provisions of note (cont'd)	<p>or indictment with possession or consumption of a controlled substance; and</p> <p>(2) Has not previously been afforded first offender treatment under this section or its predecessor may qualify for the first offense election at the time of the person's arraignment, with certain exceptions.</p> <p>At the time of arraignment, any qualifying person who elects treatment under this section shall enter a plea of guilty, as a first offender. The court, without entering a judgment of guilt, and with the consent of the accused, may defer further proceedings and place the accused on probation for a period of not less than 1.5 years. Sets forth the terms and conditions of such probation.</p> <p>If a term of probation is violated, or the defendant is found to have illegally possessed or consumed any controlled substance within 1.5 years of the entry of a plea under this section, the court shall enter an adjudication of guilt upon the record and proceed as otherwise provided under this title.</p> <p>Upon fulfillment of the terms and conditions of probation, the court shall discharge the person and dismiss the proceedings. Discharge and dismissal shall be without adjudication of guilt and is not a conviction for purposes of this section. there may be only one discharge and dismissal under this section with respect to any person.</p>
Recently proposed legislation	None.

<u>DISTRICT OF COLUMBIA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • D.C. CODE ANN. § 22-3571.01 (West 2024) (fines for criminal offenses) • D.C. CODE ANN. § 48-904.01 (West 2024) (prohibited acts A; penalties) • D.C. CODE ANN. § 48-904.03a (West 2024) (prohibited acts D; penalties) • D.C. CODE ANN. § 48-904.06 (West 2024) (distribution to minors) • D.C. CODE ANN. § 48-904.07 (West 2024) (enlistment of minors to distribute) • D.C. CODE ANN. § 48-904.07a (West 2024) (drug free zones) • D.C. CODE ANN. § 48-904.08 (West 2024) (second or subsequent offenses)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • March 15, 1985 (§ 48-904.06) • April 24, 2007 (§ 48-904.07a) • June 11, 2013 (§§ 48-904.01, 48-904.03a, and 48-904.07) • June 19, 2013 (§ 48-904.08)
Restrictions placed on precursors	None.
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 48-904.01 – 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 for not more than five years, fined not more than \$12,500, or both.</p> <p>§ 48-904.03a – 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 shall be imprisoned for not less than five years nor more than 25 years, fined at least \$12,500 but not more than \$75,000, or both.</p> <p>§ 48-904.06 – any person who is 21 years old or older who distributes methamphetamine to a person who is under 18 years old may be punished by fine, by a term of imprisonment that is up to twice the original charge, or both.</p> <p>§ 48-904.07 – any person who is 21 years old or older and who enlists, hires, contracts, or encourages any person under the age of 18 to sell or distribute any controlled substance for the profit of such person, or who encourages this criminal activity shall be punished for sale or distribution in the same manner as if</p>

<u>DISTRICT OF COLUMBIA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>that person directly sold or distributed the controlled substance. Anyone found guilty of such crime shall be subject to the following additional penalties:</p> <ul style="list-style-type: none"> (1) Upon a first conviction, the party may be imprisoned for no more than 10 years, fined \$25,000, or both; and (2) Upon a second or subsequent conviction, the party may be imprisoned for no more than 20 years, fined \$50,000, or both. <p>§ 48-904.07a – all areas within 1,000 feet of an appropriately identified public or private day care center, elementary school, vocational school, secondary school, junior college, college, or university, or any public swimming pool, playground, video arcade, youth center, or public library, or in and around public housing, or in or around housing that is owned, operated, or financially assisted by the District of Columbia Housing Authority, or an event sponsored by any of the above entities shall be declared a drug free zone.</p> <p>Any person who violates § 48-904.01 by distributing or possessing with the intent to distribute a controlled substance included in Schedules I – V within a drug free zone shall be punished by a fine up to twice that otherwise authorized by this chapter to be imposed, by a term of imprisonment up to twice that otherwise imposed, or both.</p> <p>§ 48-904.08 – any person convicted under this chapter of a second or subsequent offense may be imprisoned for a term up to twice the term otherwise authorized, fined an amount up to twice that otherwise authorized, or both.</p>
Methamphetamine cleanup and disposal	None.
Other statutory provisions of note	None.
Recently proposed legislation	None.

<u>FLORIDA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • FLA. STAT. ANN. § 893.13 (West 2024) (prohibited acts; penalties) • FLA. STAT. ANN. § 893.135 (West 2024) (trafficking; mandatory sentences; suspension or reduction of sentences; conspiracy to engage in trafficking) • Fla. Stat. Ann. § 893.149 (West 2024) (unlawful possession of a listed chemical) • FLA. STAT. ANN. § 893.1495 (West 2024) (retail sale of ephedrine and related compounds) • FLA. ADMIN. CODE ANN. r. 11D-2.005 (2024) (methamphetamine precursor electronic monitoring system)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • July 1, 2005 (§ 893.149) • July 1, 2010 (§ 893.1495) • January 6, 2011 (r. 11D-2.005) • March 13, 2017 (§ 893.135) • October 1, 2022 (§ 893.13)
Restrictions placed on precursors	<p>§ 893.149 – it is unlawful for any person to knowingly or intentionally: (1) possess a listed chemical with the intent to unlawfully manufacture a controlled substance; or (2) possess or distribute a listed chemical knowing, or having reasonable cause to believe, that the listed chemical will be used to unlawfully manufacture a controlled substance. Violation of this section is a second degree felony. This section does not apply to a public employee or private contractor authorized to clean up or dispose of hazardous waste or toxic substances resulting from the prohibited activities list in FLA. STAT. ANN. § 893.13(1)(g).</p> <p>§ 893.1495 – a person may not knowingly obtain or deliver to an individual in any retail over-the-counter sale any nonprescription compound, mixture, or preparation containing ephedrine or related compounds in excess of the following amounts:</p> <ol style="list-style-type: none"> (1) In any single day, any number of packages that contain a total of 3.6 grams of ephedrine or related compounds; (2) In any single retail, over-the-counter sale, three packages, regardless of weight, containing ephedrine or related compounds; or (3) In any 30-day period, in any number of retail, over-the-counter sales, a total of 9 grams or more of ephedrine or related compounds.

<u>FLORIDA</u>	
Restrictions placed on precursors (cont'd)	<p>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.</p> <p>A person must be at least 18 years old to purchase an ephedrine or pseudoephedrine product, must produce a government-issued photo ID, and sign a log at the time of sale.</p> <p>r. 11D-2.005 – all pharmacies and retailers in the state that sell nonprescription ephedrine or pseudoephedrine products are required to participate in the methamphetamine precursor electronic monitoring system. A retailer can request an exemption from electronic reporting if the retailer lacks the technology to access NPLEx, and the retailer maintains a sales volume of less than 72 grams of ephedrine or pseudoephedrine products in a 30-day period.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 893.13 – (1)(a)(1) Except as otherwise authorized, a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance. A person who violates this provision with respect to methamphetamine commits a felony of the second degree.</p> <p>(1)(c)(1) – Except as authorized by this chapter, a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising a child care facility or a public or private elementary, middle, or secondary school between the hours of 6am and 12 midnight, or at any time in, on, or within 1,000 feet of real property comprising a state, county, or municipal park, a community center, or a publicly owned recreational facility. A person who violates this provision with respect to methamphetamine commits a felony of the first degree. The defendant must be sentenced to a minimum term of imprisonment of three calendar years unless the offense was committed within 1,000 feet of the real property comprising a child care facility.</p> <p>This paragraph does not apply to a child care facility unless the owner or operator of the facility posts a sign that is not less than two square feet in size with a word legend identifying the</p>

<u>FLORIDA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>facility as a licensed child care facility and that is posted on the property of the facility in a conspicuous place.</p> <p>(1)(d)(1) – Except as authorized by this chapter, a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising a public or private college, university, or other postsecondary educational institution. A person who violates this paragraph with respect to methamphetamine commits a felony of the first degree.</p> <p>(1)(e)(1) – Except as otherwise authorized, a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance not authorized by law in, on, or within 1,000 feet of a physical place for worship at which a church or religious organization regularly conducts religious services or within 1,000 feet of a convenience business. A person who violates this paragraph with respect to methamphetamine commits a felony of the first degree.</p> <p>(1)(f)(1) – Except as authorized by this chapter, a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising a public housing facility at any time. A person who violates this paragraph with respect to methamphetamine commits a felony of the first degree.</p> <p>(1)(g) – Except as otherwise authorized, a person may not manufacture methamphetamine or phencyclidine, or possess any listed chemical in violation of law and with intent to manufacture methamphetamine or phencyclidine. If a person violates this paragraph and:</p> <ol style="list-style-type: none"> (1) The commission or attempted commission of the crime occurs in a structure or conveyance where any child younger than 16 years of age is present, the person commits a felony of the first degree. In addition to any other penalty, the defendant must be sentenced to a maximum term of imprisonment of five calendar years; or (2) The commission of the crime causes any child younger than 16 years of age to suffer great bodily

<u>FLORIDA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>harm, the person commits a felony of the first degree. In addition, the defendant must be sentenced to a minimum term of imprisonment of 10 calendar years.</p> <p>(1)(h)(1) – Except as otherwise authorized, a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising a mental health facility; a health care facility which provides substance abuse treatment; a licensed service provider; a facility providing services that include clinical treatment, intervention, or prevention; a recovery residence; an assisted living facility; or a pain management clinic. A person who violates this paragraph with respect to methamphetamine commits a felony of the first degree.</p> <p>(4)(a) – Except as authorized by this chapter, a person 18 years of age or older may not deliver a controlled substance to a person younger than 18 years of age, use or hire a person younger than 18 years of age as an agent or employee in the sale or delivery of such a substance, or use such person to assist in avoiding detection or apprehension for a violation of this chapter. A person who violates this subsection with respect to methamphetamine commits a felony of the first degree. Imposition of sentence may not be suspended or deferred, and the person so convicted may not be placed on probation.</p> <p>(6)(c) – Except as otherwise provided, a person may not possess more than 10 grams of any substance, including methamphetamine, or any mixture containing such substance. A person who violates this paragraph commits a felony of the first degree.</p> <p>§ 893.135 – any person who knowingly sells, purchases, manufactures, delivers, or brings into the state, or who is knowingly in actual or constructive possession of, 14 grams or more of methamphetamine, or any mixture containing methamphetamine in conjunction with other chemicals and equipment used in the manufacture of methamphetamine commits a felony of the first degree, which felony shall be known as “trafficking of methamphetamine.” If the quantity involved is:</p>

<u>FLORIDA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>(1) 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of three years, and pay a fine of \$50,000;</p> <p>(2) 28 grams or more, but less than 200 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of seven years, and pay a fine of \$100,000; or</p> <p>(3) 200 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of \$250,000.</p> <p>Any person who knowingly manufactures or brings into this state 400 grams or more of methamphetamine, or any mixture containing methamphetamine in conjunction with other chemicals and equipment used in the manufacture of methamphetamine, and who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of amphetamine (<i>sic.</i>), a capital felony.</p>
Methamphetamine cleanup and disposal	None.
Other statutory provisions of note	None.
Recently proposed legislation	None.

<u>GEORGIA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • GA. CODE ANN. § 16-13-30 (West 2023) (possession, manufacturing, etc., of certain controlled substances or marijuana) • GA. CODE ANN. § 16-13-30.3 (West 2023) (ephedrine and pseudoephedrine; unlawful possession; violations) • GA. CODE ANN. § 16-13-30.4 (West 2023) (pseudoephedrine; wholesale distributors; license requirements; records; violations) • GA. CODE ANN. § 16-13-30.5 (West 2023) (possession of substances with intent to manufacture controlled substances; violations) • GA. CODE ANN. § 16-13-31 (West 2023) (trafficking of certain controlled substances) • GA. CODE ANN. § 16-13-32.4 (West 2023) (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) • GA. CODE ANN. § 16-13-32.5 (West 2023) (transactions in controlled substance or marijuana in, on, or within 1,000 feet of parks, playgrounds, recreation centers, or housing projects prohibited) • GA. CODE ANN. § 16-13-32.6 (West 2023) (transactions in controlled substance or marijuana in, on, or within real property designated as drug-free commercial zone) • GA. COMP. R. & REGS. 480-19-.03 to -.05 (2024) (included in “Exempt Over-the-Counter (OTC) Schedule V Controlled Substances”)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • 1990 (§ 16-13-32.4) • 1996 (§ 16-13-32.6) • May 15, 2003 (§ 16-13-31) • July 1, 2005 (§§ 16-13-30.4 and 16-13-30.5) • July 1, 2008 (§ 16-13-32.5) • December 11, 2011 (480-19-.03 to 480-19-.05) • July 1, 2014 (§ 16-13-30) • July 1, 2016 (§ 16-13-30.3)
Restrictions placed on precursors	§ 16-13-30.3 – unless otherwise provided by law, it is unlawful for any person to possess any product that contains ephedrine or pseudoephedrine in an amount which exceeds 300 pills, tablets, gel caps, capsules, or other individual units, or more than nine grams of ephedrine or pseudoephedrine or a combination of these substances, whichever is smaller.

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Restrictions placed on precursors (cont'd)	<p>It is unlawful for any person to possess any product containing ephedrine or pseudoephedrine with the intent to manufacture methamphetamine. Any person who violates the provisions of this subsection shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than 10 years.</p> <p>Products whose sole active ingredient is pseudoephedrine may be offered for retail sale only if sold in blister packaging. Nonprescription products containing ephedrine or pseudoephedrine as the sole active ingredient shall only be sold in a pharmacy in a manner that complies with the State Board of Pharmacy rules.</p> <p>No person shall distribute or purchase any nonprescription product containing more than 3.6 grams of ephedrine or pseudoephedrine per day in dosage form or more than 9 grams of ephedrine or pseudoephedrine per 30 day period in dosage form of any product. The limits apply to the total amount of ephedrine or pseudoephedrine contained in the product and not the overall weight of such product.</p> <p>Requires the pharmacy to maintain a record of required information for each sale of a nonprescription product which contains ephedrine or pseudoephedrine for a period of two years from the date of each transaction. Also requires pharmacies to track all sales and submit the required information to a real-time electronic logging system.</p> <p>§ 16-13-30.4 – 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> <p>480-19-.03 (recording keeping for over-the-counter (OTC) sales of exempt Schedule V controlled substance drug products containing pseudoephedrine) – prohibits any person from obtaining or attempting to obtain, sell, dispense, or otherwise distribute any exempt Schedule V controlled substance drug product containing pseudoephedrine, except as otherwise provided in law. Requires that all exempt products be stored in the pharmacy's prescription department. Further provides that</p>

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Restrictions placed on precursors (cont'd)	<p>all pharmacy personnel who engage in the sale or distribution of exempt products complete the DEA's self-certification training as required by the Combat Methamphetamine Epidemic Act of 2005.</p> <p>Provides that a pharmacist, or pharmacy intern or extern acting under the direct supervision of a registered pharmacist, may sell, dispense, or otherwise dispose of not more than 3.6 grams every 24 hours, or a maximum of 9 grams every 30 days, of a pseudoephedrine containing drug product to each customer if:</p> <ol style="list-style-type: none"> (1) the pharmacist uses reasonable means or effort to determine that such product will be used for legitimate medical purposes; (2) record patient information in a logbook, which shall be signed by the patient. Prohibits the sale of any Schedule V pseudoephedrine containing drug product to a patient unless they present appropriate identification. <p>480-19-.04 (record keeping for over-the-counter (OTC) sales of exempt Schedule V controlled substance drug products containing pseudoephedrine) – sets forth the record keeping requirements for pharmacies selling over-the-counter exempt Schedule V controlled substance drug products containing pseudoephedrine.</p> <p>480-19-.05 (exceptions to exempt Schedule V controlled substance drug products containing pseudoephedrine sales) – any drug product containing pseudoephedrine which comes in a container packaged by its manufacturer and its label contains a Federal Caution or Rx Only indication is not an exempt narcotic under this rule and cannot be sold as an exempt OTC Schedule V drug product and can only be dispensed upon receipt of a valid prescription.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 16-13-30 – (a) except as otherwise authorized, it is unlawful for any person to purchase, possess, or have under his or her control any controlled substance.</p> <p>(b) Except as authorized by this article, it is unlawful for any person to manufacture, deliver, distribute, dispense, administer, sell, or possess with intent to distribute any controlled substance.</p> <p>(d) Except as otherwise provided, any person who violates subsection (b) with respect to a controlled substance in Schedule II shall be guilty of a felony and, upon conviction</p>

<u>GEORGIA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>thereof, shall be punished by imprisonment for not less than five years nor more than 30 years. Upon conviction of a second or subsequent offense, he or she shall be imprisoned for not less than 10 years not more than 40 years or life imprisonment.</p> <p>(e) Any person who violates subsection (a) with respect to a controlled substance in Schedule II, other than a narcotic drug, shall be guilty of a felony and, upon conviction thereof, shall be punished as follows:</p> <ol style="list-style-type: none"> (1) If the aggregate weight, including any mixture, is less than two grams of a solid substance, less than two milliliters of a liquid substance, or if the substance is placed onto a secondary medium with a combined weight of less than two grams, by imprisonment for not less than one nor more than three years; (2) If the aggregate weight, including any mixture, is at least two grams but less than four grams of a solid substance, at least two milliliters but less than four milliliters of a liquid substance, or if the substance is placed onto a secondary medium with a combined weight of at least two grams but less than four grams, by imprisonment for not less than one nor more than eight years; and (3) If the aggregate weight, including any mixture, is at least four grams but less than 28 grams of a solid substance, at least four milliliters but less than 28 milliliters of a liquid substance, or if the substance is placed onto a secondary medium with a combined weight of at least four grams but less than 28 grams, by imprisonment for not less than one nor more than 15 years. <p>(f) Upon a third or subsequent conviction for a violation of subsection (a) with respect to a controlled substance in Schedule II, such person shall be punished by imprisonment for a term not to exceed twice the length of the sentence applicable to the particular crime.</p> <p>(k) It shall be unlawful for any person to hire, solicit, engage, or use an individual under the age of 17 years, for the purpose of manufacturing, distributing, or dispensing, on behalf of the solicitor, any controlled substance unless such action is otherwise allowed by law. A person who violates this</p>

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>subsection shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than five years not more than 20 years or by a fine not to exceed \$20,000, or both.</p> <p>§ 16-13-30.5 – it is illegal for a person to possess any substance with intent to use the substance to manufacture methamphetamine or knowingly convey such 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>§ 16-13-31 – (e) Except as otherwise authorized by law, any person who sells, delivers, or brings into this state or has possession of 28 grams or more of methamphetamine, or any mixture containing methamphetamine, in violation of this article commits the felony offense of trafficking in methamphetamine and, upon conviction thereof, shall be punished as follows:</p> <ol style="list-style-type: none"> (1) If the quantity involved is 28 grams or more, but less than 200 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of 10 years and shall pay a fine of \$200,000; (2) If the quantity involved is 200 grams or more, but less than 400 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall pay a fine of \$300,000; and (3) If the quantity involved is 400 grams or more, the person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall pay a fine of \$1 million. <p>(f) Except as otherwise authorized by law, any person who manufactures methamphetamine, or any mixture containing methamphetamine, in violation of this article commits the felony offense of trafficking methamphetamine and, upon conviction thereof, shall be punished as follows:</p> <ol style="list-style-type: none"> (1) If the quantity involved is less than 200 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of 10 years and shall pay a fine of \$200,000;

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>(2) If the quantity involved is 200 grams or more, but less than 400 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall pay a fine of \$300,000; and</p> <p>(3) If the quantity involved is 400 grams or more, the person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall pay a fine of \$1 million.</p> <p>§ 16-13-32.4 – it shall be unlawful for any person to manufacture, distribute, dispense, or possess with intent to distribute a controlled substance in, on, or within 1,000 feet of any real property owned by or leased to any public or private elementary school, secondary school, or school board used for elementary or secondary education. Any person who violates or conspires to violate this section shall be guilty of a felony and upon conviction shall receive the following punishment:</p> <p>(1) Upon a first conviction, imprisonment for not more than 20 years or a fine of not more than \$20,000, or both; or</p> <p>(2) Upon a second or subsequent conviction, imprisonment for not less than five years nor more than 40 years or a fine of not more than \$40,000, or both. It shall be mandatory for the court to impose a minimum sentence of five years which may not be suspended unless otherwise provided by law.</p> <p>§ 16-13-32.5 – it shall be unlawful for any person to manufacture, distribute, dispense, or possess with intent to distribute a controlled substance in, on, or within 1,000 feet of any real property which has been dedicated and set apart by the governing authority of any municipality, county, state authority, or the state for use as a park, playground, recreation center, or for any other recreation purposes, unless such action is allowed by law.</p> <p>It shall be unlawful for any person to manufacture, distribute, dispense, or possess with intent to distribute a controlled substance in, on, or within 1,000 feet of any real property of any publicly owned or publicly operated housing project, unless such action is allowed by law.</p>

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>Any person who violates or conspires to violate this section shall be guilty of a felony and upon conviction shall receive the following punishment:</p> <ol style="list-style-type: none"> (1) Upon a first conviction, imprisonment for not more than 20 years or a fine of not more than \$20,000, or both; or (2) Upon a second or subsequent conviction, imprisonment for not less than five years not more than 40 years or a fine of not more than \$40,000, or both. It shall be mandatory for the court to impose a minimum sentence of five years which may not be suspended unless otherwise provided by law. <p>§ 16-13-32.6 – it shall be unlawful for any person to illegally manufacture, distribute, dispense, or possess with intent to distribute a controlled substance in, on, or within any real property which has been designated as a drug-free commercial zone. Any person who violates or conspires to violate this section shall be guilty of a felony and upon conviction shall receive the following punishment:</p> <ol style="list-style-type: none"> (1) Upon a first conviction, imprisonment for not more than 20 years or a fine of not more than \$20,000, or both; or (2) Upon a second or subsequent conviction, imprisonment for not less than five years nor more than 40 years or a fine of not more than \$40,000, or both.
Methamphetamine cleanup and disposal	None.
Other statutory provisions of note	None.
Recently proposed legislation	Yes. See Pending State Legislation .

<u>HAWAII</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • HAW. REV. STAT. ANN. § 329-61 to 329-65 (West 2024) (included in “Regulated Chemicals for the Manufacture of Controlled Substances”) • HAW. REV. STAT. ANN. § 329-74 (West 2024) (unlawful transport of pseudoephedrine) • HAW. REV. STAT. ANN. § 329-75 (West 2024) (sales of products, mixtures, or preparations containing pseudoephedrine; reporting requirement for wholesalers) • HAW. REV. STAT. ANN. § 712-1240.5 (West 2024) (manufacturing a controlled substance with a child present) • HAW. REV. STAT. ANN. § 712-1240.7 (West 2024) (methamphetamine trafficking) • HAW. REV. STAT. ANN. § 712-1240.9 (West 2024) (methamphetamine trafficking; restitution and reimbursement) • HAW. REV. STAT. ANN. §§ 712-1241 to 712-1243 (West 2024) (collectively part of section titled “Offenses Related to Drugs and Intoxicating Compounds”) • HAW. REV. STAT. ANN. § 712-1249.6 (West 2024) (promoting a controlled substance in, on, or near schools, school vehicles, public parks, or public housing projects or complexes) • HAW. REV. STAT. ANN. § 712-1249.7 (West 2024) (promoting a controlled substance through a minor) • HAW. CODE R. §§ 11-452-1 to 11-452-43 (2024) (collectively titled “Requirements for Decontamination and Cleanup of Methamphetamine Manufacturing Sites”) • HAW. CODE R. §§ 23-201-1 to 23-201-17 (2024) (collectively titled “Regulated Chemicals for the Manufacture of Controlled Substances”)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • 1990 (§§ 329-61 and 329-62) • 1999 (§ 329-63) • April 15, 2000 (§§ 23-201-1 to 23-201-17) • June 4, 2003 (§ 329-65) • 2004 (§§ 712-1240.5 and 712-1249.7) • 2006 (§ 712-1240.9) • December 6, 2007 (§§ 11-452-1 to 11-452-43) • May 19, 2010 (§ 329-64) • April 17, 2012 (§ 712-1249.6) • June 15, 2012 (§ 329-75) • July 1, 2016 (§§ 329-74, 712-1240.7, and 712-1241)
Restrictions placed on precursors	§ 329-61 (substances subject to reporting) – any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes ephedrine or pseudoephedrine products to

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Restrictions placed on precursors (cont'd)	<p>any person in the state is required to submit a report of all those transactions.</p> <p>§ 329-62 (proper identification) – any manufacturer, wholesaler, retailer, or other person who receives from a source outside of the state any substance listed in § 329-61 shall, prior to selling, transferring, or otherwise furnishing any such substance to a person in this state, require proper identification from the purchaser which shall include a driver's license or other official state-issued identification which contains a color photograph of the purchaser. Failure to obtain proper identification shall result in a fine of not more than \$5,000, imprisonment of not more than 30 days, or both.</p> <p>§ 329-63 (person required to keep records and file reports) – a manufacturer, wholesaler, retailer, or other person who sells, transfers, receives, or brings in from outside the state is required to keep a record of each transaction involving ephedrine or pseudoephedrine for two years after the date of transaction. They are required to report all transactions involving ephedrine to the state.</p> <p>§ 329-64 (exceptions) – the requirements of §§ 329-62 and 329-63(a) do not apply to any of the following:</p> <ol style="list-style-type: none"> (1) Any pharmacist or other authorized person who sells or furnishes a substance upon a valid prescription; (2) Any physician, dentist, podiatrist, or veterinarian who administers or furnishes a substance to a patient; (3) Any manufacturer or wholesaler licensed by the state who sells, transfers, or otherwise furnishes a substance to a licensed pharmacy, physician, dentist, podiatrist, or veterinarian; and (4) Any sale, transfer, furnishing, or receipt of any drug that contains pseudoephedrine or norpseudoephedrine that is lawfully sold, transferred, or furnished over the counter without a prescription as long as it complies with §§ 329-73 to 329-75. <p>§ 329-65 (penalty) – sets forth the penalties for manufacturers, wholesalers, retailers, and other persons who violate the provisions of §§ 329-61 to 329-64.</p>

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Restrictions placed on precursors (cont'd)	<p>§ 329-74 – a person commits the offense of unlawful transport of pseudoephedrine if the person transports more than three packages of any product the sale of which is restricted by § 329-75. A violation is a misdemeanor. “Transport” as used in this section means the transfer of a pseudoephedrine product by a person other than a wholesaler, distributor, or retailer.</p> <p>§ 329-75 – 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>§ 23-201-2 (definitions) – includes definition of “safe harbor packaging,” which means a product that is, if not a liquid, sold in packages of not more than three grams of the base ingredient and is packaged in blister packs of not more than two tablets per blister; or, if a liquid, sold in package sizes of not more than three grams of the base ingredient.</p> <p>§ 23-201-6 (persons exempted from permit requirement) – any retailer who sells any over-the-counter-drug-product in “safe harbor packaging” in a single transaction to an individual for a legitimate medical use that contains ephedrine or pseudoephedrine is exempt from the permit requirement.</p> <p>§ 23-201-9 (records of transaction) – sets forth the record-keeping requirements for manufacturers, wholesalers, retailers, and other persons who sell, transfer, receive, bring into the state, or otherwise furnish pseudoephedrine or an ephedrine combination product.</p> <p>§ 23-201-10 (identification and use required for transactions) – prior to distributing, selling, transferring, or otherwise furnishing any substance subject to reporting pursuant to § 329-61, to a person in this state, every permittee shall require proper identification from the purchaser, a full description of how the substance is to be used, and the signature of the purchaser.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 712-1240.5 - any person convicted of manufacturing a controlled substance, and who commits the offense knowing that a child under the age of 16 is present in the structure where the offense occurred, shall be sentenced to a term of two years</p>

<u>HAWAII</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>imprisonment to run consecutively to the maximum indeterminate term of imprisonment for the conviction of any offense involving the manufacturing of a controlled substance.</p> <p>Any person convicted of manufacturing a controlled substance, who commits the offense knowing that a child under the age of 18 is present in the structure where the offense occurred and causes the child to suffer serious or substantial bodily injury, shall be sentenced to a term of five years imprisonment to run consecutively to the maximum indeterminate term of imprisonment for the conviction of any offense involving the manufacturing of a controlled substance.</p> <p>§ 712-1240.7 – 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 for which the defendant shall be sentenced to an indeterminate term of imprisonment of 20 years with a mandatory minimum term of imprisonment of not less than two years and not greater than eight years and a fine not to exceed \$20,000,000; provided that:</p> <ol style="list-style-type: none"> (1) If the person has one prior conviction for methamphetamine trafficking, or promoting a dangerous drug in the first degree and methamphetamine was the drug upon which the conviction was predicated, the mandatory minimum term of imprisonment shall be not less than six years, eight months, and not greater than 13 years, four months; (2) If the person has two prior convictions for such crimes, the mandatory minimum term of imprisonment shall be not less than 13 years, four months and not greater than 20 years; or (3) If the person has three or more prior convictions for such crimes, the mandatory minimum term of imprisonment shall be 20 years. <p>§ 712-1241 (promoting a dangerous drug in the first degree) – a person commits the offense of promoting a dangerous drug in the first degree if the person knowingly:</p>

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>(1) Possesses one or more preparations, compounds, mixtures, or substances of an aggregate weight of one ounce or more containing methamphetamine; or</p> <p>(2) Distributes one or more preparations, compounds, mixtures, or substances of an aggregate weight of one-eighth ounce or more containing methamphetamine.</p> <p>Promoting a dangerous drug in the first degree is a class A felony.</p> <p>§ 712-1242 (promoting a dangerous drug in the second degree) – a person commits the offense of promoting a dangerous drug in the second degree if the person knowingly:</p> <p>(1) Possesses one or more preparations, compounds, mixtures, or substances of an aggregate weight of one-eighth ounce or more containing methamphetamine; or</p> <p>(2) Distributes any dangerous drug, including methamphetamine, in any amount.</p> <p>Promoting a dangerous drug in the second degree is a class B felony.</p> <p>§ 712-1243 (promoting a dangerous drug in the third degree) – a person commits the offense of promoting a dangerous drug in the third degree if the person knowingly possesses any dangerous drug in any amount. Promoting a dangerous drug in the third degree is a class C felony.</p> <p>§ 712-1249.6 – a person commits the offense of promoting a controlled substance in, on, or near schools, school vehicles, public parks, or public housing projects or complexes if the person knowingly:</p> <p>(1) Distributes or possesses with intent to distribute a controlled substance in any amount in or on the real property comprising a school, public park, or public housing project or complex;</p> <p>(2) Distributes or possesses with intent to distribute a controlled substance in any amount within 750 feet of the real property comprising a school, public park, or public housing project or complex;</p> <p>(3) Distributes or possesses with intent to distribute a controlled substance in any amount while on any school</p>

<u>HAWAII</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>vehicle, or within 10 feet of a parked school vehicle during the time that the vehicle is in service for or waiting to transport school children; or</p> <p>(4) Manufactures methamphetamine within 750 feet of the real property comprising a school, public park, or public housing project or complex.</p> <p>A violation of (1), (2), or (3) is a class C felony. A violation of (4) is a class A felony. Any person with a prior conviction or convictions under (1), (2), or (3) is punishable by a term of imprisonment of not less than two years and not more than 10 years and shall not be eligible for parole until the individual has served the minimum sentence.</p> <p>§ 712-1249.7 – a person aged 18 or over commits the offense of promoting a controlled substance through a minor if the person knowingly employs, hires, uses, persuades, induces, entices, or coerces a minor to facilitate the illegal distribution of a controlled substance. The offense of promoting a controlled substance through a minor is a class B felony unless the offense occurs in, on, or near the real property comprising a school, school vehicles, or public parks, in which case it is a class A felony.</p>
Methamphetamine cleanup and disposal	<p>§ 712-1240.9 – when sentencing a defendant convicted of methamphetamine trafficking, the court may order restitution or reimbursement to the state or appropriate county government 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>§§ 11-452-1 to 11-452-43. Chapter 452 of Title 11 of Hawaii's Administration Code details the requirements for decontamination and cleanup of methamphetamine manufacturing sites.</p>
Other statutory provisions of note	None.
Recently proposed legislation	None.

<u>IDAHO</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • IDAHO CODE ANN. § 37-2707 (West 2024) (Schedule II) • IDAHO CODE ANN. § 37-2732 (West 2024) (prohibited acts A—penalties) • IDAHO CODE ANN. § 37-2732B (West 2024) (trafficking—mandatory sentences) • IDAHO CODE ANN. § 37-2735A (West 2024) (drug hotline fee) • IDAHO CODE ANN. § 37-2737A (West 2024) (manufacture or delivery of controlled substance where children are present) • IDAHO CODE ANN. §§ 37-3301 to 37-3306 (West 2024) (collectively titled “Retail Sales of Pseudoephedrine Products”) • IDAHO ADMIN. CODE R. 16.02.24.000 to 16.02.24.600 (2024) (collectively titled “Clandestine Drug Laboratory Cleanup”)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • July 1, 1999 (§ 37-2732) • 2000 (§ 37-2707) • July 1, 2006 (§§ 37-2732B, 37-2735A, 37-2737A; 37-3301; and 37-3304 to 37-3306) • July 1, 2012 (§ 37-3303 and 37-3303A) • July 1, 2021 (16.02.24.000 to 16.02.24.600)
Restrictions placed on precursors	<p>§ 37-2707 – immediate precursors to methamphetamine, including ephedrine and pseudoephedrine, are included as Schedule II controlled substances. Provides that any combination or compound containing ephedrine or pseudoephedrine which is prepared for dispensing or over-the-counter distribution is not a controlled substance for the purpose of this section, unless such substance is possessed, delivered, or possessed with intent to deliver to another with the intent to manufacture methamphetamine or any other controlled substance.</p> <p>§ 37-2732B – any person who knowingly manufactures, delivers, brings into this state, or who is knowingly in actual or constructive possession of the listed amounts of the specified immediate precursors to methamphetamine, or any compound, mixture, or preparation which contains a detectable quantity of such substances, is guilty of a felony which shall be known as “trafficking in immediate precursors of methamphetamine.” If the quantity of ephedrine or pseudoephedrine is 500 grams or more, such person shall be sentenced to a mandatory minimum fixed term of imprisonment of 10 years and fined not less than \$25,000. The maximum sentence is life, and the maximum fine is \$100,000. If the quantity of pseudoephedrine is 25 grams or more but less than 500 grams, such person shall be sentenced to a term of imprisonment of up to 10 years and fined not more</p>

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Restrictions placed on precursors (cont'd)	<p>than \$25,000.</p> <p>§ 37-3302 (sales of pseudoephedrine products) – retailers shall ensure that pseudoephedrine products offered for sale are located either in an area where the public is not permitted or inside a locked display case and that all distributions of pseudoephedrine products are conducted by an employee of the retailer.</p> <p>§ 37-3303 (limitations on sales and purchases) - it shall be unlawful for any retailer to knowingly sell, transfer, or otherwise furnish in a single day a pseudoephedrine product or products containing more than a base amount of 3.6 grams of pseudoephedrine.</p> <p>It is unlawful for any person to knowingly purchase from a retailer more than the daily sales limit of a pseudoephedrine product or products containing a base amount of 3.5 grams per purchaser or more than a base amount of 9 grams of pseudoephedrine in a single 30-day period, regardless of the number of transactions.</p> <p>Purchasers must present a photo ID issued by a state or federal government. Retailers shall submit the required information to the electronic sales tracking system.</p> <p>§ 37-3303A (electronic tracking system) – requires the board of pharmacy to implement a real-time electronic sales tracking system to monitoring the nonprescription sale of pseudoephedrine products.</p> <p>§ 37-3304 (penalties) – a violation of this chapter is a misdemeanor.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 37-2732 – except as authorized by this chapter, it is unlawful for any person to manufacture or deliver, or possess with intent to manufacture or deliver, a controlled substance. Any person who violates this subsection with respect to a controlled substance classified in Schedule II, except as provided in § 37-2732B(a)(3) related to the manufacture of methamphetamine, is guilty of a felony and, upon conviction, may be imprisoned for a term of years not to exceed life imprisonment, or fined not more than \$25,000, or both.</p> <p>It is unlawful for any person to possess a controlled substance</p>

<u>IDAHO</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>without a valid prescription. Any person who violates this subsection and has in his possession a controlled substance classified in Schedule II is guilty of a felony and, upon conviction, may be imprisoned for not more than seven years, or fined not more than \$15,000, or both.</p> <p>It is unlawful for any person to be present at any place where the person knows illegal controlled substances are being manufactured, or are being held for distribution, transportation, delivery, administration, use, or to be given away. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$300 and not more than 90 days in the county jail, or both.</p> <p>§ 37-2732B – any person who knowingly manufactures or attempts to manufacture methamphetamine is guilty of a felony which shall be known as “trafficking in methamphetamine by manufacturing.” Any person convicted of trafficking in methamphetamine by attempted manufacturing shall be sentenced to a mandatory minimum fixed term of imprisonment of two years and not to exceed 15 years imprisonment and fined not less than \$10,000.</p> <p>Any person convicted of trafficking in methamphetamine by manufacturing shall be sentenced to a mandatory minimum fixed term of imprisonment of five years and not to exceed life imprisonment and fined not less than \$25,000. The maximum number of years of imprisonment for trafficking in methamphetamine shall be life, and the maximum fine shall be \$100,000.</p> <p>Any person who knowingly delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or more of methamphetamine or of any mixture or substance containing a detectable amount of methamphetamine is guilty of a felony, which shall be known as “trafficking in methamphetamine.” If the quantity involved is:</p> <ol style="list-style-type: none"> (1) 28 grams or more, but less than 200 grams, such person shall be sentenced to a mandatory minimum fixed term of imprisonment of three years and fined not less than \$10,000; (2) 200 grams or more, but less than 400 grams, such person shall be sentenced to a mandatory minimum

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>fixed term of imprisonment of five years and fined not less than \$15,000;</p> <p>(3) 400 grams or more, such person shall be sentenced to a mandatory minimum fixed term of imprisonment of 10 years and fined not less than \$25,000.</p> <p>The maximum number of years of imprisonment for trafficking in methamphetamine shall be life, and the maximum fine shall be \$100,000.</p> <p>§ 37-2737A – 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 may be imprisoned up to 10 years, fined not more than \$25,000, or both.</p>
Methamphetamine cleanup and disposal	16.02.24.000 – 16.02.24.600. Chapter 24 of Title 2 of Idaho's Department of Health and Welfare Administrative code details the protocols and policies related to clandestine drug laboratory cleanup.
Other statutory provisions of note	§ 37-2735A – 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.”
Recently proposed legislation	Yes. See Pending State Legislation .

<u>ILLINOIS</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • 720 ILL. COMP. STAT. ANN. 570/210 (West 2024) (Schedule IV; enumeration) • 720 ILL. COMP. STAT. ANN. 570/216 (West 2024) (ephedrine) • 720 ILL. COMP. STAT. ANN. 646/1 to 646/9999 (West 2024) (collectively titled “Methamphetamine Control and Community Protection Act”) • 720 ILL. COMP. STAT. ANN. 648/1 to 648/999 (West 2024) (collectively titled “Methamphetamine Precursor Control Act”) • 720 ILL. COMP. STAT. ANN. 649/1 to 649/999 (West 2024) (collectively titled “Methamphetamine Precursor Tracking Act”)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • January 1, 1999 (570/210 and 570/216) • September 11, 2005 (646/20, 646/35, 646/40, 646/50, 646/60, 646/95) • January 15, 2006 (648/30) • June 5, 2006 (646/45 and 646/56) • January 1, 2008 (646/25) • January 1, 2012 (646/90) • January 19, 2012 (649/15) • August 16, 2013 (648/20) • January 1, 2018 (646/15 and 646/55)
Restrictions placed on precursors	<p>570/210 – ephedrine is listed as a Schedule IV controlled substance.</p> <p>570/216 – sets forth the drug products containing ephedrine that may be lawfully sold over-the-counter without a prescription including solid oral dosage forms, including soft gelatin caplets which are packaged in blister packs of not more than two tablets per blister and anorectal preparations containing not more than 5 percent ephedrine. Provides that a violation of this section is a class A misdemeanor. A second or subsequent violation is a class 4 felony.</p> <p>646/20 (methamphetamine precursor) – it is unlawful to knowingly possess, procure, transport, store, or deliver any methamphetamine precursor or substance containing a methamphetamine precursor in standard dosage form with the intent that it be used to manufacture methamphetamine or a substance containing methamphetamine. Sets forth the penalties for violating this subsection, which range from a class 2 felony for less than 15 grams of a methamphetamine precursor to a class X felony, subject to a term of imprisonment of not less</p>

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Restrictions placed on precursors (cont'd)	<p>than 10 years and not more than 50 years, and a fine of not more than \$300,000, for 500 or more grams of a methamphetamine precursor.</p> <p>It is further unlawful to knowingly possess, procure, transport, store, or deliver any methamphetamine precursor or substance containing a methamphetamine precursor in any form other than a standard dosage form with the intent that it be used to manufacture methamphetamine or a substance containing methamphetamine. Penalties for violating this subsection range from a class 2 felony for less than 10 grams of methamphetamine or a substance containing methamphetamine be manufactured to a class X felony for 350 or more grams, subject to a term of imprisonment of not less than 10 years and not more than 50 years, and a fine not to exceed \$300,000.</p> <p>648/20 (restrictions on purchase, receipt, or acquisition) – a person must be a least 18 years old to purchase an ephedrine or pseudoephedrine product. At the point of sale, the customer must present a valid government-issued photo ID and sign a log. A person is prohibited from purchasing more than two targeted packages in a single transaction, more than one convenience package from a retail location other than a pharmacy counter in a 24-hour period, or more than a total of 7,500 milligrams of ephedrine or pseudoephedrine products in a 30-day period.</p> <p>648/30 (retail distributors; general requirements) – provides that no retail distributor shall distribute any convenience package except in accordance with this act. Convenience packages must be displayed behind store counters or in locked cases, so that customers are not able to reach the product without the assistance of a store employee or agent. Retail distributors shall verify that the person purchasing, receiving, or otherwise acquiring the methamphetamine precursor is 18 years of age or older and resembles the photograph of the person on the government-issued identification presented by the person and the name entered into the log corresponds to the name on the identification.</p> <p>No retail distributor shall knowingly distribute any targeted methamphetamine precursor to any person under 18 years of age. No retail distributor shall knowingly distribute more than one convenience package to a single person in any 24-hour</p>

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Restrictions placed on precursors (cont'd)	<p>period. No retail distributor shall knowingly distribute products containing more than a total of 7,500 milligrams of ephedrine or pseudoephedrine to a single person in any 30-day period.</p> <p>649/15 (general provisions) – establishes a statewide precursor tracking program. Provides that each time a covered pharmacy distributes a targeted methamphetamine precursor to a recipient, the pharmacy shall transmit an electronic transaction record to the central repository.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>646/15 (participation in methamphetamine manufacturing) – (a)(1) provides that it is unlawful to knowingly participate in the manufacture of methamphetamine with the intent that methamphetamine or a substance containing methamphetamine be produced. Further provides penalties for violation of this provision that range from a class 1 felony for participating in the manufacture of methamphetamine or a substance containing methamphetamine in an amount of less than 15 grams to a class X felony, subject to a term of imprisonment of not less than 15 years and not more than 60 years, and subject to a fine not to exceed \$400,000 or the street value of the methamphetamine manufactured, whichever is greater, for 900 grams or more.</p> <p>(b)(1) Further provides that it is unlawful to engage in aggravated participation in the manufacture of methamphetamine. A person engages in the aggravated participation in the manufacture of methamphetamine when the person violates paragraph (a)(1) and:</p> <ol style="list-style-type: none"> (1) The person knowingly does so in a multi-dwelling unit; (2) The person knowingly does so in a structure or vehicle 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; (3) The person does so in a structure or vehicle where a woman the person knows to be pregnant resides, is present, or is endangered by the manufacture; (4) The person knowingly does so in a structure or vehicle protected by one or more firearms, explosive devices, booby traps, alarm systems, surveillance systems, guard dogs, or dangerous animals; (5) The methamphetamine manufacturing in which the

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>person participates is a contributing cause of death, serious bodily injury, disability, or disfigurement of another person, including, but not limited to, an emergency service provider;</p> <p>(6) The methamphetamine manufacturing in which the person participates is a contributing cause of a fire or explosion that damages property belonging to another person;</p> <p>(7) The person knowingly organizes, directs, or finances the methamphetamine manufacturing or activities carried out in support of the manufacture; or</p> <p>(8) The methamphetamine manufacturing occurs within 500 feet of a place of worship or parsonage, or within 500 feet of the real property comprising any school at a time when children, clergy, patrons, staff, or other persons are present or any activity sanctioned by the place of worship, parsonage, or school is taking place.</p> <p>(b)(2) Provides penalties for violation of (b)(1) that range from a class X felony, subject to a term of imprisonment of not less than six years and not more than 30 years, and subject to a fine not to exceed \$100,000 or the street value of the methamphetamine, whichever is greater, for participating in the manufacture of methamphetamine or a substance containing methamphetamine in an amount less than 15 grams to a class X felony, subject to a term of imprisonment of not less than 15 years and not more than 60 years, and subject to a fine not to exceed \$400,000 or the street value of the methamphetamine, whichever is greater, for 400 grams or more.</p> <p>646/25 (anhydrous ammonia) – provides that it is unlawful to engage in the possession, procurement, transportation, storage, or delivery of anhydrous ammonia or attempt to engage in those activities with the intent that the anhydrous ammonia be used to manufacture methamphetamine. Further provides that a violation is a class 1 felony and sets forth the penalties for aggravated possession, procurement, transportation, storage, or delivery of anhydrous ammonia with the intent that it be used to manufacture methamphetamine.</p> <p>646/30 (methamphetamine manufacturing material) – it is unlawful to knowingly engage in the possession, procurement, transportation, storage, or delivery of any methamphetamine manufacturing material, other than a methamphetamine</p>

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>precursor, substance containing a methamphetamine precursor, or anhydrous ammonia, with the intent that it be used to manufacture methamphetamine. A violation is a class 2 felony.</p> <p>646/35 (use of property) – it is unlawful for a person to knowingly use or allow the use of a vehicle, structure, real property, or personal property within the person's control to help bring about a violation of this act. A violation is a class 2 felony.</p> <p>646/40 (protection of methamphetamine manufacturing) – it is unlawful to engage in the protection of methamphetamine manufacturing. A person engages in the protection of methamphetamine manufacturing when the person knows that others have been participating, are participating, or will be participating in the manufacture of methamphetamine and, with the intent to help prevent detection of or interference with the manufacturing, the person serves as a lookout for or guard of the manufacturing. A violation is a class 2 felony.</p> <p>646/50 (methamphetamine-related child endangerment) – a person engages in methamphetamine-related child endangerment when the person knowingly endangers the life and health of a child by exposing or allowing exposure of the child to a methamphetamine manufacturing environment. This is a Class 2 felony.</p> <p>A person engages in aggravated methamphetamine-related child endangerment when the person exposes or allows exposure of a child to a methamphetamine manufacturing environment and the child experiences death, great bodily harm, disability, or disfigurement as a result of the methamphetamine-related child endangerment. This is a class X felony, subject to a term of imprisonment of not less than six years and not more than 30 years and a fine not to exceed \$100,000.</p> <p>646/55 (methamphetamine delivery) – (a)(1) it is unlawful to knowingly engage in the delivery or possession with intent to deliver methamphetamine or a substance containing methamphetamine. Sets forth the penalties for individuals who deliver or possess with intent to deliver methamphetamine or a substance containing methamphetamine that range from a class 2 felony for less than 5 grams to a class X felony, subject to a</p>

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>term of imprisonment of not less than 15 years and not more than 60 years, and subject to a fine not to exceed \$400,000 or the street value of the methamphetamine, whichever is greater, for 900 or more grams.</p> <p>(b)(1) Further provides that it is unlawful to engage in the aggravated delivery or possession with intent to deliver methamphetamine or a substance containing methamphetamine. A person engaged in aggravated delivery or possession with intent to deliver methamphetamine or a substance containing methamphetamine when a person violates section (a)(1) and:</p> <ol style="list-style-type: none"> (1) The person is at least 18 years of age and knowingly delivers or possesses with intent to deliver the methamphetamine or substance containing methamphetamine to a person under 18 years of age; (2) The person is at least 18 years of age and knowingly uses, engages, employs, or causes another person to use, engage, or employ a person under 18 years of age to deliver the methamphetamine or substance containing methamphetamine; (3) The person knowingly violates (a)(1) in any structure or vehicle protected by one or more firearms, explosive devices, booby traps, alarm systems, surveillance systems, guard dogs, or dangerous animals; (4) The person knowingly violates (a)(1) in any school, on any real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity and at the time of the violation persons under 18 are present, the offense is committed during school hours, or the offense is committed at times when persons under 18 are reasonably expected to be present in the school, in the conveyance, or on the real property, such as when after-school activities are occurring; or (5) The person delivers or causes another person to deliver the methamphetamine or substance containing methamphetamine to a woman the person knows to be pregnant. <p>Sets forth the penalties for violating (b)(1) that range from a class 1 felony for delivering or possessing with intent to deliver less than 5 grams to a class X felony, subject to a term of imprisonment of not less than 10 years and not more than 50</p>

<u>ILLINOIS</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>years, and subject to a fine not to exceed \$300,000 or the street value of the methamphetamine, whichever is greater, for 100 or more grams.</p> <p>646/56 (methamphetamine trafficking) – any person who knowingly brings, or causes to be brought, into the state methamphetamine, anhydrous ammonia, or a methamphetamine precursor for the purpose of manufacture or delivery of methamphetamine or with the intent to manufacture or deliver methamphetamine is guilty of methamphetamine trafficking.</p> <p>A person convicted of trafficking shall be sentenced to a term of imprisonment of not less than twice the minimum term and not more than twice the maximum term of imprisonment based upon the amount of methamphetamine brought or caused to be brought into the state, as provided in Section 55 of this act.</p> <p>A person convicted of methamphetamine trafficking based upon a methamphetamine precursor shall be sentenced to a term of imprisonment of not less than twice the minimum term and not more than twice the maximum term of imprisonment based upon the amount of precursor provided in Section 20 of this act.</p> <p>646/60 (methamphetamine possession) – it is unlawful to knowingly possess methamphetamine or a substance containing methamphetamine. The felony level and punishment are dependent on the amount of methamphetamine possessed and range from a class 3 felony for possession of less than 5 grams to a class X felony, subject to a term of imprisonment of not less than 10 years and not more than 50 years, and subject to a fine not to exceed \$300,000, for 900 or more grams.</p>
Methamphetamine cleanup and disposal	646/45 (methamphetamine manufacturing waste) – it is unlawful to knowingly burn, place in a trash receptacle, or dispose of methamphetamine manufacturing waste, knowing that the waste was used in the manufacture of methamphetamine. A violation is a Class 2 felony.
Other statutory provisions of note	646/90 (methamphetamine restitution) – if a person commits a violation of the Methamphetamine Control and Community Protection Act in a manner that requires an emergency response, the person will be required to make restitution to all public entities involved in the emergency response to cover the reasonable costs of their participation in the emergency response, including but not limited to, regular and overtime costs incurred by law enforcement agencies and private

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Other statutory provisions of note (cont'd)	contractors paid by the public agencies in securing the site. 646/95 (Youth Drug Abuse Prevention Fund) – twelve and one-half percent of all amounts collected as fines from violations of the Methamphetamine Control and Community Protection Act are required to be paid into the “Youth Drug Abuse Prevention Fund” in the State Treasury for the funding of programs and services for drug-abuse treatment and prevention and education services for juveniles.
Recently proposed legislation	None.

<u>INDIANA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • IND. CODE ANN. § 35-48-4-1.1 (West 2024) (dealing in methamphetamine) • IND. CODE ANN. § 35-48-4-1.2 (West 2024) (manufacturing methamphetamine) • IND. CODE ANN. § 35-48-4-4.1 (West 2024) (dumping controlled substance waste) • IND. CODE ANN. § 35-48-4-6.1 (West 2024) (possession of methamphetamine) • IND. CODE ANN. § 35-48-4-14.7 (West 2024) (restrictions on sale and purchase of ephedrine or pseudoephedrine; reporting of suspicious activities or theft) • IND. CODE ANN. § 35-48-4-17 (West 2024) (environmental cleanup costs) • 410 IND. ADMIN. CODE 38-1-1 to 38-6-3 (West 2024) (collectively titled “Inspection and Cleanup of Property Contaminated with Chemicals Used in the Illegal Manufacture of a Controlled Substance”)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • 2003 (§ 35-48-4-17) • July 1, 2014 (§§ 35-48-4-4.1, 35-48-4-6.1, and 35-48-4-14.5) • July 1, 2017 (§§ 35-48-4-1.1, 35-48-4-1.2, and 35-48-4-14.7) • July 1, 2018 (38-1-1 to 38-6-3)
Restrictions placed on precursors	<p>§ 35-48-4-14.5 – a person who possesses more than 10 grams of ephedrine or pseudoephedrine commits a level 6 felony. However, the offense is a level 5 felony if the person possessed:</p> <ol style="list-style-type: none"> (1) A firearm while possessing more than 10 grams; or (2) More than 10 grams within 500 feet of a school property while a person under 18 years of age was reasonably expected to be present or a public park while a person under 18 years of age was reasonably expected to be present. <p>§ 35-48-4-14.7 – 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</p>

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Restrictions placed on precursors (cont'd)	<p>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>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 35-48-4-1.1 – a person who knowingly or intentionally delivers or finances the delivery of methamphetamine, or possesses with intent to deliver or finance the delivery of methamphetamine, commits dealing in methamphetamine, a level 5 felony, except as otherwise provided in this section.</p> <p>A person may be convicted of an offense under this section only if there is evidence to the weight of the drug or the amount of the drug is at least 28 grams.</p> <p>The offense is a:</p> <ul style="list-style-type: none"> (1) Level 4 felony if the amount of the drug involved is at least one gram but less than five grams, or the amount of the drug is less than one gram and an enhancing circumstance applies; (2) Level 3 felony if the amount of the drug involved is at least five grams but less than 10 grams, or at least one gram but less than five grams and an enhancing circumstance applies; or (3) Level 2 felony if the amount of the drug involved is at least 10 grams or at least five grams but less than 10 grams and an enhancing circumstance applies. <p>§ 35-48-4-1.2 – a person who knowingly or intentionally manufactures or finances the manufacture of methamphetamine commits manufacturing methamphetamine, a level 4 felony.</p> <p>The offense is a level 3 felony if the amount of the drug involved is at least five grams but less than 10 grams or at least one gram but less than five grams and an enhancing circumstance applies.</p>

<u>INDIANA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>The offense is a level 2 felony if:</p> <ol style="list-style-type: none"> (1) The amount of the drug involved is at least 10 grams; (2) The amount of the drug involved is at least five grams but less than 10 grams and an enhancing circumstance applies; (3) The manufacture of the drug results in serious bodily injury to a person other than the manufacturer; or (4) The manufacture of the drug results in the death of a person other than the manufacturer. <p>§ 35-48-4-6.1 – a person who knowingly or intentionally possesses methamphetamine without a valid prescription commits “possession of methamphetamine,” a level 6 felony.</p> <p>The offense is a:</p> <ol style="list-style-type: none"> (1) Level 5 felony if the amount of the drug involved is at least five grams but less than 10 grams or the amount of the drug involved is less than five grams and an enhancing circumstance applies; (2) Level 4 felony if the amount of the drug involved is at least 10 grams but less than 28 grams or the amount involved is at least five but less than 10 grams and an enhancing circumstance applies; (3) Level 3 felony if the amount of the drug involved is at least 28 grams or the amount involved is at least 10 grams but less than 28 grams and an enhancing circumstance applies.
Methamphetamine cleanup and disposal	<p>§ 35-48-4-4.1 – 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 immediate precursor, or waste, knowing that it was produced from the illegal manufacture of a controlled substance or immediate precursor, commits “dumping controlled substance waste,” a level 6 felony. It is not a defense to a violation of this section that the person did not manufacture the controlled substance or immediate precursor.</p> <p>§ 35-48-4-17 – in addition to any other penalty imposed for conviction of an offense involving the manufacture or intent to manufacture methamphetamine, the court shall order restitution to cover the costs of an environmental cleanup incurred by a law enforcement agency or other person as a result of the</p>

<u>INDIANA</u>	
Methamphetamine cleanup and disposal (cont'd)	offense. 38-1-1 to 38-6-3. Article 38 of Title 410 of the Indiana Administration Code details the protocols for inspection and cleanup of property contaminated by the illegal manufacture of a controlled substance.
Other statutory provisions of note	None.
Recently proposed legislation	None.

<u>IOWA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • IOWA CODE ANN. §§ 124.212 to 124.212B (West 2024) (included within “Standards and Schedules”) • IOWA CODE ANN. §§ 124.401 to 124.401E (West 2024) (included within “Offenses and Penalties”) • IOWA CODE ANN. §§ 124C.1 to 124C.7 (West 2024) (collectively titled “Cleanup of Clandestine Laboratory Sites”) • IOWA CODE ANN. § 714.7C (West 2024) (theft of pseudoephedrine—enhancement)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • May 19, 1993 (§§ 124C.1 to 124C.7) • 1994 (§ 124.401B) • 2000 (§ 124.401E) • 2002 (§ 124.401A) • 2003 (§ 124.401) • May 21, 2005 (§ 714.7C) • March 25, 2009 (§§ 124.212, 124.212A, 124.212B) • July 1, 2023 (§§ 124.401C and 124.401D)
Restrictions placed on precursors	<p>§ 124.212 (Schedule V—substances included) – ephedrine and pseudoephedrine are included 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>§ 124.212A (pharmacy pseudoephedrine sale--restrictions--records--contingent applicability) – pseudoephedrine products shall be kept in a locked cabinet or behind the sales counter where the public is unable to access the product. Purchasers are required to present a government-issued photo ID and sign the electronic logbook at the time of sale.</p> <p>§ 124.212B (pseudoephedrine sales--tracking—penalty) – establishes a real-time electronic repository to monitor and control the same of ephedrine and pseudoephedrine products. Requires pharmacies dispensing such products to report all such sales electronically to a central repository under the control of the office.</p> <p>§ 124.401 (prohibited acts—manufacture, delivery, possession—counterfeit substances, simulated controlled substances, imitation controlled substances—penalties) – it is unlawful for any person to sell, distribute, or make available</p>

<u>IOWA</u>	
Restrictions placed on precursors (cont'd)	<p>any product containing ephedrine or pseudoephedrine if the person knows, or should know, that the product may be used as a precursor to any illegal substance or an intermediary to any controlled substance. A violation of this section is a serious misdemeanor.</p> <p>A person who possesses ephedrine or pseudoephedrine with the intent that the product be used to manufacture any controlled substance commits a class D felony.</p> <p>§ 714.7C – a person who commits a simple misdemeanor theft of a product containing pseudoephedrine from a retailer commits a serious misdemeanor.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 124.401 (prohibited acts--manufacture, delivery, possession--counterfeit substances--simulated controlled substances, imitation controlled substances—penalties) – it is unlawful for any person to manufacture, deliver, or possess with the intent to manufacture or deliver, a controlled substance.</p> <p>A violation of this subsection involving more than five kilograms of a mixture or substance containing a detectable amount of methamphetamine is a class B felony and shall be punished by confinement for no more than 50 years and a fine of not more than \$1 million dollars.</p> <p>A violation of this subsection involving more than five grams but not more than five kilograms of methamphetamine, or any compound, mixture, or preparation containing any quantity or detectable amount of methamphetamine, is a class B felony and shall be punished by confinement of not more than 25 years and a fine of not less than \$5,000 and not more than \$100,000.</p> <p>A violation of this subsection involving five grams or less of methamphetamine, or any compound, mixture, or preparation which contains any quantity or detectable amount of methamphetamine, is a class C felony and shall be punished by confinement of not more than 10 years and a fine of at least \$1,000 and not more than \$50,000.</p> <p>It is unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained pursuant to a valid prescription. A first offense is a serious misdemeanor. If the controlled substance is methamphetamine, the court shall order the person to serve a</p>

<u>IOWA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>term of imprisonment of not less than 48 hours.</p> <p>§ 124.401A (enhanced penalty for manufacture or distribution to persons on certain real property) – a 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 in or 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> <p>§ 124.401B (possession of controlled substances on certain real property--additional penalty) – a person who unlawfully possesses methamphetamine in, on, or within 1,000 feet of a public or private elementary or secondary school, public park, public swimming pool, public recreation center, or on a marked school bus, may be sentenced to 100 hours of community service work for a public agency or a nonprofit charitable organization.</p> <p>§ 124.401C (manufacturing methamphetamine in presence of minors) – a person who is 18 or older and who unlawfully manufactures methamphetamine in the presence of a minor shall be sentenced to two times the term otherwise imposed by law, and no such judgment, sentence, or part thereof shall be deferred or suspended.</p> <p>§ 124.401D (conspiracy to manufacture for delivery, delivery, or intent or conspiracy to deliver amphetamine or methamphetamine to a minor) – it is unlawful for a person 18 years of age or older to act with, or enter into a common scheme or design with, or conspire with one or more persons to manufacture for delivery to a person under 18 years of age, a controlled substance. A person violating this subsection shall be sentenced to two times the term otherwise imposed under § 124.401(1), and no such judgment, sentence, or part thereof shall be deferred or suspended. A second or subsequent violation is a class A felony.</p> <p>It is unlawful for a person 18 years of age or older to deliver, or possess with intent to deliver, to a person under 18 years of age, a controlled substance. A person violating this subsection shall be sentenced to two times the term otherwise imposed under § 124.401(1), and no such judgment, sentence, or part thereof</p>

<u>IOWA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>shall be deferred or suspended. A second or subsequent violation is a class A felony.</p> <p>§ 124.401E (certain penalties for manufacturing or delivery of amphetamine or methamphetamine) – if a person’s first conviction for delivery or possession of methamphetamine involves five grams or less, the court may suspend the sentence and may order the person to complete a drug court program or order the person to be assigned to a community-based correctional facility for a period of one year or until maximum benefits are achieved, whichever is earlier. If a person is convicted of manufacturing five grams or less of methamphetamine, the court may suspend the sentence, and may order the person to complete a drug court program or order the person to be assigned to a community-based correctional facility for a period of one year or until maximum benefits are achieved, whichever is earlier. If a person receives a second or subsequent conviction of delivery or possession with intent to deliver five grams or less of methamphetamine, the court will sentence the person to imprisonment and the person will serve the minimum period of confinement.</p>
Methamphetamine cleanup and disposal	<p>§ 124C.3 (liability to the state) – a person who has control over a clandestine laboratory site will be strictly liable to the state for the costs incurred by the state as a result of the cleanup of the site, the costs incurred by the state to evacuate people from the area threatened by the clandestine laboratory site, and the reasonable damages to the state for injury to, destruction of, or loss of natural resources resulting from the clandestine laboratory site.</p>
Other statutory provisions of note	None.
Recently proposed legislation	Yes. See Pending State Legislation .

<u>KANSAS</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • KAN. STAT. ANN. §§ 21-5703 to 21-5706 (West 2024) (including within “Crimes Involving Controlled Substances”) • KAN. STAT. ANN. §§ 21-5709 and 21-5710 (West 2024) (included within “Crimes Involving Controlled Substances”) • KAN. STAT. ANN. § 65-4113 (West 2024) (substances included in Schedule V) • KAN. STAT. ANN. § 65-16,102 (West 2024) (maintenance of program by the board of pharmacy; rules and regulations; waiver and liability) • KAN. ADMIN. REGS. § 68-20-15a (West 2024) (security requirements) • KAN. ADMIN. REGS. § 68-20-22 (West 2024) (selling without a prescription)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • April 15, 2005 (§ 65-4113) • July 1, 2009 (§§ 21-5704 and 65-16,102) • July 1, 2012 (§§ 21-5705 and 21-5706) • July 1, 2014 (§§ 21-5703, 21-5709 and 21-5710) • June 2, 2023 (§ 68-20-22)
Restrictions placed on precursors	<p>§ 21-5709 (unlawful possession of certain drug precursors and drug paraphernalia) – it is unlawful for any person to possess ephedrine or pseudoephedrine with the intent to use the product to manufacture a controlled substance. Violation is a drug severity level 3 felony.</p> <p>It is further unlawful for any person to purchase, receive, or otherwise acquire more than 3.6 grams of pseudoephedrine or ephedrine base in any single transaction, or any compound, mixture, or preparation containing more than nine grams of pseudoephedrine or ephedrine base within any 30-day period. Violation is a class A nonperson misdemeanor.</p> <p>§ 21-5710 (unlawful distribution of certain drug precursors and drug paraphernalia) – it is unlawful for any person to advertise, market, label, distribute, or possess with the intent to distribute any product containing ephedrine or pseudoephedrine if the person knows or reasonably should know that the purchaser will use the product to manufacture a controlled substance. Violation is a drug severity level 3 felony.</p> <p>§ 65-16,102 – the board shall establish and maintain a program for a statewide electronic logging system for the sale of methamphetamine precursors and each pharmacy shall maintain an electronic methamphetamine precursor recording log</p>

<u>KANSAS</u>	
Restrictions placed on precursors (cont'd)	<p>documenting the sale of methamphetamine precursors. The board shall promulgate regulations specifying a standardized format for the log and the information that each pharmacy shall submit to the board, which shall include, but not be limited to, the name and address of the person purchasing, receiving, or otherwise acquiring the methamphetamine precursor; the name and quantity of the product purchased; the date and time of the purchase; and the name or initials of the individual who sold the product. Additionally, each pharmacy shall maintain the purchaser's signature. The requirements of this section shall not apply when the purchaser has a valid prescription for the product.</p> <p>§ 65-4113 – both ephedrine and pseudoephedrine are included in the list of Schedule V controlled substances.</p> <p>§ 68-20-22 – any controlled substance listed in Schedule V that is not a prescription only drug may be sold by a pharmacist without a prescription to a purchaser at retail if the sale of any substance that is a methamphetamine precursor is made in accordance with law.</p> <p>§ 68-20-15a – 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>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 21-5703 (unlawful manufacturing of controlled substances) – it is unlawful for any person to manufacture a controlled substance. Violation or attempted violation is a drug severity level 1 felony if the substance is methamphetamine.</p> <p>§ 21-5705 (unlawful cultivation or distribution of controlled substances) – it is unlawful for any person to distribute or possess with the intent to distribute methamphetamine. If the quantity was: (1) less than 1 gram, violation is a drug severity level 4 felony; (2) at least 1 gram but less than 3.5 grams, violation is a drug severity level 3 felony; (3) at least 3.5 grams but less than 100 grams, violation is a drug severity level 2 felony; and (4) 100 grams or more, violation is a drug severity level 1 felony.</p>

<u>KANSAS</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	§ 21-5706 (unlawful possession of a controlled substance) – it is a drug severity level 5 felony for any person to possess methamphetamine.
Methamphetamine cleanup and disposal	§ 21-5704 (costs and expenses assessed against defendant for unlawful manufacturing) – all costs and expenses resulting from the seizure, disposition, and decontamination of an unlawful manufacturing site shall be assessed against the defendant.
Other statutory provisions of note	None.
Recently proposed legislation	None.

<u>KENTUCKY</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • KY. REV. STAT. ANN. § 218A.141 (West 2024) (additional penalties for trafficking in controlled substance other than salvia or marijuana) • KY. REV. STAT. ANN. § 218A.1401 (West 2024) (selling controlled substances other than salvia to minor; penalties) • KY. REV. STAT. ANN. § 218A.1404 (West 2024) (prohibited activities relating to controlled substances; penalties) • KY. REV. STAT. ANN. § 218A.1411 (West 2024) (trafficking in controlled substance in or near school; exception for misdemeanor salvia offenses; penalty) • KY. REV. STAT. ANN. § 218A.1412 (West 2024) (trafficking in controlled substance in first degree; penalties) • KY. REV. STAT. ANN. § 218A.1415 (West 2024) (possession of controlled substance in first degree; penalties) • KY. REV. STAT. ANN. § 218A.1432 (West 2024) (manufacturing methamphetamine; penalties) • KY. REV. STAT. ANN. §§ 218A.1437 and 218A.1438 (West 2024) (included within “Controlled Substances”) • KY. REV. STAT. ANN. § 218A.1441 (West 2024) (controlled substance endangerment to a child in the first degree; penalty) • KY. REV. STAT. ANN. § 218A.1446 (West 2024) (requirements for dispensing 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) • 401 KY. ADMIN. REGS. 101:001 to 101:040 (2024) (collectively titled “Methamphetamines”)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • June 20, 2005 (§§ 218A.1432, 218A.1437, 218A.1438, and 218A.1441) • June 8, 2011 (§§ 218A.1404 and 218A.1415) • April 11, 2012 (§§ 218A.141 and 218A.1411) • March 25, 2015 (§ 218A.1412) • April 27, 2016 (§ 218A.1401) • August 13, 2018 (401 KAR 101:001 to :040) • April 9, 2024 (§ 218A.1446)
Restrictions placed on precursors	§ 218A.1437 (unlawful possession of a methamphetamine precursor; prima facie evidence of intent; penalties) – a person is guilty of unlawful possession of a methamphetamine precursor when he or she knowingly and unlawfully possesses a drug product or combination of drug products containing ephedrine or pseudoephedrine with the intent to use the product as a precursor to manufacturing methamphetamine. Except as

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Restrictions placed on precursors (cont'd)	<p>otherwise provided, possession of a drug product or combination of drug products containing 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. This does not apply to persons who legally possess such products in the course of legitimate business. Unlawful possession of a methamphetamine precursor is a class D felony for a first offense and a class C felony for each subsequent offense.</p> <p>§ 218A.1438 (unlawful distribution of a methamphetamine precursor; penalties) – a person is guilty of unlawful distribution of a methamphetamine precursor when he or she knowingly and unlawfully sells, transfers, distributes, dispenses, or possesses with the intent to sell, distribute, or dispense any product or combination of drug products containing ephedrine or pseudoephedrine if the person knows that the purchaser intends that the product will be used as a precursor to methamphetamine or if with reckless disregard as to how the drug products will be used. Unlawful distribution of a methamphetamine precursor is a class D felony for the first offense and a class C felony for each subsequent offense. Additionally, any person who violates this section shall be liable for damages in civil action for all damages, whether directly or indirectly caused by the sale, trafficking, or transfer of the products.</p> <p>§ 218A.1446 – requires that any compound, mixture, or preparation containing any detectable quantity of ephedrine or pseudoephedrine be dispensed, sold, or distributed only by a registered pharmacist, a pharmacy intern, or a pharmacy technician. Requires that persons purchasing, receiving, or otherwise acquiring any nonprescription compound, mixture, or preparation containing any detectable quantity of ephedrine or pseudoephedrine shall produce a government-issued photo identification showing the date of birth of the purchaser and sign a log or record showing the date of the transaction, the name, date of birth, and address of the purchaser, and the amount and name of the product purchased. Requires that the seller initial the entry of each sale in the log.</p> <p>Prohibits any person from purchasing, receiving, or otherwise acquiring any product, mixture, or preparation, or combination of products, mixtures, or preparations containing more than 7.2</p>

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Restrictions placed on precursors (cont'd)	grams of ephedrine or pseudoephedrine within any 30-day period, provided that this limit shall not apply to any quantity of product dispensed pursuant to a valid prescription. Prohibits a person under 18 years of age from purchasing, and any person 18 years of age or older from assisting or aiding a minor in purchasing, any quantity of nonprescription ephedrine or pseudoephedrine. Provides a list of numerous entities to which the provisions of this section do not apply including, as examples, licensed manufacturers, wholesalers, pharmacies, and physician's offices.
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 218A.1401 – a person is guilty of selling controlled substances to a minor when that person, being 18 years of age or older, knowingly and unlawfully sells or transfers any quantity of a controlled substance other than salvia to any person under 18 years of age. A first offense is a class C felony; each subsequent offense is a class B felony, unless a more severe penalty is applicable, in which case the higher penalty shall apply.</p> <p>§ 218A.1404 – except as otherwise authorized by law, no person shall traffic in any controlled substance, possess any controlled substance, or dispense, prescribe, distribute, or administer any controlled substance. Violations range from class D felony to class A misdemeanor.</p> <p>§ 218A.1411 – any person who unlawfully trafficks in a controlled substance in any building used primarily for classroom instruction in a school or on any premises located within 1,000 feet of any school building used primarily for classroom instruction shall be guilty of a class D felony, unless a more severe penalty is set forth in law, in which case the higher penalty shall apply.</p> <p>§ 218A.1412 – a person is guilty of trafficking in a controlled substance in the first degree when he or she knowingly and unlawfully trafficks in two grams or more of methamphetamine. Violation is a class C felony for a first offense and a class B felony for any subsequent offense. Violation involving less than two grams shall be a class D felony for the first offense and a class C felony for any subsequent offense.</p> <p>§ 218A.1415 – a person is guilty of possession of a controlled substance in the first degree when he or she knowingly and unlawfully possesses methamphetamine. Violation is a class D</p>

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>felony for a first offense, and the maximum term of imprisonment shall be three years.</p> <p>§ 218A.1432 – 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 for the first offense and a class A felony for a second or subsequent offense.</p> <p>§ 218A.1441 – a person is guilty of the class A felony of controlled substance endangerment to a child in the first degree when he or she knowingly causes or permits a child to be present when any person is illegally manufacturing methamphetamine.</p>
Methamphetamine cleanup and disposal	<p>§ 218A.141 – 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:</p> <ol style="list-style-type: none"> (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>101:001 to 101:040. Chapter 101 of Title 401c of the Kentucky Administrative Regulations details the requirements and protocols for the cleanup of a methamphetamine contaminated site.</p>
Other statutory provisions of note	None.

<u>KENTUCKY</u>	
Recently proposed legislation	Yes. See Pending State Legislation .

<u>LOUISIANA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • LA. STAT. ANN. §§ 40:962.1 and 40:962.1.1 (2024) (included within “Uniform Controlled Dangerous Substances Law”) • LA. STAT. ANN. § 40:967 (2024) (prohibited acts—Schedule II; penalties) • LA. STAT. ANN. §§ 40:981 to 40:983.1 (2024) (included within “Uniform Controlled Dangerous Substances Law”) • LA. STAT. ANN. § 40:1049.3 (2024) (restriction on the sale of nonprescription products containing ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, optical isomers, and salts of optical isomers)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • June 15, 2001 (§§ 40:981 and 40:981.1) • July 2, 2003 (§ 40:983) • July 12, 2004 (§ 40:983.1) • July 1, 2009 (§§ 40:962.1, 40:962.1.1, and 40:1049.3) • June 7, 2012 (§ 40:981.2) • May 28, 2014 (§ 40:981.3) • June 15, 2017 (§ 40:967)
Restrictions placed on precursors	<p>§ 40:962.1 (ephedrine products) – provides that, except as otherwise provided, any product that contains any quantity of ephedrine may be dispensed only upon presentation of a valid prescription. Provides a list of products that can be sold over-the-counter without a prescription as long as such products meet the requirements of this section and is manufactured and distributed for a legitimate medicinal use in a manner that reduces or eliminates the likelihood of abuse. Places ephedrine in Schedule V.</p> <p>§ 40:962.1.1 (possession of twelve grams or more of ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, optical isomers, and salts of optical isomers) – it is unlawful for any person to possess 12 or more grams of ephedrine or pseudoephedrine. It is also unlawful for a person to possess ephedrine or pseudoephedrine in powder form unless the weight of the ephedrine or pseudoephedrine is less than 12 grams, and the powder is in the manufacturer’s original packaging and may be lawfully sold over the counter without a prescription. This provision does not apply to a series of listed entities and individuals and includes an exception for 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. Violators will be fined not more than \$2,000 or imprisoned for not more than two years, or both.</p>

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Restrictions placed on precursors (cont'd)	<p>Provides that, notwithstanding any other provision of law, unless listed in another schedule, any product that contains any detectable quantity of ephedrine or pseudoephedrine is a Schedule V controlled dangerous substance and shall only be dispensed, sold, or distributed in accordance with law.</p> <p>§ 40:1049.3 – a nonprescription material, compound, mixture, or preparation containing any detectable quantity of ephedrine or pseudoephedrine may only be dispensed, sold, or distributed by a licensed pharmacist, certified pharmacy technician, or pharmacy employee permitted by the board of pharmacy. Such product may only be dispensed, sold, or distributed if: (1) the purchaser produces a government-issued photo identification; (2) the purchaser signs a written or electronic log showing the date of the transaction, the name of the purchaser, and the amount of the material sold; and (3) the transaction information is recorded by the pharmacy and transmitted to the central computer monitoring system as otherwise provided by law.</p> <p>Products may not be distributed in a quantity greater than 9 grams of ephedrine or pseudoephedrine base to the same purchaser within any 30-day period. This provision does not apply if the purchaser has a valid prescription.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 40:967 – except as otherwise authorized by law, it is unlawful for any person knowingly or intentionally to produce, manufacture, distribute, or dispense, or possess with intent to produce, manufacture, distribute, or dispense a controlled dangerous substance classified in Schedule II. Any person who violates this section with respect to the production or manufacturing of methamphetamine shall be sentenced to imprisonment at hard labor for not less than 10 years nor more than 30 years and may be fined not more than \$500,000.</p> <p>It is further unlawful for any person knowingly or intentionally to possess a Schedule II controlled substance unless obtained pursuant to a valid prescription. Any person who violates this section with respect to:</p> <ol style="list-style-type: none"> (1) An aggregate weight of less than two grams shall be imprisoned for not more than two years and may be sentenced to pay a fine of not more than \$5,000; or (2) An aggregate weight of two grams or more but less than 28 grams shall be imprisoned for not less than one year nor more than five years and may be sentenced to pay a fine of not more than \$5,000.

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 40:981 (distribution to persons under age eighteen) – any person who is at least 18 years of age who violates La. Stat. Ann. § 40:967 by distributing methamphetamine to a person under 18 years of age who is at least three years the person's junior shall, upon conviction, be punished by a term of imprisonment up to one and one-half times the longest term of imprisonment authorized by law or by payment of not more than twice the fine, or both.</p> <p>§ 40:981.1 (distribution to a student) – any person who distributes methamphetamine to any student enrolled in any public or private elementary, secondary, vocational-technical training, special, or postsecondary school or institution in Louisiana shall, upon conviction, be punished by a term of imprisonment of not more than one and one-half times the longest term of imprisonment authorized by law or by payment of not more than twice the fine authorized by law, or both.</p> <p>§ 40:981.2 (soliciting minors to produce, manufacture, distribute, or dispense controlled dangerous substances) – no person 18 years of age or older shall solicit, procure, or counsel any person under 18 years of age to produce, manufacture, distribute, or dispense, or possess with intent to produce, manufacture, distribute, or dispense methamphetamine. A violation of this section shall result in a sentence of a term of imprisonment at hard labor for not less than 10 nor more than 30 years.</p> <p>§ 40:981.3 (violation of uniform controlled dangerous substances law; drug free zone) – any person who violates § 40:966 through 970 while: (1) on any property used for school purposes by any school, within 2,000 feet of any such property, or while on a school bus; (2) on property used as a drug treatment facility or within 2,000 feet of any such property, when included within an area marked as a drug free zone pursuant to law; or (3) on any religious building property, public housing property, child day care center property, or within 2,000 feet of any such property, if the area is posted as a drug free zone, shall, upon conviction, be punished by the imposition of the maximum fine and be imprisoned for not more than one and one-half times the longest term of imprisonment authorized by law.</p>

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 40:983 (creation or operation of a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance; definition; penalties) – sets forth a list of circumstances that qualify as the creation or operation of a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance and states that 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 a fine of up to \$25,000.</p> <p>§ 40:983.1 (creation or operation of a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance on or within one thousand feet of school property) – any person who creates or operates a clandestine laboratory for the unlawful manufacture of methamphetamine on or within 1,000 of a school will be punished by no less than five nor more than 15 years in prison and a possible fine of up to \$25,000.</p>
Methamphetamine cleanup and disposal	§ 40:983 (creation or operation of a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance; definition; penalties) – a person convicted of creating or operating a clandestine laboratory may be ordered to make restitution for the actual governmental cost incurred in the cleanup of any hazardous waste resulting from the operation of the laboratory for the manufacture of methamphetamine.
Other statutory provisions of note	None.
Recently proposed legislation	Yes. See Pending State Legislation .

<u>MAINE</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • ME. REV. STAT. ANN. tit. 17-A § 1103 (West 2024) (unlawful trafficking in scheduled drugs) • ME. REV. STAT. ANN. tit. 17-A § 1105-A (West 2024) (aggravated trafficking of scheduled drugs) • ME. REV. STAT. ANN. tit. 17-A § 1105-C (West 2024) (aggravated furnishing of scheduled drugs) • ME. REV. STAT. ANN. tit. 17-A § 1105-E (West 2024) (aggravated unlawful operation of a methamphetamine laboratory) • ME. REV. STAT. ANN. tit. 17-A § 1106 (West 2024) (unlawfully furnishing scheduled drugs) • ME. REV. STAT. ANN. tit. 17-A § 1107-A (West 2024) (unlawful possession of scheduled drugs) • ME. REV. STAT. ANN. tit. 17-A § 1124 (West 2024) (unlawful operation of a methamphetamine laboratory) • ME. REV. STAT. ANN. tit. 32 §§ 13795 and 13796 (West 2024) (included within “Miscellaneous Provisions”)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • June 15, 2001 (§ 1103) • November 1, 2005 (§ 13795) • April 4, 2012 (§ 13796) • October 15, 2015 (§§ 1105-E and 1124) • July 29, 2016 (§ 1106) • July 9, 2018 (§§ 1105-A and 1105-C) • October 18, 2021 (§ 1107-A)
Restrictions placed on precursors	<p>32 § 13795 (photographic proof of identification; discretion to sell or dispense; immunity) – as a precondition to selling any targeted methamphetamine precursor, a pharmacist or agent of the pharmacist may demand, inspect, and record proof of identification, including valid photographic identification, from any person purchasing such product. The pharmacist may refuse to sell to a customer if unsatisfied as to the intention of the customer to use the targeted methamphetamine precursor according to the instructions for use and may make a report to law enforcement. With regard to purchases of targeted methamphetamine precursors, a pharmacy may keep a log of information about the purchaser, which may include the name, date of birth, address, and amount of targeted methamphetamine precursors purchased.</p> <p>32 § 13796 (retail sale of targeted methamphetamine precursors) – sets forth the restrictions for the manner and amount of sale of methamphetamine precursors in a retail store, including that a retailer may not sell to the same person, and a person may not purchase, more than 3.6 grams of a targeted</p>

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Restrictions placed on precursors (cont'd)	methamphetamine precursor within 24 hours nor may a retailer sell to the same person, and a person may not purchase, more than 9 grams of a targeted methamphetamine precursor within a 30-day period. A retailer shall keep targeted methamphetamine precursors in a location that is locked or otherwise not accessible to customers, with the exception of single-dose packages of not more than 60mg that are kept within 30 feet and in direct line of sight of a staffed cash register or store counter. Except with regard to those single-dose packages, the same of targeted methamphetamine precursors must be completed by a licensed pharmacist or pharmacy technician or authorized retail employee. For each such sale, the retailer shall record the name and address of the purchaser, the name and amount of targeted methamphetamine precursor purchased, the date and time of the purchase, and the form of identification presented. The retailer shall maintain a written or electronic logbook which purchasers shall be required to sign. This section does not apply to targeted methamphetamine precursors obtained pursuant to a valid prescription.
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>17-A § 1103 – unless otherwise authorized by law, a person is guilty of unlawful trafficking in a scheduled drug if the person intentionally or knowingly trafficks in what the person knows or believes to be a scheduled drug, which is in fact a scheduled drug, and the drug is a schedule W drug, including methamphetamine. Proof that the person intentionally or knowingly possesses 14 grams or more of methamphetamine, gives rise to a permissible inference under the Maine Rules of Evidence that the person is unlawfully trafficking in scheduled drugs. Violation is a class B crime.</p> <p>17-A § 1105-A – a person is guilty of aggravated trafficking of methamphetamine if the person violates § 1103 and:</p> <ol style="list-style-type: none"> (1) Trafficks the drug with a child who is less than 18 years old; (2) At the time of the offense, the person has one or more prior convictions for any Class A, B, or C offense under chapter 45 of this title or for engaging in substantially similar conduct in another jurisdiction; (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 real property comprising a private or public elementary or secondary

<u>MAINE</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>school or safe zone as defined by law;</p> <p>(5) Enlists or solicits the aid of or conspires with a child who is less than 18 years old to traffick in a scheduled drug;</p> <p>(6) Trafficks in methamphetamine in a quantity of 300 or more pills, capsules, tables, or units or 100 grams or more; or</p> <p>(7) The death or serious bodily injury of another person is in fact caused by the use of one or more scheduled drugs, or the scheduled drug is a contributing factor to the death or serious bodily injury of the other person.</p> <p>Violation of any of these provisions with regard to methamphetamine is a class A crime.</p> <p>17-A § 1105-C – a person is guilty of aggravated furnishing of a scheduled drug, including methamphetamine, if the person violates § 1106 and:</p> <p>(1) The person furnishes the drug to a child who is in fact less than 18 years of age;</p> <p>(2) At the time of the offense, the person has one or more prior convictions for any class A, B, or C offense under this chapter or for engaging in substantially similar conduct in another jurisdiction;</p> <p>(3) Possesses a firearm in furtherance of the offense, uses a firearm, carries a firearm, or is armed with a firearm;</p> <p>(4) Is on a school bus or within 1,000 feet of the real property comprising a private or public elementary or secondary school or a safe zone as defined by law;</p> <p>(5) Enlists or solicits the aid of or conspires with a child who is in fact less than 18 years of age to furnish a scheduled drug;</p> <p>(6) Furnishes methamphetamine in a quantity of 100 grams or more;</p> <p>(7) Death or serious bodily injury of another person is in fact caused by the use of one or more drugs and the drug furnished by the person is a contributing factor. It is an affirmative defense to this provision that the drug furnished was lawfully possessed by the person prior to furnishing and that the death or serious bodily injury was not a reasonably foreseeable consequence of the use of the drug.</p>

<u>MAINE</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>Violation of any of these provisions with regard to methamphetamine is a class B crime.</p> <p>17-A § 1105-E – a person is guilty of unlawful operation of a methamphetamine laboratory if the person violates § 1124 and:</p> <ol style="list-style-type: none"> (1) At the time of the offense, the person has one or more convictions for any class A, B, or C offense under this chapter or for engaging in substantially similar conduct in another jurisdiction; (2) Possesses a firearm in furtherance of the offense, uses a firearm, carries a firearm, or is armed with a firearm; (3) Is within 1,000 feet of the real property comprising a private or public elementary or secondary school or a safe zone, as defined by law; (4) Enlists or solicits the aid of or conspires with a child who is in fact less than 18 years of age to operate a methamphetamine laboratory; (5) Death or serious bodily injury is in fact caused by the methamphetamine laboratory; or (6) At the time of the offense, the premises is the residence of a child who is in fact less than 18 years of age, the premises is a multi-unit residential building, or the premises is a room offered to the public for overnight accommodations. <p>Violation of any of these provisions is a class A crime.</p> <p>17-A § 1106 – unless expressly authorized by law, a person is guilty of unlawful furnishing of a scheduled drug, including methamphetamine, if the person intentionally and knowingly furnishes what the person knows or believes to be a scheduled drug. Proof that the person intentionally or knowingly possesses more than 200mg of methamphetamine gives rise to the permissible inference that the person is unlawfully furnishing that scheduled drug. Violation is a class C crime.</p> <p>17-A § 1107-A – except as otherwise provided by law, a person is guilty of unlawful possession of a scheduled drug if the person intentionally or knowingly possesses what the person knows or believes to be a scheduled drug, which is in fact a scheduled drug, and the drug is:</p>

<u>MAINE</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>(1) Methamphetamine, and the quantity possessed is more than 14 grams and, at the time of the offense, the person had one or more convictions for violating this chapter or for engaging in substantially similar conduct in another jurisdiction. Violation is a class B crime.</p> <p>(2) Methamphetamine, and the amount possessed is more than 200 mg. Violation is a class C crime.</p> <p>(3) A schedule W drug and that drug contains methamphetamine and, at the time of the offense, the person had one or more convictions for violating §§ 1105-A, 1105-C, 1106, or 1124 or for engaging in substantially similar conduct in another jurisdiction. Violation is a class C crime.</p> <p>(4) A schedule W drug, including methamphetamine, and does not fall within (1) – (3) above. Violation is a class D crime.</p> <p>It is an affirmative defense under this section that the substance possessed is a methamphetamine precursor and was possessed for a legitimate medical purpose. Unlawful possession of a scheduled drug does not include possession of a residual amount of any scheduled drug that is contained in one or more hypodermic apparatuses.</p> <p>17-A § 1124 – a person is guilty of unlawful operation of a methamphetamine laboratory if that person intentionally or knowingly produces, prepares, compounds, converts, or processes any methamphetamine precursor, catalyst, reagent, or solvent with the intent that methamphetamine be produced. It is not a defense that the chemical reaction is not complete or that no scheduled drug was created. Violation is a class B crime.</p>
Methamphetamine cleanup and disposal	None.
Other statutory provisions of note	None.
Recently proposed legislation	None.

<u>MARYLAND</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • MD. CODE ANN. CRIM. LAW §§ 5-601, 5-602, and 5-603 (West 2023) (included within “Primary Crimes”) • MD. CODE ANN. CRIM. LAW § 5-610 (West 2023) (restitution) • MD. CODE ANN. CRIM. LAW §§ 5-627 and 5-628 (West 2023) (included within “Miscellaneous Crimes”)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • October 1, 2002 (§§ 5-627 and 5-628) • October 1, 2006 (§ 5-610) • May 25, 2017 (§ 5-602) • October 1, 2017 (§§ 5-601 and 5-603)
Restrictions placed on precursors	None.
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 5-601 (possessing or administering controlled dangerous substance) – except as otherwise provided by law, it is a misdemeanor for a person to possess or administer to another person a controlled dangerous substance, unless obtained directly or by prescription from an authorized provider.</p> <p>§ 5-602 (manufacturing, distributing, possession with intent to distribute, or dispensing controlled dangerous substance) – except as otherwise provided by law, a person may not distribute or dispense a controlled dangerous substance.</p> <p>§ 5-603 (equipment to produce controlled dangerous substance) – except as otherwise provided by law, 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 indicate an intent to use it to produce, sell, or dispense a controlled dangerous substance.</p> <p>§ 5-627 (controlled dangerous substance near school) – a person may not manufacture, distribute, dispense, or possess with intent to distribute a controlled dangerous substance in violation of § 5-602 or conspire to commit any of these crimes in a school vehicle, or in, on, or within 1,000 feet of real property owned by or leased to an elementary school, secondary school, or county board and used for elementary or secondary education. This section applies whether or not school was in session at the time of the crime or the real property was being used for purposes other than school purposes at the time of the crime. Violation is a felony.</p>

<u>MARYLAND</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	§ 5-628 (use of minor) – a person may not hire, solicit, engage, or use a minor to manufacture, deliver, or distribute on behalf of that person a controlled substance in sufficient quantity to reasonably indicate under all circumstances an intent to distribute the controlled dangerous substance. This does not apply if the manufacturing, delivering, or distributing has a lawful purpose. A person may not transport, carry, or otherwise bring a minor into this state to violate this section or §§ 5-602, 5-603, or 5-627. Violation of this section is a felony.
Methamphetamine cleanup and disposal	§ 5-610 – in addition to any other penalty provided by law, a person who is convicted of or found to have committed a delinquent act under §§ 5-602 or 5-603 may be ordered by the court to pay restitution for actual costs reasonably incurred in cleaning up or remediating laboratories or other facilities operated for the illegal manufacture of a controlled dangerous substance.
Other statutory provisions of note	None.
Recently proposed legislation	Yes. See Pending State Legislation .

<u>MASSACHUSETTS</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • MASS. GEN. LAWS ANN. ch. 94C § 32A (West 2024) (class B controlled substances; unlawful manufacture, distribution, dispensing, or possession with intent to manufacture, etc.) • MASS. GEN. LAWS ANN. ch. 94C § 32E (West 2024) (trafficking in marihuana, cocaine, heroin, synthetic opioids, morphine, opium, etc.; eligibility for parole) • MASS. GEN. LAWS ANN. ch. 94C § 32F (West 2024) (unlawful manufacture, distribution, dispensing, or possession with intent to manufacture, etc. of controlled substances in classes A to C to minors) • MASS. GEN. LAWS ANN. ch. 94C § 32J (West 2024) (controlled substances violations in, on, or near school property or public parks or playgrounds) • MASS. GEN. LAWS ANN. ch. 94C § 32K (West 2024) (inducing or abetting minor to distribute or sell controlled substances) • MASS. GEN. LAWS ANN. ch. 94C § 34 (West 2024) (unlawful possession of particular controlled substances, including heroin and marijuana; lawful possessing, storing, analyzing, processing, and testing of medical marijuana and medical marijuana-infused products by laboratories exception)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • 1983 (§ 32F) • 1990 (§ 32K) • August 8, 1996 (§ 34) • August 2, 2012 (§ 32E) • April 13, 2018 (§§ 32A and 32J)
Restrictions placed on precursors	None.
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>94C § 32A – any person who knowingly or intentionally manufactures, distributes, dispenses, or possesses with intent to manufacture, distribute, or dispense methamphetamine will be punished by imprisonment of not more than 10 years, or in a jail or house of correction for not more than 2.5 years, or by a fine of not less than \$1,000 nor more than \$10,000, or both such fine and imprisonment.</p> <p>94C § 32E – any person who trafficks in methamphetamine by knowingly or intentionally manufacturing, distributing, or 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, or a net weight of 18 grams or more of any mixture containing methamphetamine, if the net weight is:</p>

<u>MASSACHUSETTS</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>(1) 18 grams or more but less than 36 grams, be punished by a term of imprisonment in the state prison for not less than two nor more than 15 years, and a fine of not less than \$2,500 nor more than \$25,000 may also be imposed;</p> <p>(2) 36 grams or more but less than 100 grams, be punished by a term of imprisonment in the state prison for not less than 3.5 nor more than 20 years, and a fine of not less than \$5,000 nor more than \$50,000 may also be imposed;</p> <p>(3) 100 grams or more but less than 200 grams, be punished by a term of imprisonment in the state prison for not less than eight nor more than 20 years, and a fine of not less than \$10,000 nor more than \$100,000 may also be imposed; or</p> <p>(4) 200 grams or more, be punished by a term of imprisonment in the state prison for not less than 12 nor more than 20 years, and a fine of not less than \$50,000 nor more than \$500,000 may be imposed.</p> <p>94C § 32F – any person who knowingly or intentionally manufactures, distributes, dispenses, or possesses with intent to manufacture, distribute, or dispense a controlled substance in class B, including methamphetamine, to a person under the age of 18 years shall be punished by a term of imprisonment in the state prison for not less than three nor more than 15 years, and a fine of not less than \$1,000 nor more than \$25,000 may be imposed, but not in lieu of the mandatory minimum sentence.</p> <p>94C § 32J – any person who violates the provisions of §§ 32A, 32E, or 32F while in, on, or within 300 feet of the real property comprising a public or private accredited preschool, accredited headstart facility, elementary, vocational, or secondary school, if the violation occurs between 5:00 a.m. and midnight, whether or not in session, or within 100 feet of a public park or playground and who, during the commission of the offense:</p> <p>(1) Used violence or threats of violence, or possessed a firearm, rifle, shotgun, machine gun, or other weapon, or induced another participant to do so during the commission of the offense; or</p> <p>(2) Engaged in a course of conduct whereby the person directed the activities of another person who committed any felony in violation of this chapter; or</p>

<u>MASSACHUSETTS</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>(3) Committed or attempted to commit a violation of §§ 32F or 32K,</p> <p>shall be punished by a term of imprisonment in the state prison for not less than 2.5 years nor more than 15 years, or by imprisonment in a jail or house of correction for not less than two nor more than 2.5 years, and a fine of not less than \$1,000 nor more than \$10,000 may also be imposed. Lack of knowledge of school boundaries is not a defense to a violation of this section.</p> <p>94C § 32K – 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, or to accept, deliver, or possess money used or intended for use in the procurement, manufacture, compounding, processing, delivery, distribution, or sale of methamphetamine shall be punished by imprisonment in the state prison for not less than five years nor more than 15 years, and a fine of not less than \$1,000 nor more than \$100,000 may also be imposed.</p> <p>94C § 34 – no person shall knowingly or intentionally possess a controlled substance, including methamphetamine, unless such substance was obtained pursuant to a valid prescription or as otherwise permitted by law. A violation of this section shall result in punishment by imprisonment for not more than one year or by a fine of not more than \$1,000, or both.</p>
Methamphetamine cleanup and disposal	None.
Other statutory provisions of note	None.
Recently proposed legislation	None.

<u>MICHIGAN</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • MICH. COMP. LAWS ANN. § 125.485a (West 2024) (illegal drug manufacturing site; protective measures) • MICH. COMP. LAWS ANN. § 333.17766c (West 2024) (purchase or possession of ephedrine or pseudoephedrine; prohibition; violation; penalties; exceptions) • MICH. COMP. LAWS ANN. § 333.17766e (West 2024) (retail sale of products containing ephedrine or pseudoephedrine; security measures; identification and recordkeeping; penalties; report) • MICH. COMP. LAWS ANN. § 333.17766f (West 2024) (retail sale of product containing ephedrine or pseudoephedrine; prohibited conduct; exceptions; violation; penalty; affirmative defense; rebuttal; conflict of local requirements) • MICH. COMP. LAWS ANN. § 333.7220 (West 2024) (Schedule 5; substances included) • MICH. COMP. LAWS ANN. §§ 333.7340 (West 2024) (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) • MICH. COMP. LAWS ANN. § 333.7340a (West 2024) (retail sale of product containing ephedrine or pseudoephedrine; sales verification requirements; submission of information to NPLeX; failure of system; access; stop sale alert; override; failure to comply; immunity from civil liability; violation and penalty) • MICH. COMP. LAWS ANN. § 333.7340c (West 2024) (soliciting another person to purchase or obtain ephedrine or pseudoephedrine to manufacture methamphetamine) • MICH. COMP. LAWS ANN. §§ 333.7401 (West 2024) (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) • MICH. COMP. LAWS ANN. § 333.7401c (West 2024) (manufacture of controlled substances; limitations on structures) • MICH. COMP. LAWS ANN. § 333.7403 (West 2024) (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)

<u>MICHIGAN</u>	
	<ul style="list-style-type: none"> • MICH. COMP. LAWS ANN. § 333.7404 (West 2024) (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) • MICH. COMP. LAWS ANN. § 333.7410 (West 2024) (distribution of controlled substance to minor; possession, distribution, or manufacture within 1,000 feet of school property or library) • MICH. COMP. LAWS ANN. § 333.7410a (West 2024) (delivery or possession with intent to deliver controlled substances to minor in or near a public or private park; imprisonment)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • January 21, 2000 (§ 333.7220) • January 1, 2001 (§§ 333.7401, 333.7403, and 7404) • April 1, 2004 (§ 333.7401c) • June 26, 2006 (§ 333.7410a) • July 6, 2006 (§ 125.485a) • October 1, 2006 (§ 333.7340) • July 15, 2011 (§ 333.17766e) • January 1, 2015 (§§ 333.17766c, 333.17766f, and 333.7340a) • August 23, 2016 (§§ 333.7340c and 333.7410)
Restrictions placed on precursors	<p>§ 333.17766c – a person shall not purchase more than 3.6 grams of ephedrine or pseudoephedrine alone or in a mixture within a single calendar day or more than 9 grams within a 30-day period. Violation is a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500, or both.</p> <p>Additionally, a person shall not possess more than 12 grams of ephedrine or pseudoephedrine alone or in mixture. Violation is a felony punishable by imprisonment for not more than two years or a fine of not more than \$2,000, or both.</p> <p>Further, a person shall not possess or purchase any amount of ephedrine or pseudoephedrine knowing or having reason to know that it will be used to manufacture methamphetamine. A violation is a felony punishable by imprisonment for not more than five years or a fine of not more than \$5,000, or both.</p> <p>This section does not apply to a person who lawfully possesses such ephedrine or pseudoephedrine pursuant to a lawfully issued license or valid prescription.</p>

<u>MICHIGAN</u>	
Restrictions placed on precursors (cont'd)	<p>§ 333.17766e – 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 identification and sign a log. The retailer is required to record information about the purchase into the NPLeX system. This provision does not apply to certain products, including pediatric products intended for children under 12 and products dispensed pursuant to a prescription.</p> <p>§ 333.17766f – a retailer shall not, with regard to ephedrine and pseudoephedrine:</p> <ol style="list-style-type: none"> (1) Sell any product containing such substance to an individual under 18 years of age; (2) Sell more than 3.6 grams to any individual on any single calendar day; (3) Sell more than 9 grams to any individual within any 30-day period; (4) Sell in a single over-the-counter sale more than two personal convenience packages containing two tablets or capsules each of any such product to any individual; or (5) Sell any such product to an individual during the period in which a stop sale alert is generated for that individual based upon criminal history record information provided under the methamphetamine abuse reporting act. Provides that the NPLeX system shall contain an override function that may be used by a dispenser of ephedrine or pseudoephedrine who has a reasonable fear of imminent bodily harm if the dispenser does not complete the sale. <p>Includes a list of certain products to which this section does not apply, including a product dispensed pursuant to a valid prescription.</p> <p>§ 333.7340 – prohibits a person from selling, distributing, delivering, or otherwise furnishing a product that contains any compound, mixture, or preparation containing any detectable quantity of ephedrine or pseudoephedrine to an individual if the sale is transacted through use of the mail, internet, telephone, or other electronic means. Includes a list of products to which this</p>

<u>MICHIGAN</u>	
Restrictions placed on precursors (cont'd)	<p>section does not apply, including products dispensed pursuant to a valid prescription.</p> <p>§ 333.7340a – before completing a sale under § 17766f, a retailer shall electronically submit the required information to NPLEEx. Sets forth the requirements for submission and provides that a violation of this section is a misdemeanor punishable by a fine of more than \$500.</p> <p>§ 333.7340c – 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. Except as otherwise provided, a violation of this is a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$10,000, or both. An attempt to violate this section is a misdemeanor punishable by imprisonment for not more than one year or a fine of not more than \$1,000, or both.</p> <p>§ 333.7220 – ephedrine is included in Schedule 5 with a number of exceptions including, but not limited to, a product containing ephedrine if the drug product may lawfully be sold over-the-counter without a prescription under federal law.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 333.7401 – a person shall not manufacture, create, deliver, or possess with intent to manufacture, create, or deliver a controlled substance, including methamphetamine, for other than legitimate purposes. A person who violates this section with regard to methamphetamine is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than \$25,000, or both.</p> <p>§ 333.7401c – it is illegal for a person to:</p> <ol style="list-style-type: none"> (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

<u>MICHIGAN</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>purpose of manufacturing a controlled substance.</p> <p>The violation of these provisions is a felony. If the violation involves or is intended to involve the manufacture of methamphetamine, the individual shall be punished by imprisonment for not more than 20 years or a fine of not more than \$25,000, or both.</p> <p>§ 333.7403 – a person shall not knowingly or intentionally possess a controlled substance unless obtained pursuant to a valid prescription. A person who violates this section as to methamphetamine is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$15,000, or both.</p> <p>§ 333.7404 – a person shall not use a controlled substance, including methamphetamine, unless the substance was obtained pursuant to a valid prescription. A person who violates this section as to methamphetamine is guilty of a misdemeanor punishable by imprisonment for not more than one year or a fine of not more than \$2,000, or both.</p> <p>§ 333.7410 – except as otherwise provided by law, an individual 18 years of age or older who violates § 7401 by manufacturing methamphetamine on or within 1,000 feet of school property or a library shall be punished by a term of imprisonment or a fine, or both, of not more than twice that authorized by such section. An individual 18 years of age or older who violates § 7403 by possessing methamphetamine on or within 1,000 feet of school property or a library shall be punished by a term of imprisonment or a fine, or both, of not more than twice that authorized by such section.</p> <p>§ 333.7410a – an individual 18 years of age or over who violates § 7401 by delivering methamphetamine, possessing with intent to delivery methamphetamine, or possessing methamphetamine in or within 1,000 feet of a public or private park may be punished by a term of imprisonment of not more than two years.</p>

<u>MICHIGAN</u>	
Methamphetamine cleanup and disposal	§ 125.485a – 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.
Other statutory provisions of note	None.
Recently proposed legislation	None.

<u>MINNESOTA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • MINN. STAT. ANN. §§ 152.02 to 152.024 (West 2024) (included within “Drugs; Controlled Substances”) • MINN. STAT. ANN. § 152.0261 (West 2024) (importing controlled substances across state borders) • MINN. STAT. ANN. § 152.0262 (West 2024) (possession of substances with intent to manufacture methamphetamine crime) • MINN. STAT. ANN. § 152.0275 (West 2024) (certain controlled substance offenses; restitution; prohibitions on property use; notice provisions) • MINN. STAT. ANN. § 152.137 (West 2024) (methamphetamine-related crimes involving children and vulnerable adults) • MINN. STAT. ANN. § 446A.083 (West 2024) (methamphetamine laboratory cleanup revolving account)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • 1998 (§152.0261) • June 2, 2005 (§§ 152.0275 and 152.137) • July 1, 2005 (§ 446A.083) • July 1, 2009 (§ 152.0262) • August 1, 2012 (§ 152.02) • August 1, 2016 (§§ 152.021, 152.022, 152.023, and 152.024)
Restrictions placed on precursors	<p>§ 152.02 (schedules of controlled substances; administration of chapter) – includes ephedrine and pseudoephedrine in Schedule V. Provides that no person may sell in a single over-the-counter sale more than two packages of a methamphetamine precursor drug or a combination of such drugs or any combination of packages exceeding a total weight of six grams, calculated as the base. Further provides that over-the-counter sales of methamphetamine precursor drugs are limited to packages containing not more than a total of three grams of one or more precursor drugs or, for nonliquid products, where each blister contains not more than two dosage units, or, if the use of blister packs is not technically feasible, sales in unit dose packets or pouches. A retailer offering precursor drugs for sale shall ensure that all packages of the drugs are displayed behind a checkout counter where the public is not permitted and are offered for sale only by a licensed pharmacist, registered pharmacy technician, or a pharmacy clerk. The retailer shall ensure that the purchaser shall provide photographic identification showing the buyer’s date of birth and to sign a written or electronic document detailing the date of the sale, the name of the buyer, and the amount of the drug sold.</p>

<u>MINNESOTA</u>	
Restrictions placed on precursors (cont'd)	<p>Prohibits any purchaser from acquiring through over-the-counter sales more than six grams of methamphetamine precursor drugs within a 30-day period. No person may sell such drug to a person under the age of 18 years. A person who knowingly violates any of these provisions is guilty of a misdemeanor and may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000, or both. Includes a list of products not subject to this section including pediatric products labeled pursuant to federal regulation primarily intended for administration to children under 12 years of age.</p> <p>§ 152.0262 – 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 not more than 10 years, a fine of not more than \$20,000, or both. For a subsequent conviction, the person may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 152.021 (controlled substance crime in the first degree) – a person is guilty of controlled substance crime in the first degree if, on one or more occasions within a 90-day period, the person unlawfully sells one or more mixtures of:</p> <ul style="list-style-type: none"> (1) 17 grams or more of methamphetamine; or (2) 10 grams or more of methamphetamine and (i) the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or (ii) the offense involves two aggravating factors. <p>A person is guilty of a controlled substance crime in the first degree if the person unlawfully possesses one or more mixtures of:</p> <ul style="list-style-type: none"> (1) 50 grams or more of methamphetamine; or (2) 25 grams or more of methamphetamine and (i) the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or (ii) the offense involves two aggravating factors.

<u>MINNESOTA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>Notwithstanding any other provision of law, a person is guilty of a controlled substance crime in the first degree if the person manufactures any amount of methamphetamine.</p> <p>A person is guilty of an aggravated controlled substance crime in the first degree if the person violates this section and the person or an accomplice sells or possesses 100 or more grams or 500 or more dosage units of a mixture containing the controlled substance at issue and (i) the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or (ii) the offense involves two aggravating factors.</p> <p>A person convicted under these sections may be sentenced to imprisonment for not more than 30 years or to payment of a fine of not more than \$1,000,000, or both. If the conviction is a subsequent conviction, the person shall be committed to the commissioner of corrections for not less than four years not more than 40 years and, in addition, may be sentenced to a fine of not more than \$1,000,000.</p> <p>§ 152.022 (controlled substance crime in the second degree) – a person is guilty of controlled substance crime in the second degree if:</p> <ol style="list-style-type: none"> (1) On one or more occasions within a 90-day period, the person unlawfully sells one or more mixtures of a total weight of three grams or more containing methamphetamine and (i) the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or (ii) the offense involves two aggravating factors; or (2) The person unlawfully sells one or more mixtures containing methamphetamine in a school zone, a park zone, a public housing zone, or a drug treatment facility. <p>A person is guilty of controlled substance crime in the second degree if the person unlawfully possesses one or more mixtures of a total weight of:</p> <ol style="list-style-type: none"> (1) 25 grams or more containing methamphetamine; or (2) 10 grams or more containing methamphetamine and (i)

<u>MINNESOTA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or (ii) the offense involves two aggravating factors.</p> <p>A person convicted under this section may be sentenced to imprisonment for not more than 25 years or to payment of a fine of not more than \$500,000, or both. If the conviction is a subsequent controlled substance conviction, a person convicted under this section shall be committed to the commissioner of corrections for not less than three years not more than 40 years and, in addition, may be sentenced to payment of a fine of not more than \$500,000.</p> <p>§ 152.023 (controlled substance crime in the third degree) – a person is guilty of controlled substance crime in the third degree if the person unlawfully sells one or more mixtures containing a controlled substance classified in Schedule II, including methamphetamine, to a person under the age of 18 or the person conspires with or employs a person under the age of 18 to unlawfully sell one or more mixtures containing a controlled substance listed in Schedule II, including methamphetamine.</p> <p>A person is guilty of controlled substance crime in the third degree if the person unlawfully possesses one or more mixtures containing methamphetamine in a school zone, a park zone, a public housing zone, or a drug treatment facility.</p> <p>A person convicted of a crime under this section may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$250,000, or both.</p> <p>§ 152.024 (controlled substance crime in the fourth degree) – a person is guilty of controlled substance crime in the fourth degree if the person unlawfully sells or possesses with intent to sell one or more mixtures containing a controlled substance classified in Schedule II, including methamphetamine. A person convicted of a violation of this section may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$100,000, or both.</p>

<u>MINNESOTA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 152.0261 – a person who crosses a state or international border into Minnesota while in possession of an amount of methamphetamine is guilty of importing controlled substances. A person who conspires with or employs a person under the age of 18 to import a controlled substance with the intent to obstruct the criminal justice process is guilty of importing controlled substances. A violation of this section is a felony and the person may be sentenced to imprisonment for not more than 35 years or to payment of a fine of not more than \$1,250,000, or both.</p> <p>§ 152.137 – no person may knowingly engage in any of the following activities in the presence of a child or vulnerable adult; in the residence of a child or vulnerable adult; in a building, structure, conveyance, or outdoor location where a child or vulnerable adult might reasonably be expected to be present; in a room offered to the public for overnight accommodation; or in any multiple 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. No person may 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. A person who violates this section is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.</p>
Methamphetamine cleanup and disposal	<p>§ 152.0275 – a peace officer who arrests a person at a clandestine lab site is required to notify the appropriate county or local health department, state duty officer, and child protection services of the arrest and the location of the site. The Health Department will prohibit anyone from occupying or using the site until it has been assessed and remediated as provided in the Department of Health's clandestine drug labs general cleanup guidelines.</p> <p>§ 446A.083 – establishes a methamphetamine laboratory cleanup revolving account in the public facility authority fund to provide loans to counties and cities to remediate clandestine lab sites.</p>
Other statutory provisions of note	None.

<u>MINNESOTA</u>	
Recently proposed legislation	Yes. See Pending State Legislation .

<u>MISSISSIPPI</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • MISS. CODE ANN. § 41-29-117 (West 2024) (Schedule III) • MISS. CODE ANN. § 41-29-137 (West 2024) (prescriptions) • MISS. CODE ANN. § 41-29-139 (West 2024) (prohibited acts and penalties; indictments for trafficking; Mississippi Medical Cannabis Act non-applicability) • MISS. CODE ANN. § 41-29-142 (West 2024) (proximity to school; enhanced penalty) • MISS. CODE ANN. § 41-29-145 (West 2024) (distribution to people under 21) • MISS. CODE ANN. § 41-29-313 (West 2024) (precursor chemicals or drugs; presumptions; unlawful manufacture of controlled substances; offenses; penalties) • MISS. CODE ANN. § 73-21-124 (West 2024) (sale or distribution of products containing limited quantities of pseudoephedrine or ephedrine)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • 1989 (§ 41-29-145) • March 12, 1993 (§ 41-29-142) • July 1, 2011 (§ 41-29-137) • July 1, 2014 (§ 41-29-313) • July 1, 2016 (§ 41-29-139) • January 1, 2022 (§§ 41-29-117 and 73-21-124)
Restrictions placed on precursors	<p>§ 41-29-117 – any material, compound, mixture, or preparation which contains any quantity of ephedrine or pseudoephedrine is included in Schedule III, with the exception of any product that contains any quantity of pseudoephedrine or ephedrine that is sold subject to the quantity restrictions authorized in § 73-21-124.</p> <p>§ 41-29-137 – except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance included in Schedule III shall be dispensed without a valid prescription. The prescription shall not be filled or refilled more than six months after the date thereof or be refilled more than five times, unless renewed by the practitioner.</p> <p>§ 41-29-313 – 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 or in circumstances when the person knows or reasonably should know, that the chemical or drug will be used to unlawfully manufacture a controlled substance. Sets forth the penalties for violation of this section that range from conviction of a felony and imprisonment for a</p>

<u>MISSISSIPPI</u>	
Restrictions placed on precursors (cont'd)	<p>period not to exceed eight years, a fine a not less than \$5,000 nor more than \$50,000, or both to imprisonment of not less than three years and not more than 20 years, a fine of not less than \$250,000, or both.</p> <p>It is further unlawful for any person to purchase, possess, transfer, or distribute 250 dosage units or 15 grams in weight 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. Except as otherwise provided, possession of one or more product containing more than 24 grams of ephedrine or pseudoephedrine shall constitute a rebuttable presumption of intent to use the product as a precursor to methamphetamine or another controlled substance. This presumption shall not apply to persons who lawfully possess the identified drug products in the course of legitimate business. A violation of this section is a felony and can result in imprisonment for a period not to exceed five years, a fine of not more than \$5,000, or both.</p> <p>Any person who violates this section with children under the age of 18 present, or when the offense occurs in any hotel or apartment building or complex, may be subject to a term of imprisonment or a fine, or both, of twice that provided in this section. Further, any person who violates the provisions of this section who has a firearm, either at the time of commission or at the time of arrest, or who violates this section upon any premises upon which any booby trap has been installed or rigged, may be subject to a term of imprisonment or fine, or both, of twice that provided in this section.</p> <p>§ 73-21-124 – a pharmacy may sell or distribute to a person, without a prescription, products containing not more than 3.6 grams per day and not more than 7.2 grams per 30-day period of pseudoephedrine or ephedrine, and it is lawful for a person to purchase products containing those ingredients from a registered pharmacy without a prescription. All products must be kept behind the pharmacy counter and must be sold by a licensed pharmacist or authorized employee. Pharmacies selling products in this manner must use the NPLeX system before completing an over-the-counter sale of such products and shall maintain a log of required information for each transaction. A violation of this section is a misdemeanor punishable by a fine</p>

<u>MISSISSIPPI</u>	
Restrictions placed on precursors (cont'd)	not to exceed \$1,000 for a first offense or a fine not to exceed \$10,000 for a second or subsequent offense.
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 41-29-139 – except as otherwise authorized by law, it is unlawful for any person knowingly or intentionally to sell, barter, manufacture, distribute, dispense, or possess with intent to sell, barter, transfer, manufacture, distribute, or dispense a controlled substance. Sets forth the penalties for violation of this section with regard to a Schedule II substance, including methamphetamine, that range from imprisonment for not more than eight years, a fine of not more than \$50,000, or both for less than two grams or 10 dosage units of such substance, to imprisonment of not less than five years nor more than 30 years, a fine of not more than \$500,000, or both for 10 or more grams or 20 or more dosage units.</p> <p>Possession of a Schedule II substance without a valid prescription is unlawful. Sets forth the penalties that range from possession of less than .1 gram or two dosage units is a misdemeanor punishable by imprisonment of not more than one year or a fine of not more than \$1,000, or both, to possession of 10 or more grams or 20 or more dosage units but less than 30 grams or 40 dosage units, which is punishable by imprisonment for not less than three years nor more than 20 years, a fine of not more than \$500,000, or both.</p> <p>Any person trafficking in controlled substance shall be guilty of a felony and, upon conviction, shall be imprisoned for a term of not less than 10 years nor more than 40 years and a fine of not less than \$5,000 nor more than \$1,000,000. Any person trafficking in Schedule II controlled substances of 200 grams or more shall be guilty of aggravated trafficking and, upon conviction, sentenced to a term of not less than 25 years nor more than life in prison and shall be fined not less than \$5,000 nor more than \$1,000,000.</p> <p>§ 41-29-142 – except as otherwise provided by law, an additional penalty will be added to anyone who violates § 41-29-139 in or on, or within 1,500 feet of, a building or outbuilding which is all or part of a public or private elementary, vocational, or secondary school, or any church, public park, ballpark, public gymnasium, youth center, or movie theater, or within 1,000 feet of the real property comprising such school, church, park, gym, youth center, or movie theater. Upon conviction, such person shall be punished</p>

<u>MISSISSIPPI</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>by a term of imprisonment, fine, or both, up to twice that authorized by § 41-29-139.</p> <p>A person who has a prior conviction for violation of § 41-29-139 in or on, or within 1,500 feet of, a building or outbuilding which is all or part of a public or private elementary, vocational, or secondary school, or any church, public park, ballpark, public gymnasium, youth center, or movie theater, or within 1,000 feet of the real property comprising such school, church, park, gym, youth center, or movie theater shall, upon conviction for a subsequent offense shall be punished by a term of imprisonment of not less than three years and not more than life and, in the discretion of the court, may be punished by a term of imprisonment or fine of up to three times that authorized by § 41-29-139.</p> <p>§ 41-29-145 – 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 by §§ 41-29-139 or 41-29-142.</p>
Methamphetamine cleanup and disposal	None.
Other statutory provisions of note	None.
Recently proposed legislation	Yes. See Pending State Legislation .

<u>MISSOURI</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • MO. ANN. STAT. § 195.017 (West 2023) (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) • MO. ANN. STAT. §§ 195.417 and 195.418 (West 2023) (included within “Manufacturers—Wholesalers—Retailers—Sale or Transfer of Chemicals, Regulation”) • MO. ANN. STAT. § 579.015 (West 2023) (possession or control of a controlled substance—penalty) • MO. ANN. STAT. § 579.020 (West 2023) (delivery of a controlled substance—penalties) • MO. ANN. STAT. § 579.030 (West 2023) (distribution of controlled substance in a protected location—penalty) • MO. ANN. STAT. § 579.055 (West 2023) (manufacture of a controlled substance—penalties) • MO. ANN. STAT. § 579.060 (West 2023) (unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs—violation, penalty) • MO. ANN. STAT. § 579.065 (West 2023) (trafficking drugs, first degree—penalty) • MO. ANN. STAT. § 579.068 (West 2023) (trafficking drugs, second degree—penalty) • MO. ANN. STAT. § 579.110 (West 2023) (possession of methamphetamine precursors—penalty) • MO. ANN. STAT. § 579.115 (West 2023) (copy of suspicious transaction report for certain drugs to be submitted to chief law enforcement officer, when—suspicious transaction defined—penalty)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • January 1, 2017 (§§ 195.017, 195.418, 579.015, 579.020, 579.030, 579.055, 579.110, and 579.115) • August 28, 2020 (§§ 195.417, 579.060, 579.068, and 579.065)
Restrictions placed on precursors	<p>§ 195.017 – Schedule IV includes ephedrine when it is the only active medicinal ingredient in a product. Schedule V includes any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine or ephedrine. If any such compound, mixture, or preparation is dispensed, sold, or distributed in a pharmacy without a prescription, such products shall be offered for sale only from behind a pharmacy counter and only by a registered pharmacist or pharmacy technician. Any person purchasing, receiving, or otherwise acquiring any such product shall be at least 18 years of age and shall furnish a government-issued photo identification. Pharmacists shall</p>

<u>MISSOURI</u>	
Restrictions placed on precursors (cont'd)	<p>maintain an electronic log of all transactions which shall include the name, address, and signature of the purchaser; the amount purchased; the date and time of the purchase; and the name or initials of the seller.</p> <p>§ 195.417 (limit on sale or dispensing of certain drugs, exceptions—prescription for certain substances not required, when, expiration when—local ordinances, state law to supercede [sic] and preempt—violations, penalty) – provides that the limits in this section do not apply to any quantity of any product, mixture, or preparation of any drug product containing any detectable amount of ephedrine or pseudoephedrine with a valid prescription. No person shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than 7.2 grams within any 30-day period, 3.6 grams in any 24-hour period, or any amount greater than 43.2 grams in any 12-month period of any drug product containing any detectable amount of ephedrine or pseudoephedrine either as the sole active ingredient, one of the active ingredients in a combination drug, or a combination of any such products.</p> <p>All packages of any compound, mixture, or preparation containing any detectable quantity of ephedrine or pseudoephedrine shall be offered for sale only from behind the pharmacy counter and shall be sold only by a registered pharmacist or pharmacy technician. Each pharmacy shall submit information regarding the sales of such products.</p> <p>§ 195.418 (limitations on the retail sale of methamphetamine precursor drugs—violations, penalty) – the retail sale of methamphetamine precursor drugs is limited to: (1) sales in packages containing not more than a total of three grams of one or more methamphetamine precursor drugs; and (2) for nonliquid products, sales in blister packs, each blister containing not more than two dosage units, or where the use of blister packs is technically infeasible, sales in unit dose packets or pouches.</p> <p>§ 579.060 – a person commits the offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs if he or she knowingly, with regard to any number of packages of any drug product containing detectable</p>

<u>MISSOURI</u>	
Restrictions placed on precursors (cont'd)	<p>amounts of ephedrine or pseudoephedrine and without a valid prescription:</p> <ol style="list-style-type: none"> (1) Sells, distributes, dispenses, or otherwise provides such packages in a total amount greater than 7.2 grams to the same individual within a 30-day period; (2) Purchases, receives, or otherwise acquires such packages in a total amount greater than 7.2 grams, without regard to the number of transactions, within a 30-day period; (3) Purchases, receives, or otherwise acquires such packages in a total amount greater than 3.6 grams, without regard to the number of transactions, within a 24-hour period; (4) Sells, distributes, dispenses, or otherwise provides such packages in a total amount greater than 43.2 grams to the same individual within a 12-month period; (5) Purchases, receives, or otherwise acquires such products in a total amount greater than 43.2 grams, without regard to the number of transactions, to the same individual within a 12-month period; (6) Dispenses or offers drug products that contain detectable amounts of ephedrine or pseudoephedrine without ensuring that such products are located behind a pharmacy counter and that such products are dispensed by a registered pharmacist or pharmacy technician; or (7) Holds a retail sales license and knowingly sells or dispenses packages that do not conform to the requirements of § 195.418. <p>A pharmacist, intern pharmacist, or registered pharmacy technician commits the offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs if he or she knowingly:</p> <ol style="list-style-type: none"> (1) Sells, distributes, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine or pseudoephedrine in a total amount greater than 3.6 grams to the same individual within a 24-hour period unless pursuant to a valid prescription; (2) Fails to submit required information pursuant to §§ 195.017 or 195.417; (3) Fails to implement and maintain an electronic log; or

<u>MISSOURI</u>	
Restrictions placed on precursors (cont'd)	<p>(4) Sells, distributes, or otherwise provides to an individual under 18 years of age without a valid prescription any number of packages of any drug product containing any detectable quantity of pseudoephedrine or ephedrine.</p> <p>Any violation of this section is a class A misdemeanor.</p> <p>§ 579.110 – a person commits the offense of possession of methamphetamine precursors if he or she knowingly possesses one or more chemicals, reagents, solvents, or any other precursor ingredients of methamphetamine with the intent to manufacture, compound, convert, product, process, prepare, test, or otherwise alter that chemical to create a controlled substance. Possession of more than 24 grams of ephedrine or pseudoephedrine shall be prima facie evidence of intent to violate this section. This section does not apply to any practitioner or product possessed in the court of a legitimate business. The offense of possession of methamphetamine precursors is a class E felony.</p> <p>§ 579.115 – 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. The offense of failure to report a suspicious transaction is a class E felony.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 579.015 – possession of methamphetamine is a class D felony.</p> <p>§ 579.020 – a person commits the offense of delivery of a controlled substance if, except as otherwise authorized by law, he or she knowingly distributes or delivers, attempts to distribute or deliver, knowingly possesses with intent to distribute or deliver, or knowingly permits a minor to purchase or transport illegally obtained controlled substances. The offense of delivery of a controlled substance is a class C felony. The offense is a class B felony if the delivery or distribution is any amount of a controlled substance to a person less than 17 years of age who is at least two years younger than the defendant or the person knowingly permits a minor to purchase or transport illegally obtained controlled substances.</p>

<u>MISSOURI</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 579.030 – unlawful distribution of a controlled substance in a protected location is a class A felony if a person distributes a controlled substance: (1) in, on, or within 2,000 feet of the real property comprising a public or private elementary, vocational, or secondary school, or on any school bus; or (2) in, on, or within 1,000 feet of the real property comprising a public, state, county, municipal, or private park designated for public recreational purposes; or (3) in or on the real property comprising public or governmental assisted housing.</p>
	<p>§ 579.055 – a person commits the offense of manufacture of a controlled substance if, except as otherwise authorized by law, he or she knowingly manufactures, produces, or grows a controlled substance; attempts to manufacture, product, or grow a controlled substance; or knowingly possesses a controlled substance with intent to manufacture, produce, or grow any amount of a controlled substance. The offense of manufacturing or attempting to manufacture a controlled substance is a class B felony if committed within 2,000 feet of the real property comprising a public or private elementary, vocational, or secondary school, community college, college, or university. It is a class A felony if a person has suffered a serious physical injury or has died as a result of a fire or explosion started in an attempt by the defendant to produce methamphetamine. Otherwise, such offense is a class C felony.</p>
	<p>§ 579.065 – a person commits the offense of trafficking drugs in the first degree if, except as otherwise authorized by law, such person knowingly distributes, delivers, manufactures, produces, or attempts to distribute, deliver, manufacture, or produce more than 30 grams of methamphetamine. The offense of trafficking drugs in the first degree is a class B felony.</p>
	<p>If the amount of methamphetamine is 90 grams or more, the offense is a class A felony. It is also a class A felony if the quantity involved is 30 grams or more of methamphetamine and the location of the offense was within 2,000 feet of real property comprising a public or private elementary, vocational, or secondary school, college, community college, university, or any school bus, in or on the real property comprising public or governmental assisted housing, or within a motor vehicle, or in any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place</p>

<u>MISSOURI</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	where sleeping accommodations are sought for pay or compensation. § 579.068 – a person commits the offense of trafficking drugs in the second degree if, except as otherwise authorized, such person knowingly possesses or has under his or her control, purchases or attempts to purchase, or brings into this state more than 30 grams of methamphetamine. The offense of trafficking in drugs in the second degree is a class C felony. It is a class B felony if the quantity involved is 90 grams or more but less than 450 grams of methamphetamine. It is a class A felony if the quantity involved is 450 grams or more of methamphetamine.
Methamphetamine cleanup and disposal	None.
Other statutory provisions of note	None.
Recently proposed legislation	Yes. See Pending State Legislation .

<u>MONTANA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • MONT. CODE ANN. §§ 44-4-1001 to 44-4-1005 (West 2023) (collectively “Methamphetamine Watch Program”) • MONT. CODE ANN. § 45-5-622 (West 2023) (endangering welfare of children) • MONT. CODE ANN. §§ 45-9-101 to 45-9-103 (West 2023) (included within “Offenses Involving Dangerous Drugs”) • MONT. CODE ANN. § 45-9-107 (West 2023) (criminal possession of precursors to dangerous drugs) • MONT. CODE ANN. §§ 45-9-109 to 45-9-110 (West 2023) (included within “Offenses Involving Dangerous Drugs”) • MONT. CODE ANN. § 45-9-125 (West 2023) (continuing criminal enterprise—penalty) • MONT. CODE ANN. § 45-9-130 (West 2023) (mandatory fine for possession and storage of dangerous drugs—disposition of proceeds) • MONT. CODE ANN. § 45-9-132 (West 2023) (operation of unlawful clandestine laboratory—penalties) • MONT. CODE ANN. §§ 50-32-501 to 50-32-503 (West 2023) (collectively “Regulation of Ephedrine and Pseudoephedrine”) • MONT. CODE ANN. § 53-1-203 (West 2023) (powers and duties of department of corrections) • MONT. CODE ANN. §§ 75-10-1301 to 75-10-1306 (West 2023) (collectively “Methamphetamine Contamination—Indoor Property Decontamination Standards”) • MONT. ADMIN. R. 20.7.901 to 20.7.919 (2024) (collectively “Establishment of a Residential Methamphetamine Treatment Center”)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • March 20, 1991 (§ 45-9-125) • February 1999 (§ 45-9-107) • April 23, 1999 (§ 45-9-109) • July 1, 2001 (§ 45-9-130) • March 27, 2003 (§ 45-9-132) • July 1, 2005 (§§ 44-4-1001 to 44-4-1005 and 53-1-203) • March 27, 2007 (§ 45-5-622) • January 1, 2016 (§§ 5-32-501 to 5-32-503) • July 1, 2017 (§§ 45-9-102, 45-9-103, and 45-9-110) • August 25, 2018 (r. 20.7.901 to 20.7.919) • October 1, 2021 (§§ 45-9-101 and 75-10-1301 to 75-10-1306)
Restrictions placed on precursors	§ 44-4-1002 (establishment of methamphetamine watch program) – directs the department to establish a methamphetamine watch program to:

<u>MONTANA</u>	
Restrictions placed on precursors (cont'd)	<p>(1) Inform retailers of the problems associated with the illicit manufacture of methamphetamine;</p> <p>(2) Establish procedures and develop forms for retailers and other persons to use in reporting any incidents of theft, suspicious purchases, or other transactions involving products that may be used in the illicit manufacture of methamphetamine to law enforcement;</p> <p>(3) Increase community awareness of methamphetamine;</p> <p>(4) Encourage retailers, law enforcement, state and local agencies, and other persons to cooperate in efforts to reduce the diversion of legitimate products for use in the illicit manufacture of methamphetamine; and</p> <p>(5) Assist local communities in addressing problems created by the illicit manufacture and use of methamphetamine.</p> <p>§ 44-4-1103 (retailer participation) – provides that retailer participation in the program is voluntary, and participating retailers shall make reasonable efforts to deter the theft or improper sale of products used in the illicit manufacture of methamphetamine.</p> <p>§ 44-4-1104 (grants) – directs the department to provide grants for public and private organizations to engage in initiatives designed to support the program. The grant recipient may use grant money only to pay for activities directly related to the purpose of the initiative to support the program.</p> <p>§ 44-4-1105 (reporting—immunity from liability) – a person may not be held liable for any damages arising from an act relating to the reporting of information made in good faith and in substantial compliance with the reporting procedures established in § 44-4-1102.</p> <p>§ 50-32-501 (restricted possession, purchase, or other transfer of ephedrine or pseudoephedrine—exceptions—penalties) – a person may not purchase, receive, or otherwise acquire more than 9 grams within any 30-day period nor more than 3.6 grams per day of any product, mixture, or preparation containing any detectable quantity of ephedrine or pseudoephedrine. This section does not apply to products dispensed pursuant to a valid prescription. Possession of more than 9 grams of a drug product containing any detectable quantity of ephedrine or pseudoephedrine constitutes a rebuttable presumption of the</p>

<u>MONTANA</u>	
Restrictions placed on precursors (cont'd)	<p>intent to use the product as a precursor to methamphetamine or another controlled substance. Sets forth the individuals and entities to whom the rebuttable presumption does not apply. Provides that a person who knowingly or negligently violates any provision of this section is guilty of a misdemeanor punishable by a fine of not less than \$100 or more than \$500 and by imprisonment in the county jail for not more than one year.</p> <p>§ 50-32-502 (restricted sale and access to ephedrine or pseudoephedrine products—exceptions—penalties) – the retail sale of a product that contains any detectable quantity of ephedrine or pseudoephedrine may be made only in a licensed pharmacy or certified retail establishment. Permits the department of justice to issue a certification to a retail establishment if there is no licensed pharmacy within a county. Products containing ephedrine or pseudoephedrine shall be kept behind the counter in an area inaccessible to customers. Sales shall be limited to packages containing no more than a total of 3.6 grams base weight. Individuals purchasing, receiving, or otherwise acquiring such products shall be required to produce a valid government-issued photo identification, and the seller shall note the time and date of the transaction, the name and address of the purchaser, the name of the product sold, including the total grams contained in the product. The purchaser shall sign the record of sale. Retailers shall take action as necessary to ensure that a person does not purchase or acquire more than 3.6 grams per day or more than 9 grams in any 30-day period. Provides that this section does not apply to products dispensed pursuant to a valid prescription. A person who negligently violates any provision 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 not less than \$100 or more than \$500 and by imprisonment in the county jail for not more than 10 days.</p> <p>§ 50-32-503 (electronic recordkeeping and monitoring system) – the state department of justice must provide for the state's participation in a real-time electronic recordkeeping and monitoring system for the sale of ephedrine or pseudoephedrine to be used by retailers. System requirements are specified in the statute. Certain specified entities are exempted from the requirement to participate.</p>

<u>MONTANA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 45-5-622 – a person, whether or not the person is supervising the welfare of a child less than 18 years of age, commits the offense of endangering the welfare of children if the person, in the residence of a child, in a building, structure, conveyance, or outdoor location where a child might reasonably be expected to be present, in a room offered to the public for overnight accommodation, or in any multiple-unit residential building, knowingly:</p> <ol style="list-style-type: none"> (1) Produces or manufactures, or attempts to produce or manufacture, methamphetamine; (2) Possesses any material, compound, mixture, or preparation that contains any combination of items listed in § 45-9-107 with intent to manufacture methamphetamine; or (3) Causes or permits a child to inhale, be exposed to, have contact with, or ingest methamphetamine or be exposed to or have contact with methamphetamine paraphernalia. <p>§ 45-9-101 (criminal distribution of dangerous drugs) – except as otherwise provided by law, a person commits the offense of criminal distribution of dangerous drugs, including methamphetamine, if the person sells, barter, exchanges, gives away, or offers to sell, barter, exchange, or give away any dangerous drug. A person convicted of criminal distribution of dangerous drugs involving giving away or sharing any dangerous drug shall be sentenced as provided in § 45-9-102. A person convicted of this offense not otherwise provided for in this section shall be imprisoned in the state prison for a term not to exceed 25 years or be fined an amount of not more than \$50,000, or both.</p> <p>A person who was an adult at the time of distribution and who is convicted of criminal distribution of dangerous drugs to a minor shall, for a first offense, be imprisoned in the state prison for a term not to exceed 40 years and may be fined not more than \$50,000. For a second or subsequent offense, the person shall be imprisoned in the state prison for a term not to exceed life and may be fined not more than \$50,000.</p> <p>If the offense charged results in the death of an individual, the person shall be imprisoned in the state prison for a term of not more than 100 years and may be fined not more than \$100,000.</p>

<u>MONTANA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 45-9-102 (criminal possession of dangerous drugs) – a person commits the offense of criminal possession of dangerous drugs if the person possesses dangerous drugs in an amount greater than permitted or for which a penalty is not specified by law. A person convicted of criminal possession of dangerous drugs shall be imprisoned in state prison for a term not to exceed five years or be fined an amount not to exceed \$5,000, or both. A person convicted of a first offense under this section is entitled to a deferred imposition of sentence of imprisonment.</p>
	<p>§ 45-9-103 (criminal possession with intent to distribute) – a person commits the offense of criminal possession with intent to distribute if the person possesses with intent to distribute any dangerous drug in an amount greater than permitted or for which a penalty is not specific by law. Except as otherwise provided, a person convicted of criminal possession with intent to distribute shall be imprisoned in the state prison for a term not to exceed 20 years or fined an amount not to exceed \$50,000, or both.</p>
	<p>§ 45-9-107 – except as provided in § 50-32-609, a person commits the offense of criminal possession of precursors to dangerous drugs if the person possesses any material, compound, mixture, or preparation that contains any combination of a list of precursor drugs including, but not limited to, ephedrine and pseudoephedrine. A person convicted of criminal possession of precursors to dangerous drugs shall be imprisoned in the state prison for a term not less than two years or more than 20 years or be fined an amount not to exceed \$50,000, or both.</p>
	<p>§ 45-9-109 (criminal distribution of dangerous drugs on or near school property—penalty—affirmative defense) – a person commits the offense of criminal distribution of dangerous drugs on or near school property if the person violates § 45-9-101 in, on, or within 1,000 feet of the real property comprising a public or private elementary or secondary school. Except as otherwise provided by law, a person convicted of this offense shall be imprisoned for a term of not less than three years or more than life and may be fined in an amount of not more than \$50,000. It is not a defense to prosecution that the person did not know the distance involved. It is an affirmative defense if the prohibited conduct took place entirely within a private residence and no person 17 years of age or under was present in the private</p>

<u>MONTANA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>residence at any time during commission of the offense.</p> <p>§ 45-9-110 (criminal production or manufacture of dangerous drugs) – a person commits the offense of criminal production or manufacture of dangerous drugs if the person knowingly or purposely produces, manufactures, prepares, cultivates, compounds, or processes a dangerous drug. A person convicted of this offense shall be imprisoned in the state prison for a term of not more than 25 years and may be fined in an amount not to exceed \$50,000.</p> <p>§ 45-9-125 – 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. A person is engaged in a continuing criminal enterprise if: (1) the person violates any provision of this chapter that is a felony; and (2) the violation is part of a continuing series of two or more violations of this chapter on separate occasions that are undertaken in concert with five or more persons with respect to whom the person occupies a position of organizer, supervisor, or any other position of management and from which the person obtained substantial income or resources. A subsequent violation of this section is punishable by a term of imprisonment not exceeding three times that authorized for the underlying offense.</p> <p>§ 45-9-130 – provides that, in addition to the punishments and fines set forth in this part, the court shall fine each person found to have possessed or stored dangerous drugs 35 percent of the market value of the drugs as determined by the court. In November 2019, this statute was found to be facially unconstitutional in <i>State v. Yang</i>, 452 P.3d 897 (Mont. 2019).</p> <p>§ 45-9-132 – a person commits the offense of operation of an unlawful clandestine laboratory if the person purposely or knowingly engages in:</p> <ol style="list-style-type: none"> (1) The procurement, possession, or use of chemicals, precursors to dangerous drugs, supplies, equipment, or a laboratory location for the criminal production or manufacture of dangerous drugs as prohibited by § 45-9-110; (2) The transportation of or arranging for the transportation of chemicals, precursors to dangerous drugs, supplies,

<u>MONTANA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>or equipment for the criminal production or manufacture of dangerous drugs as prohibited by § 45-9-110; or</p> <p>(3) The setting up of equipment or supplies in preparation for the criminal production or manufacture of dangerous drugs as prohibited by § 45-9-110.</p> <p>Except as otherwise provided by law, a person convicted of this offense 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.</p> <p>A person convicted of unlawful operation of a clandestine laboratory shall be fined an amount not to exceed \$50,000, be imprisoned in a state prison for a term not to exceed 50 years, or both, if § 46-1-401 (related to proof and mental state requirements for penalty enhancement) is complied with and the operation of an unlawful clandestine laboratory or any phase of the operation created a substantial risk of death of or serious bodily injury to another; took place within 500 feet of a residence, business, church, or school; or took place in the presence of a person less than 18 years of age.</p> <p>A person convicted of this offense shall be fined an amount not to exceed \$100,000, be imprisoned in a state prison for a term not to exceed 50 years, or both, if § 46-1-401 is complied with and the operation of the unlawful clandestine laboratory or any phase of the operation involved the use of a firearm or booby trap.</p>
Methamphetamine cleanup and disposal	§§ 75-10-1301 to 75-10-1306 – As a whole, the statutes provide specific cleanup standards and authorize the state Department of Environmental Quality to establish a program that will provide for a property decontamination process for methamphetamine that will meet state standards.
Other statutory provisions of note	§ 53-1-203 – 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.

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

<u>NEBRASKA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • NEB. REV. STAT. ANN. § 28-416 (West 2024) (prohibited acts; violations; penalties) • NEB. REV. STAT. ANN. §§ 28-450 to 28-462 (West 2024) (included within “Drugs and Narcotics”) • NEB. REV. STAT. §§ 71-2432 to 71-2435 (West 2024) (collectively “Clandestine Drug Labs”)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • April 17, 2001 (§§ 28-451 to 28-455) • May 29, 2003 (§ 28-457) • May 31, 2005 (§ 28-450) • April 6, 2006 (§§ 71-2432 to 71-2435) • March 18, 2009 (§ 28-456) • January 1, 2012 (§§ 28-456.01, 28-458 to 28-462) • July 21, 2016 (§ 28-416)
Restrictions placed on precursors	<p>§ 28-450 (ephedrine, pseudoephedrine, or phenylpropanolamine; immediate precursor; prohibited acts; violation; penalty) – provides that no person shall sell, distribute, or otherwise transfer any drug product containing ephedrine or pseudoephedrine if the person knows that the transferee will use the drug product as an immediate precursor to any controlled substance. Further, no person shall unlawfully sell, distribute, or otherwise transfer such product with reckless disregard as to how the drug product will be used. A violation of this section is a Class III misdemeanor.</p> <p>§ 28-451 (anhydrous ammonia; possession; penalty) – it is a Class IV felony to possess anhydrous ammonia with the intent to manufacture methamphetamine.</p> <p>§ 28-452 (ephedrine, pseudoephedrine, or phenylpropanolamine; possession; penalty) – it is a Class IV felony to possess ephedrine, pseudoephedrine, or phenylpropanolamine with the intent to manufacture methamphetamine.</p> <p>§ 28-453 (methamphetamine; retailer education program) – authorizes the Nebraska State Patrol to: (1) develop and maintain a program to inform retailers about illicit methamphetamine production, distribution, and use in Nebraska; and (2) devise procedures and forms for retailers to use in reporting to the patrol suspicious purchases, thefts, or other transactions. Provides that reporting shall be voluntary. Retailers reporting in good faith shall be immune from civil liability.</p>

<u>NEBRASKA</u>	
Restrictions placed on precursors (cont'd)	<p>§ 28-456 (phenylpropanolamine or pseudoephedrine; sold without a prescription; requirements; enforcement) – any drug products containing pseudoephedrine may be sold without a prescription only if they meet the labeling, manufacturing, distribution, and packaging requirements of this section. Such products must be sold by a person in the court of his or her employment to a customer, 18 years of age or older, with the following restrictions:</p> <ol style="list-style-type: none"> (1) No customer shall be allowed to purchase, receive, or otherwise acquire more than 3.6 grams of pseudoephedrine base during a 24-hour period; (2) No customer shall purchase, receive, or otherwise acquire more than 9 grams of pseudoephedrine based during a 30-day period; and (3) The customer shall display a valid government-issued identification. <p>Products shall be stored behind a counter or in a locked case. Any person who sells drug products in violation of this section may be subject to a civil penalty of \$50 per day. For a second or subsequent violation, the penalty may be \$100 per day.</p> <p>§ 28-456.01 (pseudoephedrine or phenylpropanolamine; limitation on acquisition; violation; penalty) – no person shall purchase, receive, or otherwise acquire, other than wholesale acquisition by a retail business in the normal course of its trade or business, any drug product containing more than 3.6 grams of pseudoephedrine base during a 24-hour period or 9 grams during a 30-day period unless purchased pursuant to a medical order. Any person who violates this section shall be guilty of a Class IV misdemeanor for a first offense and a Class III misdemeanor for each subsequent offense.</p> <p>§§ 28-458 to 28-462 (related to methamphetamine precursors) – provides that each seller shall, before completing a sale of a methamphetamine precursor, electronically submit required information to the National Precursor Log Exchange administered by the National Association of Drug Diversion Investigators. Makes it a Class IV misdemeanor to knowingly fail to submit information or submit incorrect information to the exchange.</p>

<u>NEBRASKA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 28-416 – except as otherwise authorized by law, it is unlawful for any person to knowingly or intentionally manufacture, distribute, deliver, dispense, or possess with intent to manufacture, distribute, deliver, or dispense a controlled substance. A violation of this section with respect to methamphetamine in a quantity of:</p> <ul style="list-style-type: none"> (1) 140 grams or more shall be guilty of a Class IB felony; (2) At least 28 grams but less than 140 grams shall be guilty of a Class IC felony; or (3) At least 10 grams but less than 28 grams shall be guilty of a Class ID felony. <p>A person knowingly or intentionally possessing a controlled substance, unless such substance was obtained directly or pursuant to a medical order or as otherwise authorized by this act, shall be guilty of a Class IV felony.</p> <p>Any person 18 years of age or older who knowingly or intentionally manufactures, distributes, delivers, dispenses, or possesses with intent to manufacture, distribute, deliver, or dispense a controlled substance to a person under the age of 18 years in, on, or within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school, a community college, a public or private college, junior college, or university, or a playground, or within 100 feet of a public or private youth center, public swimming pool, or video arcade facility shall be punished by the next higher penalty classification than the penalties prescribed above, depending on the controlled substance involved.</p> <p>It is unlawful for any person 18 years of age or older to knowingly and intentionally employ, hire, use, cause, persuade, coax, induce, entice, seduce, or coerce any person under the age of 18 years manufacture, transport, distribute, carry, deliver, dispense, prepare for delivery, offer for delivery, or possess with intent to do the same or to aid and abet any person in the manufacture, transportation, distribution, carrying, delivery, dispensing, preparation for delivery, offering for delivery, or possession with intent to do the same of a controlled substance. Any person who violates these provisions shall be punished by the next higher penalty classification that the penalties prescribed above. It is not a defense that the person did not know the age of the minor.</p>

<u>NEBRASKA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>Any person knowingly or intentionally possessing a firearm while in violation of this section shall be punished by the next higher penalty classification. A person knowingly or intentionally in possession of money used or intended to be used to facilitate a violation of this section shall be guilty of a Class IV felony.</p> <p>§ 28-457 (methamphetamine; prohibited acts; violation; penalties) – any person who knowingly or intentionally causes or permits a child under the age of 19 years or vulnerable adult to inhale or have contact with methamphetamine, a chemical substance, or paraphernalia is guilty of a Class I misdemeanor. For a second or subsequent offense, it is a Class IV felony.</p> <p>Any person who knowingly or intentionally causes or permits a child under the age of 19 years or vulnerable adult to ingest methamphetamine, a chemical substance, or paraphernalia is guilty of a Class I misdemeanor. A second or subsequent offense is a Class IIIA felony.</p> <p>If such child or vulnerable adult suffers serious bodily injury by ingestion of, inhalation of, or contact with methamphetamine, a chemical substance, or paraphernalia, it is a Class IIIA felony unless it results in death, in which case it is a Class IB felony.</p>
Methamphetamine cleanup and disposal	<p>§§ 71-2432 to 71-2435 – requires disclosure of clandestine labs to the Nebraska State Patrol by property owners and local law enforcement agencies. The Patrol is directed to notify the state Department of Public Health & Welfare and Department of Environment and Energy. Requires the local public health department to monitor the rehabilitation of any contaminated property at such location in accordance with standards and procedures established or approved by the Department of Public Health & Welfare. Allows the local health department to charge fees from the property owner to cover the costs of rehabilitating the property.</p>
Other statutory provisions of note	<p>§ 28-455 (Methamphetamine Awareness and Education Fund; created; use; investment) – creates the Methamphetamine Awareness and Education Fund. Directs the Nebraska Commission on Law Enforcement and Criminal Justice to use the fund to support projects relating to educating retailers and the public methamphetamine.</p>

<u>NEBRASKA</u>	
Recently proposed legislation	None.

<u>NEVADA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • NEV. REV. STAT. ANN. § 40.770 (West 2023) (limitation on liability of seller, seller's agent and buyer's agent for failure to disclose certain facts concerning property) • NEV. REV. STAT. ANN. § 439.4797 (West 2023) (powers of board of health; regulations by State Environmental Commission) • NEV. REV. STAT. ANN. §§ 453.316 to 453.324 (West 2023) (included within "Offenses and Penalties") • NEV. REV. STAT. ANN. §§ 453.3325 to 453.3361 (West 2023) (included within "Offenses and Penalties") • NEV. REV. STAT. ANN. § 453.337 (West 2023) (unlawful possession for sale of flunitrazepam, gamma-hydroxybutyrate and schedule I or II substances; penalties) • NEV. REV. STAT. ANN. § 453.3385 (West 2023) (trafficking in controlled substances: flunitrazepam, gamma-hydroxybutyrate and schedule I or II substances, except marijuana) • NEV. REV. STAT. ANN. §§ 453.352 to 453.359 (West 2023) (collectively "Methamphetamine Precursors") • NEV. REV. STAT. ANN. §§ 489.770 to 489.780 (West 2023) (collectively "disclosure that home, building, or coach has been used in manufacture of methamphetamine") • NEV. REV. STAT. ANN. §§ 639.400 to 639.450 (West 2023) (collectively "Products that are Precursors to Methamphetamine")
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • 1995 (§ 453.333) • October 1, 1999 (§ 453.334) • April 2, 2001 (§ 453.3345) • May 22, 2003 (§ 453.3335) • June 8, 2005 (§ 453.3325) • August 1, 2007 (§§ 453.324, 453.352 to 453.354, 453.358 to 453.359, 639.410 to 639.420) • July 1, 2009 (§§ 40.770 and 489.770 to 489.780) • July 1, 2011 (§ 439.4797) • October 1, 2013 (§§ 453.355, 639.400, 639.430 to 639.450) • July 1, 2017 (§ 453.357) • July 1, 2020 (§§ 453.316, 453.3351, 453.3361, and 453.3385) • October 1, 2023 (§§ 453.321, 453.322, 453.3353, 453.336, 453.337)
Restrictions placed on precursors	§§ 453.352 to 453.3535 (definitions) – these statutes define the following terms: logbook, product that is a precursor to methamphetamine, and retail distributor.

<u>NEVADA</u>	
Restrictions placed on precursors (cont'd)	<p>§ 453.354 (manner of keeping, storing, or placing methamphetamine precursor) – requires a retail distributor to keep, store, or place a product that is a precursor to methamphetamine in a locked case or cabinet or behind a counter so that the public does not have direct access to the product before a sale or transfer is made.</p> <p>§ 453.355 (limitations on sale or transfer of methamphetamine precursor by retail distributor; exception) – except as otherwise provided by law, a retail distributor shall not:</p> <ol style="list-style-type: none"> (1) Sell or transfer to the same person during any calendar day, without regard to the number of transactions, more than 3.6 grams of ephedrine or pseudoephedrine base in a product that is a precursor to methamphetamine; (2) Sell or transfer to the same person during any 30-day period, without regard to the number of transactions, more than 9 grams of ephedrine or pseudoephedrine base in a product that is a precursor to methamphetamine; (3) Sell at retail and in nonliquid form a product that is a precursor to methamphetamine unless it is packaged as required by law. <p>These provisions do not apply if the Attorney General of the United States has determined that a product that is a precursor to methamphetamine cannot be used to manufacture methamphetamine or if the product is dispensed pursuant to a valid prescription.</p> <p>§ 453.357 (retail distributor to maintain logbook; information required to be entered in logbook at time of sale or transfer of methamphetamine precursor; requirements for sale or transfer of methamphetamine precursor; notice concerning entering false statement or representation in logbook; maintenance of entries in logbook; limitation on accessing, using, sharing, or disclosing information in logbook) – a retail distributor shall maintain a logbook and shall ensure that, at the time of the sale or transfer of a product that is a precursor to methamphetamine, the following information is entered into such logbook: the name and quantity of the product sold or transferred; the name and address of the purchaser; the date and time of the sale or transfer; and the type and number of the identification presented by the purchaser.</p>

<u>NEVADA</u>	
Restrictions placed on precursors (cont'd)	<p>A retail distributor shall not sell or transfer a product that is a precursor to methamphetamine unless the purchaser presents a valid government-issued photo identification and signs the logbook.</p> <p>§ 453.358 (civil penalty for violation) – a retail distributor who violates the provisions of this act is subject to a civil penalty.</p> <p>§ 453.3585 (limitations on acquisition of methamphetamine precursor; exception; penalties) – except as otherwise provided, a person shall not knowingly or intentionally purchase, receive, or otherwise acquire more than 3.6 grams of a product that is a methamphetamine precursor during any one calendar day or, during any 30-day period, more than 9 grams. A violation of this section is a misdemeanor. A second violation is a gross misdemeanor. Third and subsequent violations are a category D felony.</p> <p>§ 453.359 (penalty for entering false statement or representation in logbook) – a person who knowingly or intentionally enters a false statement or representation in a logbook is guilty of a category D felony.</p> <p>§ 639.400 (“product that is a precursor to methamphetamine” defined) – defines “product that is a precursor to methamphetamine,” which means a product that contains ephedrine, pseudoephedrine, or phenylpropanolamine and may be marketed or distributed lawfully in the United States as a nonprescription drug.</p> <p>§ 639.410 (sales of products that are precursors to methamphetamine) – prohibits any person or entity from selling or transferring a methamphetamine precursor unless such person or entity is a pharmacy.</p> <p>§ 639.420 (report of unusual or excessive loss or disappearance of products that are precursors to methamphetamine by pharmacy; requirement; exception; contents) – if a pharmacy becomes aware of any unusual or excessive loss or disappearance of a product that is a methamphetamine precursor while the product is under the control of the pharmacy, the pharmacy must make an oral report to the department of public safety as soon as possible and submit a written report to the department within 15 days.</p>

<u>NEVADA</u>	
Restrictions placed on precursors (cont'd)	<p>§ 639.430 (real-time, stop sale system: conditions for approval; regulations) – allows the board to approve a real-time, stop sale system for use by pharmacies if certain provisions are met.</p> <p>§ 639.440 (real-time, stop sale system: notification to pharmacies; duties of pharmacy; civil immunity; penalty) – requires the board to notify pharmacies once it approves a real-time, stop sale system. Requires pharmacies to obtain and use the system once notified. Provides that pharmacies must not sell or transfer a methamphetamine precursor if it receives an alert from the real-time, stop sale system that the sale or transfer might violate § 453.355. Failure to use the system as required is a misdemeanor.</p> <p>§ 639.450 (real-time, stop sale system: immunity of board from liability for unauthorized access or misuse of information collected by or derived from system) – failure of the system to send an alert to a pharmacy does not establish a basis for any cause of action against the board. The board is immune from liability arising from or related to the unauthorized access or misuse of any information collected by or derived from the system.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 453.316 (unlawful to open or maintain place for unlawful sale, gift, or use of controlled substance; penalties; exceptions) – a person who opens or maintains any place for the purpose of unlawfully selling, giving away, or using any controlled substance is guilty of a category C felony. A second offense is a category B felony and violators shall be punished by imprisonment in the state prison for not less than one year or more than six years, and a fine of not more than \$10,000.</p> <p>§ 453.321 (offer, attempt, or commission of unauthorized act relating to controlled or counterfeit substance unlawful; penalties; prohibition against probation or suspension of sentence for certain repeat offenders unless mitigating circumstances exist) – except as otherwise authorized by law, it is unlawful for a person to import, transport, sell, exchange, barter, supply, prescribe, dispense, give away, or administer a controlled substance or offer or attempt to commit any such offense. Unless a greater penalty is provided elsewhere, if a person violates this section and the controlled substance is classified in Schedule II, including methamphetamine, the person shall be punished as follows:</p>

<u>NEVADA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>(1) For a first offense, for a category C felony;</p> <p>(2) For a second offense, for a category B felony by imprisonment in the state prison for a minimum term of not less than two years and a maximum term of not more than 10 years, and may be fined not more than \$20,000; or</p> <p>(3) For a third or subsequent offense, for a category B felony by imprisonment in the state prison for a minimum term of not less than three years and a maximum term of not more than 15 years and may be fined not more than \$20,000 for each offense.</p> <p>§ 453.322 (offer, attempt, or commission of unauthorized act relating to manufacture or compounding of certain controlled substances unlawful; penalties; prohibition against probation of offenders) – except as otherwise authorized by law, it is unlawful for a person to knowingly or intentionally:</p> <p>(1) Manufacture or compound a controlled substance;</p> <p>(2) Possess, with intent to manufacture or compound a controlled substance, or sell, exchange, barter, supply, prescribe, dispense, or give away, with the intent that the chemical be used to manufacture or compound a controlled substance, any chemical identified in this section, including ephedrine and pseudoephedrine, or proven by expert testimony to be commonly used in manufacturing or compounding a controlled substance; or</p> <p>(3) Offer or attempt to do any act set forth above.</p> <p>Unless a greater penalty is provided for elsewhere, a person who violates this section is guilty of a category B felony and shall be imprisoned by imprisonment in the state prison for a minimum term of not less than three years and a maximum term of not more than 15 years and may be fined not more than \$100,000.</p> <p>If a person violates this section and the violation causes a fire or explosion, the person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than three years and a maximum term of not more than 20 years and may be fined not more than \$100,000.</p>

<u>NEVADA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 453.324 (unlawful to possess or dispose of methamphetamine manufacturing waste; exception; penalty) – a person who knowingly possesses or disposes of methamphetamine manufacturing waste is guilty of a category C felony unless certain exceptions apply.</p>
	<p>§ 453.3325 (unlawful to allow child to be present during commission of certain violations which involve controlled substances other than marijuana; penalties; probation or suspended sentence prohibited) – a person shall not intentionally allow a child to be present in any conveyance or upon any premises wherein a controlled substance other than marijuana:</p> <ol style="list-style-type: none"> (1) Is being used in violation of law if the person in any manner knowingly engages in or conspires with, aids, or abets another person to engage in such activity; (2) Is being sold, exchanged, bartered, supplied, prescribed, dispensed, given away, or administered in violation of law, if the person in any manner knowingly engages in or conspires with, aids, or abets another person to engage in such activity; or (3) Is being or has been manufactured or compounded in violation of law if the person knowingly engages in or conspires with, aids, or abets another person to engage in such activity. <p>Unless a greater penalty is provided by law, if the violation of (1) does not proximately cause substantial bodily harm or death to the child, it is a category C felony. If it does cause substantial bodily harm other than death, it is a category B felony, punishable by imprisonment for not less than six year or more than 20 years, and a fine of not more than \$20,000. If the violation causes the death of the child, the person is guilty of murder, a category A felony.</p> <p>Unless a greater penalty is provided by law, if the violation of (2) does not proximately cause substantial bodily harm or death of the child, it is a category B felony, punishable by imprisonment of not less than three years or more than 15 years, and a fine of not more than \$10,000. If the violation does cause substantial bodily harm other than death, it is a category B felony, punishable by imprisonment for not less than six years or more than 20 years and a fine of not more than</p>

<u>NEVADA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>\$20,000. If the violation causes the death of the child, the person is guilty of murder, a category A felony.</p> <p>Unless a greater penalty is provided by law, if the violation of (3) does not proximately cause substantial bodily harm or death to the child, it is a category B felony, punishable by imprisonment for not less than five year or more than 20 years, and a fine of not more than \$15,000. If the violation causes substantial bodily harm other than death, it is a category A felony, punishable by imprisonment for life with the possibility of parole or for a definite term of 40 years with the possibility of parole and fined not more than \$50,000. If the violation causes the death of the child, it is murder, a category A felony.</p> <p>§ 453.333 (penalties for making available controlled substance which causes death) – if the death of a person is proximately caused by a controlled substance which was sold, given, traded, or otherwise made available by another person in violation of this chapter, the person who sold, gave, traded, or otherwise made the substance available is guilty of murder.</p> <p>§ 453.334 (penalty for second or subsequent offense of sale of controlled substance to minor) – unless a greater penalty is provided by law, a person convicted of selling a controlled substance to a minor is guilty of a category A felony and shall be punished for a second or subsequent violation by imprisonment in the state prison for life with the possibility of parole or for a definite term of 15 years with the possibility of parole and may be fined not more than \$20,000. The court may order a person who is 18 years of age or older who violates this section to pay restitution and any reasonable costs incurred for the participation of the minor in a substance use disorder treatment program.</p> <p>§ 453.3345 (additional penalty for commission of certain violations at or near school, school bus stop, recreational facilities for minors or public park) – unless a greater penalty is provided by law, any person who violates §§ 453.321 or 453.322 on the grounds of a public or private school, a playground, public park, public swimming pool, recreational center for youths, or video arcade; on a campus of the Nevada System of Higher Education; within 1,000 feet of the perimeter of such a school ground or campus, playground, park, pool, recreational center, or arcade; or within 1,000 feet of a school</p>

<u>NEVADA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>bus stop from one hour before school begins until one hour after school ends during scheduled school days, must be punished by imprisonment for a term equal to and in addition to the term prescribed by statute for the crime, which sentence shall run consecutively with the sentence prescribed by statute. This section does not create a separate offense but provides an additional penalty for the primary offense.</p> <p>§ 453.3351 (additional penalty for commission of certain violations which involve methamphetamine under certain circumstances) – unless a greater penalty is otherwise provided by law, any person who violates §§ 453.322 or 453.3385 where the violation included the manufacture of any material, compound, mixture, or preparation which contains any quantity of methamphetamine within 500 feet of a residence, business, church, synagogue, or other place of religious worship, public or private school, campus of the Nevada System of Higher Education, playground, public park, public swimming pool, or recreational center for youths, or in a manner which creates a great risk of death or substantial bodily harm to another person, shall be punished by imprisonment for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime. The sentence prescribed by this section runs consecutively with the sentence prescribed by statute for the crime. This section does not create a separate offense but provides an additional penalty for the primary offense.</p> <p>§ 453.3353 (additional and alternative penalties for commission of certain violations which involve controlled substances other than marijuana and result in death or substantial bodily harm to another person) – unless a greater penalty is provided for elsewhere, if a person commits a violation of § 453.322 or § 453.3385, and the violation involves the manufacture or compounding of a substance other than marijuana and during the discovery or cleanup of the premises at, on, or in which the substance was manufactured or compounded, another person suffers substantial bodily harm other than death as a proximate result of the manufacturing or compounding of the controlled substance, the person shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the offense, which sentence shall run consecutively. If such violation results in the death of another person, the offense is a category A felony, punishable by imprisonment for life without the possibility of</p>

<u>NEVADA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>parole or for a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served.</p> <p>§ 453.336 (unlawful possession not for purpose of sale: prohibition; penalties; exception) – except as otherwise provided, a person shall not knowingly or intentionally possess a controlled substance without a prescription. For a first or second offense, if the controlled substance is listed in Schedule II, including methamphetamine, and the quantity possessed is less than 14 grams, it is a category E felony. For a third or subsequent offense, and the quantity possessed is less than 14 grams, or if the offender has been convicted two or more times in the aggregate of any violation of the law, it is a category D felony. If the controlled substance is listed in Schedule II and the quantity possessed is 14 grams or more but less than 28 grams, it is low-level possession punishable as a category C felony. If the quantity is 28 grams or more but less than 42 grams, it is mid-level possession punishable as a category B felony. If the quantity is 42 grams or more but less than 100 grams, it is high-level possession, punishable as a category B felony. It is not a violation of this section if a person possesses a trace amount of a controlled substance in or on a hypodermic device obtained from a syringe services program.</p> <p>§ 453.3361 (unlawful possession not for purpose of sale: local ordinances adopting penalties for certain similar offenses; allocation of fines collected for violation of local ordinance) – allows a local authority to enact ordinances adopting the penalties set forth for misdemeanors in § 453.336 for similar offenses.</p> <p>§ 453.337 – except as otherwise provided by law, it is unlawful for a person to possess for sale any controlled substance classified in Schedule II, including methamphetamine. For a first offense, it is a category D felony. For a second offense, it is a category C felony. For a third or subsequent offense, it is a category B felony punishable by imprisonment for not less than three years or more than 15 years, and may be further punished by a fine of not more than \$20,000 for each offense.</p> <p>§ 453.3385 – except as otherwise provided by law, a person who knowingly or intentionally sells, manufactures, delivers, or brings into this state, or who is knowingly or intentionally in</p>

<u>NEVADA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>actual or constructive possession of a Schedule I or II controlled substance, except marijuana, or any mixture which contains any such controlled substance, unless a greater penalty is provided by law, if the quantity involved is:</p> <ol style="list-style-type: none"> (1) 100 grams or more, but less than 400 grams, it is low-level trafficking and shall be punished for a category B felony by imprisonment for not less than two years or more than 20 years and by a fine of not more than \$100,000; or (2) 400 grams or more, it is high-level trafficking and shall be punished for a category A felony by imprisonment for life or for a definite term of 25 years with the possibility of parole, and a fine of not more than \$500,000.
Methamphetamine cleanup and disposal	<p>§ 40.770 – 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:</p> <ol style="list-style-type: none"> (1) All materials and substances involving methamphetamine have been removed from or remediated by a licensed entity; or (2) The property has been deemed safe for habitation by the board of health. <p>§ 439.4797 – requires the State Environmental Commission to adopt regulations establishing standards pursuant to which any property that is or has been the site of a crime that involves the manufacturing of any material, compound, mixture or preparation that contains any quantity of methamphetamine may be deemed safe for habitation.</p> <p>§ 453.324 (unlawful to possess or dispose of methamphetamine manufacturing waste; exception; penalty) – a person who knowingly possesses or disposes of methamphetamine manufacturing waste is guilty of a category C felony.</p> <p>§§ 489.770 to 489.780 – provide requirements for when disclosure that a manufactured home, mobile home, manufactured building or commercial coach, or factory-built housing has been used to manufacture methamphetamine to any prospective purchaser of such home, building, or coach is necessary.</p>

<u>NEVADA</u>	
Other statutory provisions of note	§ 453.3335 (additional penalty for failing to render or seek medical assistance for person injured or killed by use of controlled substance under certain circumstances) – creates an additional criminal penalty in cases where a person is in the presence of someone whose use of a controlled substance resulted in death or substantial bodily harm and the person failed to render or seek necessary medical assistance for the injured person in a timely manner.
Recently proposed legislation	None.

<u>NEW HAMPSHIRE</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • N.H. REV. STAT. ANN. § 318-B:26 (2024) (penalties) • N.H. REV. STAT. ANN. §§ 318-B:47 to 318-B:50 (2024) (collectively “Ephedrine and Pseudoephedrine”) • N.H. REV. STAT. ANN. §§ 318-D:1 to 318-D:5 (2024) (collectively “Methamphetamine-related Offenses”) • N.H. REV. STAT. ANN. § 477:4-g (2024) (notification prior to sale, transfer, lease, or rental of real property on which methamphetamine has been produced) • N.H. REV. STAT. ANN. §§ 639-A:1 to 639-A:4 (2024) (collectively “Methamphetamine-related Crimes”)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • May 19, 2006 (§ 639-A:3) • January 1, 2007 (§§ 318-B:26, 318-D:2 to 318-D:5, and 477:4-g) • July 4, 2016 (§§ 639-A:1 to 639-A:2 and 639-A:4) • January 1, 2019 (§§ 318-B:47 to 318-B:50)
Restrictions placed on precursors	<p>§ 318-B:48 (possession of ephedrine and pseudoephedrine; sale) – provides that no person shall knowingly and unlawfully possess a drug product containing ephedrine or pseudoephedrine with the intent to use it to manufacture methamphetamine. Requires retailers to keep products in a locked display case or behind the counter. Prohibits retailers from knowingly selling a drug product or combination of drug products to an individual if such products would surpass a total of more than 3.6 grams within a 24-hour period or 9 grams within a 30-day period of ephedrine or pseudoephedrine base. This section does not apply to products dispensed pursuant to a valid prescription.</p> <p>§ 318-B:49 (electronic registry system) – requires retail establishments to use an electronic registry system to record the sale of products containing ephedrine or pseudoephedrine. Purchasers shall present a valid government-issued photo identification, and the retail establishment shall record the name and address of the purchaser, the name and quantity of product sold, the date and time of purchase, and the name of the person selling or furnishing the product.</p> <p>§ 318-B:50 (penalty; exemption) – a violation of this act is a class A misdemeanor.</p>

<u>NEW HAMPSHIRE</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 318-B:26 – except as otherwise authorized by law, no person shall manufacture, sell, prescribe, administer, or transport, or possess with intent to sell, dispense, or compound any controlled drug. If the substance is methamphetamine in a quantity of:</p> <ol style="list-style-type: none"> (1) 5 ounces or more, for a first offense, a person shall be sentenced to a maximum term of imprisonment of not more than 30 years, a fine of not more than \$500,000, or both. For a second or subsequent offense, such person may be sentenced to a maximum term of life imprisonment, a fine of not more than \$500,000, or both; (2) 1 ounce or more, for a first offense, a person may be sentenced to a maximum term of imprisonment of not more than 20 years, a fine of not more than \$300,000, or both. For a second or subsequent offense, may be sentenced to a term of imprisonment of not more than 40 years, a fine of not more than \$500,000, or both; or (3) Less than 1 ounce, for a first offense, a person may be sentenced to a maximum term of imprisonment of not more than seven years, a fine of not more than \$100,000, or both. For a second or subsequent offense, a term of imprisonment of not more than 15 years, a fine of not more than \$200,000, or both. <p>Any person who manufactures, sells, or dispenses methamphetamine is strictly liable for a death which results from the injection, inhalation, or ingestion of that substance, and may be sentenced to imprisonment for life.</p> <p>§ 318-D:2 (manufacture of methamphetamine) – it is unlawful for any person to knowingly manufacture or attempt to manufacture methamphetamine. A person is guilty of an attempt to manufacture methamphetamine if the person, with intent to manufacture methamphetamine, engages in any conduct that is an act constituting a substantial step toward the commission of the crime or possesses one or more precursor substances, including ephedrine or pseudoephedrine, with the intent to manufacture methamphetamine. A person convicted under this section may be imprisoned for not more than 30 years, a fine of not more than \$500,000, or both. A second or subsequent offense is punishable by a term of imprisonment of</p>

<u>NEW HAMPSHIRE</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>not less than five years or more than life, a fine of not more than \$500,000, or both.</p> <p>§ 318-D:3 (injury resulting from the manufacture of methamphetamine) – a person is guilty of an offense if that person recklessly causes serious bodily injury to a law enforcement officer, firefighter, emergency medical technician, ambulance operator, ambulance attendant, or social worker, civilian government employee, or hazardous material contractor acting in his or her official duties, as a result of the hazards posed by the person's conduct in manufacturing or attempting to manufacture methamphetamine. A person convicted under this section may be sentenced to imprisonment for not more than 20 years, or a fine of not more than \$300,000, or both.</p> <p>§ 639-A:2 (prohibited conduct) – no person shall knowingly engage in any of the following activities in the presence of a child or vulnerable adult; in the residence of a child or vulnerable adult; in a building, structure, conveyance, or outdoor location where a child or vulnerable adult might reasonably be expected to be present; within any drug-free school zone; in a room offered to the public for overnight accommodation; or in any multiple unit residential building:</p> <ol style="list-style-type: none"> (1) Manufacturing or attempting to manufacture methamphetamine; (2) Storing any chemical substance; (3) Storing or disposing of any methamphetamine waste products; or (4) Storing or disposing of any methamphetamine paraphernalia. <p>No person shall knowingly cause or permit a child or vulnerable adult to inhale, be exposed to, have contact with, or ingest methamphetamine, a chemical substance, or methamphetamine paraphernalia, nor knowingly cause or permit a child or vulnerable adult to buy or obtain methamphetamine paraphernalia.</p> <p>§ 639-A:3 (penalties) – a person convicted of violating § 639-A:2 shall be guilty of a felony and may be sentenced to imprisonment for not more than five years or a fine of up to \$10,000, or both.</p>

<u>NEW HAMPSHIRE</u>	
Methamphetamine cleanup and disposal	<p>§ 318-D:2 (manufacture of methamphetamine) – a court may require a person convicted of manufacturing or attempting to manufacture methamphetamine, where the response to the crime involved an emergency response or a hazardous substance cleanup operation, to pay restitution to all public entities, or private entities under contract to a public entity, that participated in the response or cleanup. The restitution shall cover the reasonable costs of the entities’ participation in the response and the reasonable costs of site cleanup. In addition, the court may require a person to pay restitution to the property owner who incurred removal or remediation costs.</p> <p>§ 477:4-g – in any purchase and sale agreement, lease agreement, or rental agreement before signing an agreement to sell, transfer, lease, or rent real property for the time period after any conduct prohibited under N.H. Rev. Stat. Ann. § 318-D has occurred on such property and prior to the determination by the department of environmental services that the property meets remediation cleanup standards, the seller, transferor, lessor, or owner to disclose in writing to the buyer, transferee, lessee, or occupant if, to the seller’s, transferor’s, lessor’s, or owner’s knowledge, methamphetamine production has occurred on the property. The department of environmental services or any licensed environmental or hazardous substances removal specialist shall be responsible for determining that property on which methamphetamine production has occurred meets remediation cleanup standards.</p>
Other statutory provisions of note	None.
Recently proposed legislation	Yes. See Pending State Legislation .

<u>NEW JERSEY</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • N.J. STAT. ANN. §§ 2C:35-3 to 2C:35-5 (West 2023) (included within “Controlled Dangerous Substances”) • N.J. STAT. ANN. §§ 2C:35-6 to 2C:35-10 (West 2023) (included within “Controlled Dangerous Substances”) • N.J. STAT. ANN. §§ 2C:35-25 to 2C:35-28 (West 2023) (included within “Controlled Dangerous Substances”)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • July 9, 1987 (§ 2C:35-9) • January 28, 1988 (§ 2C:35-8) • August 1, 1997 (§§ 2C:35-4.1 and 2C:35-6) • January 9, 1998 (§ 2C:35-7.1) • June 25, 1999 (§§ 2C:35-3 to 2C:35-4) • November 1, 2000 (§ 2C:35-5) • November 22, 2005 (§§ 2C:35-25 to 2C:35-28) • January 12, 2010 (§ 2C:35-7) • February 22, 2021 (§ 2C:35-10)
Restrictions placed on precursors	<p>§ 2C:35-25 (restrictions on retail sales of ephedrine products; disorderly persons offense; exceptions) – except as otherwise provided, no person shall sell, offer for sale, or purchase in any single transaction more than:</p> <ol style="list-style-type: none"> (1) Three packages, or any number of packages that contain a total of 9 grams, of any drug containing a sole active ingredient of ephedrine or pseudoephedrine; or (2) Three packages of any combination drug containing, as one of its active ingredients, ephedrine or pseudoephedrine, or any number of packages of such combination drug that contain a total of 9 grams of ephedrine or pseudoephedrine. <p>A violation is a disorderly persons offense. This does not apply to a drug dispensed pursuant to a valid prescription.</p> <p>§ 2C:35-26 (reporting loss of ephedrine products to law enforcement authorities) – requires every pharmacy, store, and other retail mercantile establishment to promptly tell local law enforcement the confirmed report or actual knowledge of a loss of 30 or more grams of any drug containing a sole active ingredient of ephedrine, pseudoephedrine, phenylpropanolamine.</p> <p>§ 2C:35-27 (possession of certain amounts of ephedrine products to give rise to permissive inference of purpose to create methamphetamine) – proof that a person has more than</p>

<u>NEW JERSEY</u>	
Restrictions placed on precursors (cont'd)	<p>30 grams or 10 packages of any drug containing a sole active ingredient of ephedrine or pseudoephedrine gives rise to a permissive inference by the trier of fact that the person acted with a purpose to create methamphetamine.</p> <p>§ 2C:35-28 (unlawful possession of precursor with intent to manufacture methamphetamine; crime of second degree) – provides that a person is guilty of the crime of unlawful possession of a precursor if he or she possesses certain precursors with the intent to manufacture methamphetamine. A violation is a crime of the second degree.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 2C:35-3 (leader of narcotics trafficking network) – a person is a leader of a narcotics trafficking network if he or she conspires with two or more others in a scheme or course of conduct to unlawfully manufacture, distribute, dispense, bring into or transport in New Jersey certain controlled substances, including methamphetamine, as a financier, or as an organizer, supervisor or manager of at least one other person. The offense is a crime of the first degree and, upon conviction, a person shall be sentenced to an ordinary term of life imprisonment. The court may also impose a fine of not more than \$750,000 or five times greater than the street value of the substance, whichever is greater.</p> <p>§ 2C:35-4 (maintaining or operating a controlled dangerous substance production facility) – any person who knowingly maintains or operates any premises, place, or facility used for the manufacture of methamphetamine, or any person who knowingly aids, promotes, finances, or otherwise participates in the maintenance or operations of such premises, place, or facility, is guilty of a crime of the first degree.</p> <p>§ 2C:35-4.1 (booby traps in manufacturing or distribution facilities; fortified premises) – any person who knowingly assembles, maintains, places, or causes to be placed a booby trap on property used for the manufacture, distribution, dispensing, or possession, or control with intent to manufacture, distribute, or dispense controlled dangerous substances in violation of this chapter shall be guilty of a crime in the second degree. if the trap causes bodily injury to any person, it is a crime of the first degree.</p> <p>Any person who fortifies or maintains in a fortified condition a structure for the manufacture, distribution, dispensing, or</p>

<u>NEW JERSEY</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>possession, or control with intent to manufacture, distribute, or dispense controlled dangerous substances is guilty of a crime of the third degree. A structure has been fortified if steel doors, wooden planking, cross bars, alarm systems, dogs, lookouts, or other means are employed to prevent, impede, delay, or provide warning of the entry into a structure or part of a structure by law enforcement officers.</p> <p>§ 2C:35-5 (manufacturing, distributing, or dispensing) – except as otherwise authorized by law, it is unlawful for any person knowingly or purposely to manufacture, distribute, or dispense or to possess or have under his control with intent to manufacture, distribute, or dispense, a controlled dangerous substance, including methamphetamine. If the violation involves methamphetamine in a quantity of:</p> <ol style="list-style-type: none"> (1) 5 ounces or more, it is a crime of the first degree and a fine of up to \$300,000 may be imposed; (2) One-half ounce or more but less than 5 ounces, it is a crime of the second degree; or (3) Less than one-half ounce, it is a crime of the third degree and a fine of up to \$75,000 may be imposed. <p>§ 2C:35-6 (employing a juvenile in a drug distribution scheme) – any person who is at least 18 years of age who knowingly uses, solicits, directs, hire, or employs a person 17 years of age or younger to violate §§ 2C:35-4 or -5 is guilty of a crime of the second degree and shall, except as otherwise provided by law, be sentenced to a term of imprisonment of not less than one-third and one-half of the sentence imposed, or five years, whichever is greater. The court may also impose a fine not to exceed \$500,000 or five times the street value of the substance involved, whichever is greater.</p> <p>§ 2C:35-7 (distributing, dispensing, or possessing controlled dangerous substance or controlled substance analog on or within 1,000 feet of school property or bus; penalty; defenses; approved or revised map; prima facie evidence; official record) – any person who violates § 2C:35-5 by distributing, dispensing, or possessing with intent to distribute a controlled substance while on any school property used for school purposes which is owned by or leased to any elementary or secondary school or school board, or within 1,000 feet of such school property or a school bus, or while on any school bus, is</p>

<u>NEW JERSEY</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>guilty of a crime of the third degree and shall be sentenced to a term of imprisonment, which shall include the imposition of a minimum term which shall be fixed at, or between, one-third and one-half of the sentence imposed, or three years, whichever is greater. It is an affirmative defense that the prohibited conduct took place entirely within a private residence, that no person 17 years or younger was present during the commission of the offense, and that the conduct did not involve distributing, dispensing, or possessing with intent to distribute or dispense any controlled dangerous substance.</p> <p>§ 2C:35-7.1 (distributing, dispensing, or possessing controlled substances; proximity to public housing facilities, parks, or buildings) – any person who violates § 2C:35-5 by distributing, dispensing, or possessing with intent to distribute a controlled substance while in, on, or within 500 feet of the real property comprising a public housing facility, a public park, or a public building is guilty of a crime of the second degree. It is an affirmative defense that the prohibited conduct did not involve distributing, dispensing, or possessing with intent to distribute or dispense any controlled dangerous substance for profit, and that the conduct did not involve distribution to a person 17 years of age or younger.</p> <p>§ 2C:35-8 (distribution to persons under age 18; enhanced punishment) – upon application of the prosecuting attorney, any person being at least 18 years of age who is convicted of violating § 2C:25-5 by distributing a controlled substance to a pregnant female or a person 17 years of age or younger, shall be subject to twice the term of imprisonment, fine, and penalty.</p> <p>§ 2C:35-9 (strict liability for drug-induced deaths) – provides that any person who manufactures, distributes, or dispenses methamphetamine in violation of 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. It is not a defense to prosecution under this section that the decedent contributed to his own death by his purposeful, knowing, reckless, or negligent injection, inhalation, or ingestion of the substance, or by his consenting to the administration of the substance by another.</p>

<u>NEW JERSEY</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 2C:35-10 (possession, use or being under the influence, or failure to make lawful disposition) – makes it unlawful for any person, knowingly or purposely, to obtain, or to possess, actually or constructively, a controlled dangerous substance unless the substance was obtained directly, or pursuant to a valid prescription. A violation with regard to a Schedule II substance, including methamphetamine, is guilty of a crime of the third degree and a fine of up to \$35,000 may be imposed.</p> <p>Any person who violates this section while on any property used for school purposes which is owned or leased to any elementary or secondary school or school board, or within 1,000 feet of any such school property, or a school bus, or while on any school bus, and who is not sentenced to a term of imprisonment shall, in addition to any other sentence the court may impose, be required to perform not less than 100 hours of community service.</p>
Methamphetamine cleanup and disposal	None.
Other statutory provisions of note	None.
Recently proposed legislation	Yes. See Pending State Legislation .

<u>NEW MEXICO</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • N.M. STAT. ANN. § 30-6-1 (West 2024) (abandonment or abuse of a child) • N.M. STAT. ANN. § 30-31-10 (West 2024) (Schedule V) • N.M. STAT. ANN. §§ 30-31-20 to 30-31-23 (West 2024) (included within “Controlled Substances”) • N.M. STAT. ANN. §§ 30-31B-1 to 30-31B-18 (West 2024) (collectively “Drug Precursors”) • N.M. CODE R. § 16.19.20.53 (2024) (dispensing without prescription) • N.M. CODE R. §§ 20.4.5.1 to 20.4.5.21 (2024) (collectively “Clandestine Drug Laboratory Remediation”)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • July 1, 2004 (§§ 30-31B-1 to 30-31B-18) • July 1, 2006 (§§ 30-31-10, 30-31-20) • January 1, 2008 (r. 20.4.5.1 to 20.4.5.21) • June 19, 2009 (§ 30-6-1) • December 17, 2019 (r. 16.19.20.53) • June 29, 2021 (§§ 30-31-21 to 30-31-23)
Restrictions placed on precursors	<p>§ 30-31-10 – Schedule V includes any compound, mixture, or preparation that contains any detectable quantity of pseudoephedrine, which shall only be dispensed, sold, or distributed by a licensed pharmacist, pharmacist intern, or registered pharmacy technician. Unless pursuant to a valid prescription, a person purchasing, receiving, or otherwise acquiring the compound, mixture, or preparation shall produce a valid government-issued photo identification showing the date of birth of the person, sign a written log indicating the date of the transaction, name of the purchaser, name of the seller, product sold and quantity of pseudoephedrine purchased, and be limited to no more than 9 grams within any 30-day period.</p> <p>The board may exempt a product containing pseudoephedrine from Schedule V if the board determines the product is formulated so as to effectively prevent conversion into methamphetamine.</p> <p>§§ 30-31B-1 to 30-31B-18 – these statutes address certain listed drug precursors, which include ephedrine and pseudoephedrine, and include prohibited acts and penalties. The definition of “drug precursor” set forth in N.M. STAT. ANN. § 30-31B-2 excludes those substances, materials, compounds, mixtures, or preparations that are prepared for dispensing pursuant to a prescription or over-the-counter distribution as a substance that</p>

<u>NEW MEXICO</u>	
Restrictions placed on precursors (cont'd)	<p>is generally recognized as safe and effective. Additionally, note that a state appellate-level court concluded that over-the-counter pseudoephedrine cold tablets are not “drug precursors” under the “Drug Precursor Act.” <i>New Mexico v. Vance</i>, 145 N.M. 706, 204 P.3d 31 (N.M. Ct. App. 2008).</p> <p>16.19.20.53 – any pseudoephedrine containing product listed as a Schedule V substance shall be dispensed, sold, or distributed only by a licensed pharmacist, pharmacist intern, or a registered pharmacy technician. Unless pursuant to a valid prescription, a person purchasing, receiving, or otherwise acquiring the compound, mixture, or preparation shall produce a valid government-issued photo identification showing the person’s date of birth and shall sign a log that includes the date and time of the transaction, name and address of the purchaser, name of the seller, the product and quantity sold. The purchaser shall be limited to no more than 3.6 grams per day or more than 9 total grams within a 30-day period.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 30-6-1 – the following is abuse of a child:</p> <ol style="list-style-type: none"> (1) Evidence that demonstrates that a child has been knowingly, intentionally, or negligently allowed to enter or remain in a motor vehicle, building, or any other premises that contains chemicals and equipment used or intended for use in the manufacture of a controlled substance shall be prima facie evidence of abuse of the child. (2) 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>§ 30-31-20 (trafficking controlled substances; violation) “Traffic” means: (1) the manufacture of a controlled substance in Schedules I – V; (2) distribution, sale, barter, or giving away of methamphetamine; and (3) possession with intent to distribute methamphetamine.</p> <p>Except as otherwise authorized by law, it is unlawful for a person to intentionally traffic. A person who violates this section as a first offense is guilty of a second degree felony. For a second or subsequent offense, it is a first degree felony. A person who knowingly violates this section within a drug-free</p>

<u>NEW MEXICO</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>school zone excluding private property residentially zoned or used primarily as a residence is guilty of a first degree felony.</p> <p>§ 30-31-21 (distribution to a minor) – no person who is 18 years or older shall intentionally distribute a controlled substance to a person under the age of 18. A violation is a second degree felony for a first offense and a first degree felony for a second or subsequent offense.</p> <p>§ 30-31-22 (controlled or counterfeit substances; distribution prohibited) – it is unlawful to intentionally distribute or possess with intent to distribute methamphetamine. A violation is a third degree felony for a first offense. A second or subsequent offense is a second degree felony. A person who violates this section in a drug-free school zone is guilty of a second degree felony for a first offense. A second or subsequent offense is a first degree felony.</p> <p>§ 30-31-23 (controlled substances; possession prohibited) – it is unlawful for a person intentionally to possess a controlled substance unless such substance was obtained pursuant to a lawful prescription. A person who violates this section with regard to methamphetamine is guilty of a fourth degree felony. A person who violates this section while within a posted drug-free school zone, excluding private property residentially zoned or used primarily as a residence and excluding a person in or on a motor vehicle in transit through the posted drug-free zone with respect to any amount of a controlled substance enumerated in Schedule II, including methamphetamine, is guilty of a fourth degree felony.</p>
Methamphetamine cleanup and disposal	20.4.5.1 to 20.4.5.21 – these rules apply to all law enforcement agencies who discover a clandestine drug laboratory, all persons who own a clandestine drug laboratory property, and all persons engaging in remediation of a clandestine drug laboratory. Upon identification by a law enforcement agency of a clandestine drug laboratory where chemicals and equipment were removed or residual contamination was observed, the property is presumed to constitute a site of a hazardous substance incident and a public nuisance until required remediation is completed.
Other statutory provisions of note	None.

<u>NEW MEXICO</u>	
Recently proposed legislation	Yes. See Pending State Legislation .

<u>NEW YORK</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • N.Y. EXEC. LAW §§ 221-c and 221-d (McKinney 2024) (included within “Division of State Police”) • N.Y. GEN. MUN. LAW § 209-dd (McKinney 2024) (discovery of unlawful drug laboratory) • N.Y. MENTAL HYG. LAW § 19.27 (McKinney 2024) (methamphetamine awareness and education program) • N.Y. PENAL LAW §§ 220.03 to 220.18 (McKinney 2024) (included within “Controlled Substances Offenses”) • N.Y. PENAL LAW §§ 220.28 to 220.41 (McKinney 2024) (included within “Controlled Substances Offenses”) • N.Y. PENAL LAW § 220.44 (McKinney 2024) (criminal sale of a controlled substance in or near school grounds) • N.Y. PENAL LAW § 220.48 (McKinney 2024) (criminal sale of a controlled substance to a child) • N.Y. PENAL LAW §§ 220.70 to 220.76 (McKinney 2024) (included within “Controlled Substances Offenses”) • N.Y. PUB. HEALTH LAW § 3384 (McKinney 2024) (information program for retailers)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • 1979 (§ 220.31) • 1985 (§ 220.06) • June 10, 1995 (§§ 220.09 to 220.18, 220.39 to 220.41) • October 1, 2005 (§§ 209-dd, 221-c, 221-d, and 220.70 to 220.76) • November 1, 2005 (§§ 19.27 and 3384) • September 1, 2006 (§§ 220.34 and 220.44) • November 1, 2006 (§ 220.28) • November 1, 2009 (§ 220.48) • October 7, 2021 (§ 220.03)
Restrictions placed on precursors	PUB. HEALTH LAW § 3384 – requires the state Department of Health to develop and maintain a program to inform retailers about the methamphetamine problem in New York State.
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>PENAL LAW § 220.03 (criminal possession of a controlled substance in the seventh degree) – a person is guilty of criminal possession of a controlled substance in the seventh degree when he or she knowingly and unlawfully possesses a controlled substance. It is not a violation of this section when a person possesses a residual amount of a controlled substance and that residue is in or on a hypodermic syringe or needle. Violation is a class A misdemeanor.</p> <p>PENAL LAW § 220.06 (criminal possession of a controlled substance in the fifth degree) – a person is guilty of criminal possession of a controlled substance in the fifth degree if the</p>

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>person knowingly and unlawfully possesses a controlled substance with intent to sell it. Violation is a class D felony.</p> <p>PENAL LAW § 220.09 (criminal possession of a controlled substance in the fourth degree) – a person is guilty of criminal possession in the fourth degree when he or she knowingly and unlawfully possesses one or more preparations, compounds, mixtures, or substances containing methamphetamine in an aggregate weight of one-half ounce or more. Violation is a class C felony.</p> <p>PENAL LAW § 220.16 (criminal possession of a controlled substance in the third degree) – a person is guilty of criminal possession of a controlled substance in the third degree if he or she knowingly and unlawfully possesses one or more preparations, compounds, mixtures, or substances containing methamphetamine which are of an aggregate weight of one-eighth ounce or more. Violation is a class B felony.</p> <p>PENAL LAW § 220.18 (criminal possession of a controlled substance in the second degree) – a person is guilty of criminal possession of a controlled substance in the second degree if he or she knowingly or unlawfully possesses one or more preparations, compounds, mixtures, or substances containing methamphetamine in an aggregate weight of two ounces or more. Violation is a class A-II felony.</p> <p>PENAL LAW § 220.28 (use of a child to commit a controlled substance offense) – a person is guilty of use of a child to commit a controlled substance offense when, being 18 years old or more, he or she commits a felony sale or felony attempted sale of a controlled substance in violation of this article and, as part of that criminal transaction, knowingly uses a child to effectuate such felony sale or attempted sale of such controlled substance. As used in this section, “child” means a person less than 16 years of age. Violation is a class E felony.</p> <p>PENAL LAW § 220.31 (criminal sale of a controlled substance in the fifth degree) – a person is guilty of criminal sale of a controlled substance in the fifth degree when he knowingly and unlawfully sells a controlled substance. Violation is a class D felony.</p>

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	PENAL LAW § 220.34 (criminal sale of a controlled substance in the fourth degree) – a person is guilty of criminal sale of a controlled substance in the fourth degree when the person knowingly and unlawfully sells a controlled substance in violation of § 220.31 when such sale takes place upon school grounds or on a school bus, or when such sale takes place upon the grounds of a child day care or educational facility under circumstances evincing knowledge by the defendant that such sale is taking place upon such grounds. A violation is a class C felony.
	PENAL LAW § 220.39 (criminal sale of a controlled substance in the third degree) – a person is guilty of criminal sale of a controlled substance in the third degree when the person knowingly and unlawfully sells one or more preparations, compounds, mixtures, or substances containing methamphetamine in an aggregate weight of one-eighth ounce or more. Violation is a class B felony.
	PENAL LAW § 220.41 (criminal sale of a controlled substance in the second degree) – a person is guilty of criminal sale of a controlled substance in the second degree when the person knowingly and unlawfully sells one or more preparations, compounds, mixtures, or substances containing methamphetamine in an aggregate weight of one-half ounce or more. Violation is a class A-II felony.
	PENAL LAW § 220.44 – a person is guilty of criminal sale of a controlled substance in or near school grounds when he or she knowingly and unlawfully sells a controlled substance in violation of § 220.39 when such sale takes place upon school grounds or on a school bus, or upon the grounds of a child day care or educational facility under circumstances evincing knowledge that such sale is taking place upon such grounds. Violation is a class B felony.
	PENAL LAW § 220.48 – a person is guilty of criminal sale of a controlled substance to a child when, being over 21 years of age, he or she knowingly and unlawfully sells a controlled substance in violation of §§ 220.34 or 220.39 to a person less than 17 years old. Violation is a class B felony.
	PENAL LAW § 220.70 (criminal possession of methamphetamine manufacturing material in the second

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>degree) – a person is guilty of criminal possession of methamphetamine manufacturing material in the second degree when he or she possesses a precursor, a chemical reagent, or a solvent to unlawfully produce, prepare, or manufacture methamphetamine. Violation is a class A misdemeanor.</p> <p>PENAL LAW § 220.71 (criminal possession of methamphetamine manufacturing material in the first degree) – a person is guilty of criminal possession of methamphetamine manufacturing material in the first degree when he or she violates § 220.70 and has previously been convicted within the preceding five years of a violation of §§ 220.70 or 220.71. Criminal possession of methamphetamine manufacturing material in the first degree is a class E felony.</p> <p>PENAL LAW § 220.72 (criminal possession of precursors of methamphetamine) – a person is guilty of criminal possession of precursors of methamphetamine when he or she possesses at the same time a precursor and a solvent or chemical reagent with intent to use or knowing that another intends to use each such precursor, solvent, or chemical reagent to unlawfully manufacture methamphetamine. Violation is a class E felony.</p> <p>PENAL LAW § 220.73 (unlawful manufacture of methamphetamine in the third degree) – a person is guilty of unlawful manufacture of methamphetamine in the third degree when he or she possesses at the same time and location:</p> <ol style="list-style-type: none"> (1) Two or more items of laboratory equipment and two or more precursors, reagents, or solvents in any combination; or (2) One item of laboratory equipment and three or more precursors, reagents, or solvents in any combination; or (3) A precursor mixed together with a reagent or solvent, or a precursor with two or more chemical reagents and/or solvents mixed together <p>with intent to use or knowing that another intends to use each such product to unlawfully manufacture, prepare, or produce methamphetamine. A violation is a class D felony.</p> <p>PENAL LAW § 220.74 (unlawful manufacture of methamphetamine in the second degree) – a person is guilty of</p>

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>unlawful manufacture of methamphetamine in the second degree when he or she:</p> <ol style="list-style-type: none"> (1) Violates § 220.73 in the presence of another person under the age of 16 and the actor is at least five years older than such minor; or (2) Violates § 220.73 and has previously been convicted in the preceding five years of a violation of §§ 220.73, 220.72, 220.71, 220.75, or 220.76. <p>Violation is a class C felony.</p> <p>PENAL LAW § 220.75 (unlawful manufacture of methamphetamine in the first degree) – a person is guilty of unlawful manufacture of methamphetamine in the first degree when such person violates § 220.74 after having been previously convicted within the preceding five years of a violation of §§ 220.73, 220.74, or this section. A violation is a class B felony.</p>
Methamphetamine cleanup and disposal	<p>PENAL LAW § 220.76 (unlawful disposal of methamphetamine laboratory material) – a person is guilty of unlawful disposal of methamphetamine laboratory material when, knowing that such actions are in furtherance of a methamphetamine operation, he or she knowingly disposes of hazardous or dangerous material under circumstances that create a substantial risk to human health or safety or a substantial danger to the environment. A violation is a class E felony.</p>
Other statutory provisions of note	<p>EXEC. LAW § 221-c (statewide repository of data relating to unlawful methamphetamine laboratories) – requires the division of state police to maintain a statewide repository of data relating to unlawful methamphetamine laboratories and develop and implement a program to provide for the collection of data and the reporting thereof by law enforcement agencies.</p> <p>EXEC. LAW § 221-d (discovery of an unlawful methamphetamine laboratory) – requires law enforcement to notify the division of state policy regarding the location of a discovered methamphetamine lab. Requires the division of state police to notify the Department of Environment Conservation of the same.</p> <p>GEN. MUN. LAW § 209-dd – provides that all emergency services personnel shall be provided with information on</p>

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Other statutory provisions of note (cont'd)	recognizing the signs of an unlawful methamphetamine laboratory. MENTAL HYG. LAW § 19.27 – 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.
Recently proposed legislation	None.

<u>NORTH CAROLINA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • N.C. GEN. STAT. ANN. § 14-18.4 (West 2023) (death by distribution of certain controlled substances; aggravated death by distribution of certain controlled substances; penalties) • N.C. GEN. STAT. ANN. § 15A-534.6 (West 2023) (bail in cases of manufacture of methamphetamine) • N.C. GEN. STAT. ANN. § 15A-1340.16 (West 2023) (aggravated and mitigated sentences) • N.C. GEN. STAT. ANN. § 15A-1340.16D (West 2023) (manufacturing methamphetamine; enhanced sentence) • N.C. GEN. STAT. ANN. §§ 90-95 and 90-95.3 to 90-95.7 (West 2023) (included within “North Carolina Controlled Substances Act”) • N.C. GEN. STAT. ANN. § 90-98 (West 2023) (attempt and conspiracy; penalties) • N.C. GEN. STAT. ANN. §§ 90-113.50 to 90-113.56 (West 2023) (collectively “Control of Methamphetamine Precursors”) • N.C. GEN. STAT. ANN. § 90-113.64 (West 2023) (SBI annual report) • N.C. GEN. STAT. ANN. § 114-43 (West 2023) (Methamphetamine Watch Program—good faith actions immune from civil and criminal liability) • N.C. GEN. STAT. ANN. § 130A-284 (West 2023) (decontamination of property used for the manufacture of methamphetamine) • N.C. GEN. STAT. ANN. § 143B-1208.11 (West 2023) (study and report on use of pseudoephedrine products to make methamphetamine) • 10A N.C. ADMIN. CODE 41D.0101 to 41D.0105 (2024) (collectively “Methamphetamine Decontamination”)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • December 1, 1997 (§ 90-98) • January 1, 1999 (§§ 90-95.3 to 90-90.7) • August 3, 2004 (§ 114-43) • December 1, 2004 (§ 15A-1340.16) • January 1, 2005 (§ 134A-284) • January 15, 2006 (§§ 15A-534.6, 90-113.50, and 90-113.55) • January 1, 2012 (§§ 90-113.52A and 90-113.56) • June 20, 2012 (§§ 90-113.52 and 90-113.53) • July 17, 2012 (§ 90-113.54) • December 1, 2013 (§ 15A-1340.16D) • December 1, 2020 (§ 90-95) • July 22, 2021 (§ 90-113.64) • December 1, 2023 (§§ 14-18.4 and 143B-1208.11)

<u>NORTH CAROLINA</u>	
Restrictions placed on precursors	<p>§ 90-113.52 (pseudoephedrine: restrictions on sales) – requires that pseudoephedrine products be sold in blister packages. Any pseudoephedrine products containing pseudoephedrine as the sole active ingredient or in combination with other active ingredients shall be stored and sold behind a pharmacy counter. Provides that a pseudoephedrine product may be sold without a prescription to individuals at least 18 years of age. Purchasers must furnish a valid government-issued photo identification. The retailer shall enter the purchaser's name and address, the product purchased, including the number of grams, and the purchase date of the transaction into a record of disposition which the purchaser shall sign.</p> <p>§ 90-113.52A (electronic record keeping) – requires that retailers submit required information to the NPLeX system prior to sale of a pseudoephedrine product. Requires that the system generate a stop sale alert.</p> <p>§ 90-113.53 (pseudoephedrine transaction limits) – no person may deliver, or attempt to deliver, to any one person, or purchase or attempt to purchase, at retail more than 3.6 grams of any pseudoephedrine product per calendar day unless such product is dispensed pursuant to a valid prescription. No person shall purchase at retail more than 9 grams of pseudoephedrine products within a 30-day period unless such product is dispensed pursuant to a valid prescription.</p> <p>§ 90-113.56 (penalties) – if a retailer willfully and knowingly violates the provisions of §§ 90-113.52 to 90-113.54, the retailer shall be guilty of a class A1 misdemeanor for a first offense or a Class I felony for a second or subsequent offense. A retailer convicted of a third offense occurring on the premises of a single establishment shall be prohibited from selling pseudoephedrine products at that establishment.</p> <p>Any purchaser who willfully and knowingly violates §§ 90-113.52A, 90-113.52, or 90-113.53 shall be guilty of a Class 1 misdemeanor for the first offense, a Class A1 misdemeanor for a second offense, and a Class I felony for a third or subsequent offense. This subsection does not apply to bona fide innocent purchasers.</p>

<u>NORTH CAROLINA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 14-18.4 – a person is guilty of death by distribution through unlawful delivery of certain controlled substances, including methamphetamine, a Class C felony, if the person:</p> <ol style="list-style-type: none"> (1) Unlawfully delivers at least one certain controlled substance; (2) The ingestion causes the death of the user; and (3) The commission of the offense was the proximate cause of the victim’s death. <p>A person is guilty of death by distribution through unlawful delivery with malice of certain controlled substances, a Class B2 felony, if the person meets the requirements listed in (1) – (3) above and acted with malice.</p> <p>A person is guilty of death by distribution through unlawful sale of certain controlled substances, a Class B2 felony, if the person:</p> <ol style="list-style-type: none"> (1) Unlawfully sells at least one certain controlled substance; (2) The ingestion causes the death of the user; and (3) The commission of the offense was the proximate cause of the victim’s death. <p>A person is guilty of aggravated death by distribution through unlawful sale of certain controlled substances, a Class B1 felony, if the person meets the requirements of (1) – (3) listed above and the person has a previous controlled substance-related conviction within 10 years of the date of the offense.</p> <p>§ 15A-1340.16 – includes: (1) sale or delivery of a controlled substance to a minor; (2) the manufacture of methamphetamine 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 (3) the manufacture of methamphetamine committed in a dwelling that is one of four or more contiguous dwellings as aggravating factors that can be used to determine sentencing.</p> <p>§ 15A-1340.16D – if a person is convicted of the offense of manufacture of methamphetamine and it is found that:</p> <ol style="list-style-type: none"> (1) A law enforcement officer, probation officer, parole

<u>NORTH CAROLINA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>officer, emergency medical services employee, or firefighter suffered serious injury while discharging or attempting to discharge his or her official duties and that the injury was directly caused by one of the hazards associated with the manufacture of methamphetamine;</p> <p>(2) A minor under 18 years of age resided on the property used for the manufacture of methamphetamine, or was present at the location;</p> <p>(3) A disabled or elderly adult resided on the property used for the manufacture of methamphetamine, or was present at a location where methamphetamine was being manufactured,</p> <p>the person shall have the minimum term of imprisonment to which the person is sentenced increased by 24 months.</p> <p>If a person is convicted of the offense of manufacture of methamphetamine and it is found that a minor and a disabled adult resided on the property, or were present at a location where methamphetamine was being manufactured, the person shall have the minimum term of imprisonment to which the person is sentenced increased by 48 months.</p> <p>This section does not apply if the offense is packaging or repackaging methamphetamine or labeling or relabeling a methamphetamine container.</p> <p>§ 90-95 (violations; penalties) – except as otherwise authorized by law, it is unlawful for any person to manufacture, sell, or deliver, or possess with intent to manufacture, sell, or deliver a controlled substance. Any person who violates this section with regard to methamphetamine shall be punished as a Class C felony. The offense of packaging or repackaging, or labeling or relabeling, methamphetamine shall be punished as a Class H felony.</p> <p>It is unlawful for any person to create, sell, or deliver, or possess with intent to sell or deliver a controlled substance. Violation of this section shall be punished as a Class I felony.</p> <p>It is unlawful for any person to possess a controlled substance. A person who violates this section with regard to methamphetamine shall be punishable as a Class I felony.</p>

<u>NORTH CAROLINA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>It is unlawful for any person to possess a pseudoephedrine product if the person has a prior conviction for the possession of methamphetamine, possession with intent to sell or deliver methamphetamine, sell or deliver methamphetamine, trafficking methamphetamine, possession of an immediate precursor, or manufacture of methamphetamine. Except as otherwise provided, violation is a Class H felony.</p> <p>It is unlawful for any person to possess an immediate precursor with intent to manufacture methamphetamine or possess or distribute an immediate precursor chemical knowing, or having reasonable cause to believe, that the immediate precursor will be used to manufacture methamphetamine. A violation is a Class F felony.</p> <p>Provides that the prescribed punishment and degree of offense shall be subject to a list of possible conditions, including enhanced sentences for second and subsequent offenses. Provides that any person 18 years of age or over who sells or delivers a controlled substance to a person under 16 years of age but more than 13, or a pregnant female, shall be punished as a Class D felon. Sale or delivery by a person 18 years of age or older to a person under 13 is a Class C felony. Mistake of age or lack of knowledge of pregnancy is not a defense.</p> <p>Any person 21 years of age or older who manufactures, sells, or delivers, or possesses with intent to manufacture, sell, or deliver a controlled substance on property used for a child care center, an elementary or secondary school, or property that is a public park, or within 1,000 feet of the boundary of real property used for a child care center, for an elementary or secondary school, or for a public park shall be punished as a Class E felon.</p> <p>Further provides that any person who sells, manufactures, delivers, transports, or possesses 28 grams or more of methamphetamine or any mixture containing such substance shall be guilty of a felony known as “trafficking in methamphetamine.” If the quantity of such substance or mixture involved is:</p> <p>(1) 28 grams or more but less than 200 grams, it is a Class F felony punishable by a term of imprisonment of not less than 70 months and not more than 93 months and fined not less than \$50,000;</p>

<u>NORTH CAROLINA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>(2) 200 grams or more but less than 400 grams, it is a Class E felony punishable by a term of imprisonment of not less than 90 months and not more than 120 months and fined not less than \$100,000; or</p> <p>(3) 400 grams or more, it is a Class C felony punishable by a term of imprisonment of not less than 225 months and not more than 282 months and fined at least \$250,000.</p> <p>§ 90-95.4 (employing or intentionally using minor to commit a drug law violation) – provides that a person who is at least 18 years old but less than 21 years who hires or intentionally uses a minor to violate § 90-95(a)(1) shall be guilty of a felony. If the minor was more than 13 years of age, then it shall be punishable as a felony that is one class more severe than that provided for in § 90-95. If the minor was 13 years or younger, then it shall be punishable as a felony that is two classes more severe than that provided for in § 90-95.</p> <p>A person 21 years of age or older who hires or intentionally uses a minor to violation § 90-95(a)(1) shall be guilty of a felony. If the minor was more than 13 years of age, it shall be punishable as a felony three classes more severe than that provided for in § 90-95. If the minor was 13 years or younger, then it shall be punishable as a felony that is four classes more severe than provided for in § 90-95.</p> <p>§ 90-95.5 (civil liability—employing a minor to commit a drug offense) – a person 21 years of age or older who hires, employs, or intentionally uses a person under 18 years of age to commit a violation of § 90-95 is liable in a civil action for damages for drug addiction proximately caused by the violation.</p> <p>§ 90-95.6 (promoting drug sales by a minor) – a person who is 21 years of age or older is guilty of promoting drug sales by a minor if the person knowingly entices, forces, encourages, or otherwise facilitates a minor in violating § 90-95(a)(1) related to manufacture of controlled substances; or supervises, supports, advises, or protects the minor in violating § 90-95(a)(1). Violation is a Class D felony.</p> <p>§ 90-95.7 (participating in a drug violation by a minor) – a person 21 years of age or older who purchases or receives a controlled substance from a minor 13 years of age or younger</p>

<u>NORTH CAROLINA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>who possesses, sells, or delivers the controlled substance in violation of § 90-95(a)(1) is guilty of participating in a drug violation of a minor. Violation is a Class G felony.</p> <p>§ 90-98 – any person who attempts or conspires to commit any offense defined in this article is guilty of an offense that is the same class as the offense which was the object of the attempt or conspiracy.</p>
Methamphetamine cleanup and disposal	<p>§ 90-95.3 (restitution to law enforcement agencies for undercover purchases; restitution for drug analyses; restitution for seizure and cleanup of clandestine laboratories) – when any person is convicted of a controlled substance manufacturing offense, the court must order the person to make restitution for the actual cost of cleanup to the law enforcement agency that cleaned up any clandestine laboratory used to manufacture the controlled substances, including overtime, equipment, and supplies.</p> <p>§ 130A-284 – 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 – these rules implement the provisions of N.C.G.S.A. § 130A-284 by establishing decontamination standards for property that has been used for the manufacture of methamphetamine.</p>
Other statutory provisions of note	<p>§ 15A-534.6 – in all cases in which the defendant is charged with manufacture of methamphetamine, in determining bond and other conditions of release, the court shall consider any evidence that the person is dependent upon or regularly uses methamphetamine.</p> <p>§ 90-113.64 – requires the State Bureau of Investigation to determine the number of methamphetamine laboratories discovered each calendar year and report its findings to the Joint Legislative Oversight Committee on Justice and Public Safety by March 1 each calendar year.</p> <p>§ 114-43 – anyone who, in good faith, files a report with a law enforcement agency concerning the purchase or theft of ingredients used to manufacture methamphetamine, cooperates in any law enforcement investigation concerning the manufacture of methamphetamine, or testifies in any judicial proceeding concerning the manufacture of methamphetamine as</p>

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Other statutory provisions of note (cont'd)	<p>part of a Methamphetamine Watch Program is immune from any civil or criminal liability that might otherwise be incurred or imposed for that action.</p> <p>§ 143B-1208.11 – the State Bureau of Investigation shall study issues regarding the use of pseudoephedrine products to make methamphetamine, including any data on the use of particular pseudoephedrine products in that regard, pertinent law enforcement statistics, trends observed, and other relevant information, and submit an annual report.</p>
Recently proposed legislation	None.

<u>NORTH DAKOTA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • N.D. CENT. CODE ANN. § 19-03.1-22.2 (West 2023) (endangerment of child or vulnerable adult) • N.D. CENT. CODE ANN. § 19-03.1-22.6 (West 2023) (distribution of illegal drugs—special penalty for death or injury) • N.D. CENT. CODE ANN. § 19-03.1-23 (West 2023) (prohibited acts—penalties) • N.D. CENT. CODE ANN. § 19-03.1-23.1 (West 2023) (increased penalties for aggravating factors in drug offenses—penalty) • N.D. CENT. CODE ANN. §§ 19-03.4-01 to 19-03.4-08 (West 2023) (collectively “Drug Paraphernalia”)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • April 12, 2001 (§§ 19-03.4-04 and 19-03.4-05) • April 7, 2003 (§§ 19-03.1-22.2, 19-03.4-01, and 19-03.4-07) • August 1, 2019 (§§ 19-03.1-23 and 19-03.4-03) • August 1, 2021 (§ 19-03.4-08) • August 1, 2023 (§ 19-03.1-23.1) • October 25, 2023 (§ 19-03.1-22.6)
Restrictions placed on precursors	<p>§ 19-03.4-01 (definition—drug paraphernalia) – the definition of drug paraphernalia includes ingredients or components to be used or intended or designed to be used in manufacturing, producing, processing, preparing, testing, or analyzing a controlled substance, including methamphetamine precursor drugs.</p> <p>§ 19-03.4-03 (unlawful possession of drug paraphernalia—penalty) - a person may not use or possess with intent to use drug paraphernalia to manufacture, compound, produce, process, etc., a controlled substance. A violation is a class C felony if the drug paraphernalia is used, or possessed with intent to be used, to manufacture, compound, convert, produce, process, or prepare a controlled substance classified in Schedule II, including methamphetamine.</p> <p>§ 19-03.4-04 (unlawful manufacture or delivery of drug paraphernalia—penalty) – a person may not deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia if that person knows or should reasonably know that the drug paraphernalia will be used to violate the state controlled substances act. Any person violating this section is guilty of a class C felony if the drug paraphernalia will be used to manufacture, compound, convert, produce, process, or prepare a controlled substance classified in Schedule</p>

<u>NORTH DAKOTA</u>	
Restrictions placed on precursors (cont'd)	<p>II, including methamphetamine. Otherwise, a violation is a class A misdemeanor.</p> <p>§ 19-03.4-05 (unlawful delivery of drug paraphernalia to a minor—penalty) – a person 18 years of age or over may not deliver drug paraphernalia to a person under 18 years of age who is at least three years the deliverer’s junior. A violation is a class C felony.</p> <p>§ 19-03.4-07 (prima facie proof of intent) – possession of more than 24 grams of a methamphetamine precursor drug or combination of precursor drugs is prima facie evidence of intent to violate §§ 19-03.4-03 and 19-03.4-04.</p> <p>§ 19-03.4-08 (retail or over-the-counter sale of scheduled listed chemical products—penalty) – the retail sale of scheduled listed chemical products is limited to sales in packages containing not more than a total of 2.4 grams of one or more products, calculated in terms of ephedrine or pseudoephedrine base, and sales in blister packs, each blister containing not more than two dosage units or in unit dose packets or pouches.</p> <p>A person may not deliver in a single over-the-counter sale more than two packages of a scheduled listed chemical product or a combination of scheduled listed chemical products or, without regard to the number of over-the-counter sales, deliver more than a daily amount of 3.6 grams of such product to a purchaser. Further, a person may not purchase more than 9 grams of ephedrine or pseudoephedrine base in a 30-day period.</p> <p>Retailers shall keep such products 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. Purchasers must produce a valid government-issued identification. The seller shall maintain a list of sales that identifies the product by name, the quantity sold, the names and addresses of purchasers, and dates and times of the sales. No product may be sold to a person under the age of 18.</p> <p>Violations range from an infraction to a class A misdemeanor.</p>

<u>NORTH DAKOTA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 19-03.1-22.2 – unless a greater penalty is provided otherwise by law, a person who knowingly or intentionally causes or permits a child or vulnerable adult to be exposed to, to ingest or inhale, or to have contact with a controlled substance is guilty of a class C felony.</p> <p>If such violation results in bodily injury to such child or vulnerable adult by exposure to, ingestion of, inhalation of, or contact with a controlled substance, it is a class B felony. If it results in the death of the child or vulnerable adult, it is a class A felony.</p> <p>§ 19-03.1-22.6 – an individual is guilty of causing death or injury by distributing a controlled substance if the individual willfully delivers a controlled substance, or supplies another to deliver or consume a controlled substance, and an individual dies or is injured from overdosing after consuming a portion of that substance. A violation is a class A felony.</p> <p>§ 19-03.1-23 – except as otherwise authorized by law, it is unlawful for a person to willfully manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance. A person who violates this subsection with respect to methamphetamine is guilty of a class B felony.</p> <p>A person at least 18 years of age who solicits, induces, intimidates, employs, hires, or uses a person under 18 years of age to aid or assist in the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance for the purpose of receiving consideration or payment is guilty of a class B felony.</p> <p>It is unlawful for any person to willfully possess a controlled substance unless obtained pursuant to a valid prescription or as otherwise authorized by law. For a first offense, it is a class A misdemeanor. A second or subsequent offense is a class C felony. If, at the time of the offense, the person is in or on the real property comprising a public or private elementary or secondary school or a public career and technical education school, the person is guilty of a class B felony.</p> <p>§ 19-03.1-23.1 – a person who violates § 19-03.1-23 I subject to enhanced penalties if:</p>

<u>NORTH DAKOTA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>(1) The offense was committed during a school sponsored activity or during the hours of 6am to 10pm if school is in session; the offense involved the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance in, on, or within 300 feet of the real property comprising a preschool facility, a public or private elementary or secondary school, or a public career and technical education school, the defendant was at least 21 years of age at the time of the offense, and the offense involved the delivery of a controlled substance to a minor;</p> <p>(2) The offense involved the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance in, on, or within 300 feet of the real property comprising a public park;</p> <p>(3) The offense involved 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine;</p> <p>(4) The defendant had a firearm in the defendant's actual possession at the time of the offense; or</p> <p>(5) The defendant sells, distributes, delivers, or conspires to deliver a controlled substance to an individual which results in the death of the individual due to the use of the controlled substance.</p> <p>The offense is a class A felony if the violation is designated a class B felony pursuant to § 19-03.1-23; a class B felony if designated a class C felony; and a class C felony if designated a class A misdemeanor.</p>
Methamphetamine cleanup and disposal	None.
Other statutory provisions of note	None.
Recently proposed legislation	None.

<u>OHIO</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • OHIO REV. CODE ANN. § 109.60 (West 2024) (duty of sheriffs and chiefs of police to take fingerprints; report; exception) • OHIO REV. CODE ANN. § 2919.22 (West 2024) (endangering children) • OHIO REV. CODE ANN. §§ 2925.02 to 2925.05 (West 2024) (included within “Drug Offenses”) • OHIO REV. CODE ANN. § 2925.11 (West 2024) (drug possession offenses) • OHIO REV. CODE ANN. § 2925.52 (West 2024) (destruction of chemicals used to produce methamphetamine; preservation of samples) • OHIO REV. CODE ANN. § 2925.55 to 2925.58 (West 2024) (collectively “Pseudoephedrine Sales”) • OHIO REV. CODE ANN. § 2933.33 (West 2024) (search of premises for illegal manufacture of methamphetamine) • OHIO REV. CODE ANN. §§ 3715.05 to 3715.06 (West 2024) (included within “General Provisions”) • OHIO REV. CODE ANN. § 3745.13 (West 2024) (recovery of costs from persons causing environmental emergencies or contamination by operation of illegal methamphetamine laboratory)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • May 17, 2006 (§§ 109.60, 2925.52, and 2933.33) • December 20, 2012 (§ 3745.13) • March 20, 2013 (§§ 2925.55, 2925.56, 3715.05 to 3715.06) • March 22, 2019 (§§ 2919.22, 2925.02, 2925.04, 2925.041, 2925.05) • July 21, 2022 (§ 2925.03) • April 4, 2023 (§ 2925.11)
Restrictions placed on precursors	<p>§ 2925.55 (unlawful purchase of pseudoephedrine product or ephedrine product; underage purchase of pseudoephedrine product or ephedrine product; using false information to purchase pseudoephedrine product or ephedrine product; improper purchase of pseudoephedrine product or ephedrine product) – no person shall knowingly purchase, receive, or otherwise acquire an amount of pseudoephedrine or ephedrine product that is greater than 3.6 grams in a single day or 9 grams in a 30-day period, unless dispensed pursuant to a valid prescription. A violation is a misdemeanor of the first degree.</p> <p>No individual under 18 years of age shall knowingly purchase, receive, or otherwise acquire a pseudoephedrine product or ephedrine product unless dispensed pursuant to a valid prescription. A person who violates this section is guilty of underage purchase of a pseudoephedrine or ephedrine product,</p>

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Restrictions placed on precursors (cont'd)	<p>a delinquent act that would be a misdemeanor of the fourth degree if it could be committed by an adult.</p> <p>§ 2925.56 (unlawfully selling pseudoephedrine product or ephedrine product; unlawfully selling pseudoephedrine product or ephedrine product to minor; improper sale of pseudoephedrine product or ephedrine product; failing to submit information to national precursor log exchange) – no retailer or terminal distributor of dangerous drugs shall knowingly sell, offer, to sell, hold for sale, deliver, or otherwise provide to any individual any amount of pseudoephedrine product or ephedrine product that is greater than 3.6 grams within a single day or 9 grams in a 30-day period unless such product is dispensed pursuant to a valid prescription. A violation is a misdemeanor of the first degree.</p> <p>No retailer or terminal distributor of dangerous drugs shall sell, offer to sell, hold for sale, deliver, or otherwise provide a pseudoephedrine or ephedrine product to an individual under 18 without a valid prescription. A violation is a misdemeanor of the fourth degree.</p> <p>§ 2825.57 (seller may perform transaction scan on driver's license or identification card; engaging in illegal pseudoephedrine product or ephedrine product transaction scan) – a seller may perform a transaction scan to check the validity of a driver's license or identification card presented by a purchaser as a condition for selling, giving away, or otherwise distributing to the card holder a pseudoephedrine or ephedrine product. If the information fails to match the information printed on the license or ID card, or if the transaction scan indicates the information is false or fraudulent, the seller shall not sell, give away, or otherwise distribute a pseudoephedrine or ephedrine product to the card holder.</p> <p>§§ 3715.05 to 3715.06 (various retailer requirements) – retailers selling a pseudoephedrine product or ephedrine product must: (1) segregate products away from other merchandise so that purchasers must seek direct assistance of a pharmacist or other authorized employee of the retailer; (2) examine purchaser's proof of age and national precursor log exchange information; and (3) maintain a logbook of pseudoephedrine product or ephedrine product purchases. Sections 3715.051 and 3715.052</p>

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Restrictions placed on precursors (cont'd)	provide more information about the logbook and submission of information to the national precursor log exchange.
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 2919.22 – among other things, provides that no person shall do any of the following to a child under 18 years of age or a child with a mental or physical disability under 21 years of age: allow the 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 §§ 2925.04 or 2925.041 when the person knows that the act is occurring, whether or not any person is prosecuted for or convicted of such violation.</p> <p>If the offender violates this section, except as otherwise provided, endangering a child is a felony of the third degree. If the violation results in serious physical harm to the child involved, or if the offender has previously been convicted of any offense under this section, endangering a child is a felony of the second degree.</p> <p>If the drug involved is methamphetamine, the court shall impose a mandatory prison term on the offender as follows:</p> <ol style="list-style-type: none"> (1) If the violation is otherwise classified as a felony of the third degree, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree that is not less than two years. If the offender has a previous conviction, the court shall impose as a mandatory prison term one of the terms prescribed for a felony of the third degree that is not less than five years. (2) If the violation is otherwise classified as a felony of the second degree, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree that is not less than three years. If the offender has a previous conviction, the court shall impose as a mandatory prison term one of the definite prison terms prescribed for a felony of the second degree that is not less than five years. <p>§ 2925.02 (corrupting another with drugs) – no person shall knowingly by any means do any of the following:</p>

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<ol style="list-style-type: none"> (1) Furnish or administer a controlled substance to a juvenile that is at least two years the offender's junior; (2) Induce or cause a juvenile who is at least two years the offender's junior to use a controlled substance; (3) Induce or cause a juvenile who is at least two years the offender's junior to commit a felony drug abuse offense; (4) Use a juvenile to perform any surveillance activity that is intended to prevent the detection of the offender or any other person in the commission of a felony drug abuse offense or to prevent the arrest of the offender or any other person for the commission of a felony drug abuse offense; (5) Furnish or administer a controlled substance to a pregnant woman or induce or cause a pregnant woman to use a controlled substance. A violation of this subsection is a felony of the second degree. <p>Whoever violates this section is guilty of corrupting another with drugs. Except as otherwise provided above, if the drug involved is any compound, mixture, preparation, or substance included in Schedule II, including methamphetamine, the offender shall be punished for a felony of the second degree. If the offense was committed in the vicinity of a school, it is a felony of the first degree.</p> <p>§ 2925.03 (trafficking offenses) – no person shall knowingly sell or offer to sell a controlled substance or prepare for shipment, ship, transport, deliver, prepare for distribution, or distribute a controlled substance when the offender knows or has reasonable cause to believe that the substance is intended for sale or resale by the offender or another person. It is a felony of the third degree if the offense was committed in the vicinity of a school, the vicinity of a juvenile, or in the vicinity of a substance use disorder treatment provider or a recovering addict. Depending on the amount of the drug involved, aggravated trafficking in drugs ranges from a felony of the fourth degree to a felony of the first degree.</p> <p>§ 2925.04 (illegal manufacture of drugs; illegal cultivation of marihuana) – no person shall knowingly manufacture or otherwise engage in any part of the production of a controlled substance. Any person who violates this section is guilty of illegal manufacture of drugs. If the drug involved is methamphetamine, the penalty for violation shall be a felony of</p>

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>the second degree. If the violation was committed in the vicinity of a school, juvenile, or on public premises, it is a felony of the first degree.</p> <p>§ 2925.041 (illegal assembly or possession of chemicals for the manufacture of drugs) – no person shall knowingly assemble or possess one or more chemicals that may be used to manufacture a controlled substance in Schedule II with the intent to manufacture such substance. A person who violates this section is guilty of illegal assembly or possession of chemicals for the manufacture of drugs, a felony of the third degree. If the offense was committed in the vicinity of a juvenile or in the vicinity of a school, it is a felony of the second degree.</p> <p>If the violation is a felony of the third degree and the chemical(s) assembled or possessed may be used to manufacture methamphetamine, there is a presumption for a prison term for the offense, with a minimum of 3-5 years.</p> <p>If the violation is a felony of the second degree and the chemical(s) assembled or possessed may be used to manufacture methamphetamine, the court shall impose as a mandatory prison term a second degree felony mandatory prison term of not less than 3-5 years.</p> <p>§ 2925.05 (aggravated funding of drug trafficking; funding of drug trafficking; funding of marihuana trafficking) – no person shall knowingly provide money or other items of value to another person with the purpose that the recipient of the money or items of value use them to obtain any controlled substance for the purpose of violating § 2925.04 or for the purpose of selling or offering to sell the controlled substance in the following amount: if the drug to be sold or offered for sale is any compound, mixture, preparation, or substance included in Schedule II, including methamphetamine, an amount of the drug that equals or exceeds the bulk amount of the drug. For such drugs, the court shall impose as a mandatory prison term a first degree felony mandatory prison term.</p> <p>§ 2925.11 – a person shall not knowingly obtain, possess, or use a controlled substance without a valid prescription. If the drug involved is a compound, mixture, preparation, or substance included in Schedule II, including methamphetamine, the violation is aggravated possession of drugs, a felony of the</p>

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	fifth degree, unless otherwise specified. If the amount of the drug equals or exceeds the bulk amount but is less than five times the bulk amount, it is a felony of the third degree, and there is a presumption for a prison term. If the amount of the drug equals or exceeds five times the bulk amount, but is less than 50 times the bulk amount, it is a felony of the second degree. if the amount equals or exceeds 50 times the bulk amount but is less than 100 times the bulk amount, it is a felony of the first degree.
Methamphetamine cleanup and disposal	<p>§ 2925.52 – 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>§ 3745.13 – when emergency action is required to protect the public health or safety or the environment, 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 to the entity having territorial jurisdiction or responsible for emergency management activities in the location of the spill, release, discharge, or contamination, that person is liable for those costs.</p>
Other statutory provisions of note	§ 109.60 – 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 related to methamphetamine violations and shall send the annual report to the Bureau of Criminal Identification and Investigation. The report shall include information related to the total number of arrests related to methamphetamine manufacture, the number of illegal methamphetamine laboratories at which one or more arrests were made, and the total number of dump sites and chemical caches related to illegal manufacturing that were discovered.
Other statutory provisions of note (cont'd)	§ 2933.33 – provides that the risk of explosion or fire from the illegal manufacture of methamphetamine is a sufficiently exigent circumstance to allow a warrantless search.
Recently proposed legislation	Yes. See Pending State Legislation .

<u>OKLAHOMA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • OKLA. STAT. ANN. tit. 41, § 118 (West 2024) (duties of landlord and tenant) • OKLA. STAT. ANN. tit. 60, § 833 (West 2024) (disclaimer and disclosure statements) • OKLA. STAT. ANN. tit. 63, § 2-212 (West 2024) (Schedule V) • OKLA. STAT. ANN. tit. 63, §§ 2-332 to 2-333 (West 2024) (included within “Precursor Substances Act”) • OKLA. STAT. ANN. tit. 63, § 2-341 (West 2024) (pharmacy electronic drug tracking service) • OKLA. STAT. ANN. tit. 63, §§ 2-401 to 2-402 (West 2024) (included within “Offenses and Penalties”) • OKLA. STAT. ANN. tit. 63, § 2-408 (West 2024) (offering, soliciting, attempting, endeavoring, or conspiring to commit offense—penalties) • OKLA. STAT. ANN. tit. 63, § 2-415 (West 2024) (application—fines and penalties) • OKLA. STAT. ANN. tit. 63, § 2-417 (West 2024) (Drug Abuse Education Revolving Fund) • OKLA. STAT. ANN. tit. 63, § 2-419.1 (West 2024) (use of minors in transportation, sale, etc. of controlled dangerous substances—penalties) • OKLA. STAT. ANN. tit. 63, § 2-701 (West 2024) (Oklahoma State Bureau of Narcotics and Dangerous Drugs Control registry)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • May 19, 1989 (§ 2-408) • July 1, 1999 (§ 2-419.1) • November 1, 2003 (§ 833) • June 3, 2008 (§ 2-333) • November 1, 2010 (§ 118) • July 1, 2012 (§§ 2-341 and 2-417) • November 1, 2013 (§§ 2-212, 2-332, 2-701) • November 1, 2018 (§§ 2-401 and 2-415) • November 1, 2023 (§ 2-402)
Restrictions placed on precursors	<p>§ 2-212 – includes any compound, mixture, or preparation containing any detectable quantity of base pseudoephedrine or ephedrine in Schedule V. Such products may only be dispensed, sold, or distributed by, or under the supervision of, a licensed pharmacist or registered pharmacy technician. Permits the pharmacy to charge a service charge not to exceed the purchase price of the product. Once the service charge is collected, the seller shall access the methamphetamine offender registry and verify if the purchaser is listed therein. If the purchaser is not listed in the registry, the service charge shall be refunded. Purchasers must produce a valid government-issued photo</p>

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Restrictions placed on precursors (cont'd)	<p>identification and shall sign a written or electronic log, receipt, or other program or mechanism that shows the date and time of the transaction; the name, address, and date of birth of the purchaser; name and initials of the seller; and the product and quantity sold.</p> <p>Provides that no person shall purchase, receive, or otherwise acquire more than 3.6 grams of any product, mixture, or preparation per day or more than 7.2 grams within any 30-day period, or 60 grams within a 12-month period. Once a person has purchased, received, or otherwise acquired the daily limit of 3.6 grams of any product, the purchaser shall be prohibited from purchasing, receiving, or otherwise acquiring any additional product for a period of not less than 72 hours following the last permitted purchase. The requirements of this section do not apply when the product is dispensed pursuant to a valid prescription.</p> <p>§ 2-341 – any pharmacy that dispenses any compound mixture or preparation containing any detectable quantity of base pseudoephedrine or ephedrine shall maintain an electronic record of the sale. Each pharmacy must access and use a real-time electronic methamphetamine precursor tracking service which is approved by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control. A person who violates these provisions can be found guilty of a misdemeanor punishable by a fine of not more than \$1,000.00.</p> <p>§ 2-701 – creates a registry of persons who have been convicted of a crime or attempted to commit a crime including, but not limited to, unlawful possession, conspiring, endeavoring, manufacturing, distribution, or trafficking of a precursor to methamphetamine. It is unlawful for any person who knows that he or she is subject to the registry to purchase, possess, or have control of any Schedule V compound containing any detectable quantity of pseudoephedrine.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 2-332 (possession of substances to be used as precursor to manufacture of methamphetamine or another controlled substance—presumption—exceptions—penalty—registration—records) – it is unlawful for a person to knowingly and unlawfully possess a drug product containing ephedrine or pseudoephedrine with intent to use the product as a precursor to manufacture methamphetamine or another controlled substance.</p>

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>Except as otherwise provided by law, possession of a drug product containing more than 7.2 grams of ephedrine or pseudoephedrine shall constitute a rebuttable presumption of the intent to use the product as a precursor to methamphetamine. A violation shall be a felony.</p> <p>§ 2-333 (knowingly selling, transferring, distributing, or dispensing products to be used in the production of certain controlled substances—penalty—damages) – it is unlawful for any person to knowingly sell, transfer, distribute, or dispense any product containing ephedrine or pseudoephedrine if the person knows the purchaser will use the product as a precursor to manufacture methamphetamine or if the person sells, transfers, distributes, or dispenses the product with reckless disregard as to how the product will be used. A violation is a felony punishable by imprisonment for a term of not more than 10 years.</p> <p>§ 2-401 (prohibited acts A—penalties) – except as otherwise authorized by law, it is unlawful for any person to distribute, dispense, transport with intent to distribute or dispense, possess with intent to manufacture, distribute, or dispense, a controlled dangerous substance or to solicit the use of or use the services of a person less than 18 years of age to cultivate, distribute, or dispense a controlled dangerous substance. A violation of this section with respect to a Schedule II substance, including methamphetamine, shall be guilty of a felony and shall be sentenced to a term of imprisonment for not more than seven years and a fine of not more than \$100,000. A second conviction is punishable by imprisonment for not more than 14 years. A third or subsequent conviction is punishable by imprisonment for not more than 20 years.</p> <p>It is also unlawful for any person to manufacture or distribute a controlled substance. A violation of this section with respect to distributing a controlled substance is a felony punishable by imprisonment for a term not to exceed 10 years and a fine of not more than \$25,000. A second conviction is punishable by imprisonment of not less than two years nor more than 20 years. A third or subsequent conviction is punishable by not less than 10 years nor more than life.</p> <p>A person convicted of violating this section with respect to manufacturing a controlled substance is guilty of a felony and</p>

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>shall be punished by imprisonment for a term not to exceed 10 years and a fine of not more than \$25,000. A second conviction is punishable by imprisonment for not less than two years nor more than 20 years. A third or subsequent conviction is punishable by imprisonment for a term not less than 10 years nor more than life.</p> <p>Any person who violates this section by using or soliciting the use of services of a person less than 18 years of age to distribute, dispense, transport with intent to distribute or dispense or cultivate a controlled dangerous substance or by distributing a controlled dangerous substance to a person under 18 years of age, or in the presence of a person under 12 years of age, is punishable by a term of imprisonment of not less than two years nor more than 10 years for a first offense. For a second offense, imprisonment for not less than four years nor more than 20 years. For a third or subsequent offense, imprisonment for not less than 10 years nor more than life.</p> <p>Any person who violates this section by transporting with intent to distribute or dispense, distributing or possessing with intent to distribute a controlled substance to a person, or by manufacturing or attempting to manufacture a controlled dangerous substance or possess any substance containing any detectable amount of pseudoephedrine with the intent to use that substance to manufacture methamphetamine in, on, or within 2,000 feet of the real property comprising a public or private elementary or secondary school, public vocational school, public or private college or university, or other institution of higher learning, recreation center or public park, including state parks and recreation areas, public housing project, or child care facility, shall be punished by a term of imprisonment, or by the imposition of a fine or by both, not exceeding twice that authorized by law. For a second or subsequent violation, a term of imprisonment, imposition of a fine, or both, not exceeding three times that authorized by law.</p> <p>It is unlawful to manufacture or attempt to manufacture any controlled dangerous substance or possess any substance containing any detectable amount of pseudoephedrine with the intent to use that substance to manufacture methamphetamine. A violation is a felony punishable by imprisonment for not less than seven years nor more than life and a fine of not less than \$50,000. Any person violating this section with respect to</p>

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>unlawful manufacturing or attempting to unlawfully manufacture 50 grams or more of methamphetamine is guilty of aggravated manufacturing a controlled dangerous substance, punishable by imprisonment for not less than 20 years nor more than life and by a fine of not less than \$50,000.</p> <p>Any person convicted of manufacturing or attempting to manufacture methamphetamine who, after such conviction, purchases or attempts to purchase, receive, or otherwise acquire any product, mixture, or preparation containing any detectable quantity of base pseudoephedrine or ephedrine shall, upon conviction, be guilty of a felony punishable by imprisonment for a term in the range of twice the minimum provided by law.</p> <p>§ 2-402 (prohibited acts B—penalties) – it is unlawful for any person to knowingly or intentionally possess a controlled dangerous substance unless obtained pursuant to a valid prescription. A violation is a misdemeanor punishable by confinement for not more than one year and a fine not exceeding \$1,000. Any person who violates this section a second time within 10 years shall be guilty of a misdemeanor and may receive diversion or the punishment set forth above. A third violation is a misdemeanor punishable by a fine not exceeding \$1,000, imprisonment in the county jail for a minimum of 30 days, or by both. A fourth violation within 10 years is a felony punishable by a fine not exceeding \$5,000, imprisonment of not less than one year nor more than five years, or both.</p> <p>§ 2-408 – any person who offers, solicits, attempts, endeavors, or conspires to commit an offense under this chapter shall be subject to the penalty prescribed for the offense.</p> <p>§ 2-415 (application—fines and penalties) – the provisions of this act apply to persons convicted of violations with regard to a list of specific substances, including methamphetamine. It is unlawful for any person to:</p> <ol style="list-style-type: none"> (1) Knowingly distribute, manufacture, bring into this state, or possess methamphetamine; (2) Possess any controlled substance with the intent to manufacture methamphetamine; or (3) Use or solicit the services of a person less than 18 years of age to distribute or manufacture methamphetamine.

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>Violation shall be known as “trafficking in illegal drugs.” In the case of a violation of this section involving:</p> <ol style="list-style-type: none"> (1) 20 grams or more of a mixture or substance containing a detectable amount of methamphetamine shall be punishable by a fine of not less than \$25,000 and not more than \$200,000; (2) 200 grams or more of a mixture or substance containing a detectable amount of methamphetamine shall be punishable by a fine of not less than \$50,000 and not more than \$500,000; or (3) 450 grams or more of a mixture or substance containing a detectable amount of methamphetamine shall be deemed aggravated trafficking punishable by a fine of not less than \$50,000 and not more than \$500,000. <p>In addition, a first violation is punishable by a term of imprisonment not to exceed 20 years. A second violation, imprisonment of not less than four years nor more than life. A third or subsequent violation, imprisonment of not less than 20 years nor more than life.</p> <p>§ 2-419.1 – 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. A violation is a felony punishable by a term of imprisonment, a fine, or both, not exceeding twice that authorized by § 2-401. A person who violates this section after a previous conviction shall be punishable by a term of imprisonment not exceeding three times that authorized by § 2-401. A person who violates this section by employing, hiring, or using an individual under 15 years of age may be imprisoned for not more than 25 years, fined not more than \$100,000, or both, in addition to any other punishment authorized. It is not a defense that the person did not know the age of the minor.</p>
Methamphetamine cleanup and disposal	<p>§ 118 – 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>

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Methamphetamine cleanup and disposal (cont'd)	<p>§ 2-333 (knowingly selling, transferring, distributing, or dispensing products to be used in the production of certain controlled substances—penalty—damages) – any person who sells, transfers, distributes, dispenses, or in any manner furnishes any product containing pseudoephedrine with knowledge or reason to know that the product will be used as a precursor to manufacture methamphetamine, or with reckless disregard as to how the product will be used, shall be liable for all damages, whether directly or indirectly caused by the sale, transfer, distribution, dispensation, or furnishing. Such damages may include, but not be limited to, any and all costs of detecting, investigating, and cleaning up or remediating clandestine or other unlawfully operated or maintained laboratories where methamphetamine is manufactured, 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>§ 833 – property disclosure statements must include statements regarding the existence of prior manufacturing of methamphetamine.</p>
Other statutory provisions of note	<p>§ 2-417 – 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 are hereby appropriated and may be budgeted and expended by the State Board of Education for drug abuse education programs.</p>
Recently proposed legislation	None.

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Statute(s) and regulation(s)	<ul style="list-style-type: none"> • OR. REV. STAT. ANN. § 86.771 (West 2024) (notice of sale; contents) • OR. REV. STAT. ANN. § 419B.005 (West 2024) (definitions) • OR. REV. STAT. ANN. §§ 475.405 to 475.495 (West 2024) (collectively “Illegal Drug Cleanup”) • OR. REV. STAT. ANN. § 475.752 (West 2024) (prohibited acts generally; penalties) • OR. REV. STAT. ANN. § 475.754 (West 2024) (affirmative defenses) • OR. REV. STAT. ANN. §§ 475.886 to 475.894 (West 2024) (included within “Penalties”) • OR. REV. STAT. ANN. §§ 475.900 to 475.907 (West 2024) (included within “Penalties”) • OR. REV. STAT. ANN. § 475.925 (West 2024) (sentencing for unlawful delivery or manufacture of a controlled substance convictions) • OR. REV. STAT. ANN. § 475.935 (West 2024) (manufacture or delivery of methamphetamine; sentencing) • OR. REV. STAT. ANN. § 475.973 (West 2024) (unlawful possession of ephedrine, pseudoephedrine, or phenylpropanolamine; unlawful distribution of ephedrine, pseudoephedrine, or phenylpropanolamine) • OR. REV. STAT. ANN. § 475.977 (West 2024) (possessing or disposing of methamphetamine manufacturing waste) • OR. ADMIN. R. 855-080-0026 (2024) (Schedule V)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • 1987 (§§ 475.405 to 475.495) • August 16, 2005 (§ 475.977) • January 1, 2009 (§§ 475.907 and 475.925) • January 1, 2010 (§ 475.902) • June 28, 2011 (§ 475.973) • January 1, 2012 (§§ 475.886 to 475.892) • June 30, 2015 (§ 475.904) • February 1, 2021 (§ 475.752) • July 19, 2021 (§ 475.894) • June 13, 2023 (855-080-0026) • January 1, 2024 (§ 475.900)
Restrictions placed on precursors	<p>855-080-0026 – Schedule V includes products containing pseudoephedrine or ephedrine as an active ingredient. In order to provide a non-prescription ephedrine or pseudoephedrine product to a purchaser, a pharmacy must:</p> <ol style="list-style-type: none"> (1) Store all such products behind the pharmacy counter; (2) Utilize an electronic system meeting the requirements of law;

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Restrictions placed on precursors (cont'd)	<p>(3) Train individuals responsible for providing such products on the requirements of the Combat Methamphetamine Epidemic Act and use of the electronic system;</p> <p>(4) Ensure that only a pharmacist, intern, certified pharmacy technician, or pharmacy technician provides the product to the purchaser after verifying the purchaser is 18 years of age or older, verifying the identity with valid government-issued photo identification, and confirming the purchase is allowed via the electronic system;</p> <p>(5) Include the following information in the electronic log: date and time of the purchase; name, address, and date of birth of the purchaser; form of identification presented; name and quantity in grams of product purchased; name or initials of seller; and signature of purchaser.</p> <p>Sales of pseudoephedrine or ephedrine products are subject to the following quantity limits: no more than 3.6 grams in a 24-hour period and no more than 9 grams in a 30-day period without regard to the number of transactions.</p> <p>§ 475.973 – the state board of pharmacy may not adopt rules that exempt a product containing ephedrine or pseudoephedrine from classification as a controlled substance. Except as otherwise provided, the board of pharmacy shall adopt rules to classify ephedrine and pseudoephedrine as Schedule III controlled substances. Such classification may be modified if the board of pharmacy finds that restrictions on products containing ephedrine or pseudoephedrine under a Schedule III designation do not significantly reduce the number of methamphetamine laboratories in the state.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 475.752 – except as otherwise authorized by law, it is unlawful for any person to manufacture or deliver a controlled substance. A violation of this section with respect to a controlled substance in Schedule II, including methamphetamine, is a felony. A violation of this section with respect to a controlled substance in Schedule V is a Class C misdemeanor.</p> <p>It is unlawful for a person to knowingly or intentionally possess a controlled substance unless the substance was obtained pursuant to a valid prescription. A violation of this section with regard to a controlled substance in Schedule II is a Class E violation. A violation with respect to a Schedule V substance is a violation.</p>

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 475.754 – it is an affirmative defense to a charge of violating § 475.752 by unlawfully possessing pseudoephedrine that the person:</p> <ol style="list-style-type: none"> (1) Obtained the pseudoephedrine lawfully; (2) Possessed no more than 6 grams of pseudoephedrine; and (3) Possessed the pseudoephedrine under circumstances that are consistent with typical medicinal or household use, as indicated by factors that include but are not limited to storage location, purchase date, possession of the products in a variety of strengths, brands, types, or purposes and expiration date.
	<p>§ 475.886 (manufacture of methamphetamine) – except as otherwise authorized, it is unlawful for any person to manufacture methamphetamine, a Class B felony with a minimum fine of \$1,000.</p>
	<p>§ 475.888 (unlawful manufacture of methamphetamine within 1,000 feet of a school) – except as otherwise authorized, it is unlawful for any person to manufacture methamphetamine within 1,000 feet of the real property comprising a public or private elementary, secondary, or career school attended primarily by minors. Violation is a Class A felony with a minimum fine of \$1,000.</p>
	<p>§ 475.890 (delivery of methamphetamine) – except as otherwise authorized, it is unlawful for any person to deliver methamphetamine. Violation is a Class B felony. If delivered to a minor, violation is a Class A felony. The minimum fine is \$500.</p>
	<p>§ 475.892 (unlawful delivery of methamphetamine within 1,000 feet of a school) – except as otherwise authorized, it is unlawful for any person to deliver methamphetamine within 1,000 feet of the real property comprising a public or private elementary, secondary, or career school attended primarily by minors. Violation is a Class A felony with a minimum fine of \$500.</p>
	<p>§ 475.894 (possession of methamphetamine) – it is unlawful for any person knowingly or intentionally to possess methamphetamine unless the substance was obtained directly</p>

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>from, or pursuant to, a valid prescription. Unlawful possession of methamphetamine is a Class E violation. Possession of two grams or more is a Class A misdemeanor. It is a Class C felony if the possession is a commercial drug offense or the person possesses a substantial quantity pursuant to § 475.900.</p> <p>§ 475.900 (crime category classification for commercial drug offense) – provides that a violation of §§ 475.752 and 475.894 shall be classified as a crime category 8 of the sentencing guidelines grid if the violation constitutes:</p> <ol style="list-style-type: none"> (1) Delivery or manufacture of a controlled substance and involves substantial quantities of a controlled substance. For purposes of this section, 10 grams or more of a mixture or substance containing a detectable amount of methamphetamine constitutes a substantial quantity; (2) Possession, delivery, or manufacture of a controlled substance and the possession, delivery, or manufacture is a commercial drug offense. An offense under this section is a commercial drug offense if it is accompanied by at least three of the listed factors including that the delivery was of methamphetamine and was for consideration and that the offender was in possession of controlled substances in an amount greater than 8 grams or more of methamphetamine; or (3) Manufacturing methamphetamine and the manufacturing consists of a chemical reaction involving one or more precursor substances for the purpose of manufacturing methamphetamine or grinding, soaking, or otherwise breaking down a precursor substance for the purpose of manufacturing methamphetamine. <p>A violation of §§ 475.752 and 475.894 shall be classified as a crime category 7 of the sentencing guidelines if the violation constitutes delivery for consideration of methamphetamine and the person knows, or reasonably should have known, that the delivery is occurring within 500 feet of the real property comprising a treatment facility or a temporary residence shelter, or the delivery occurs within 30 feet of the real property comprising a public park.</p> <p>A violation of §§ 475.752 and 475.894 shall be classified as crime category 6 of the sentencing guidelines if the violation constitutes delivery of methamphetamine for consideration or</p>

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>constitutes possession of substantial quantities of a controlled substance. For purposes of this section, 10 grams or more of a mixture or substance containing a detectable amount of methamphetamine is a substantial quantity.</p> <p>A violation of §§ 475.752 and 475.894 shall be classified as crime category 5 of the sentencing guidelines grid if the violation constitutes delivery of methamphetamine and the person knows, or reasonably should have known, that the delivery is occurring within 500 feet of the real property comprising a treatment facility or a temporary residence shelter, or the delivery occurs within 30 feet of the real property comprising a public park.</p> <p>§ 475.902 (directives to Oregon Criminal Justice Commission) – the Oregon Criminal Justice Commission shall amend its rules and appendices to prohibit persons convicted of manufacturing substantial quantities of methamphetamine, as defined in § 475.900, from being eligible for an optional probation sentence.</p> <p>§ 475.904 (manufacture or delivery of controlled substance within 1,000 feet of school; exemptions) – except as otherwise authorized, it is unlawful for any person to manufacture or deliver a Schedule II controlled substance within 1,000 feet of the real property comprising a public or private elementary, secondary, or career school attended primarily by minors. Violation is a Class A felony.</p> <p>§ 475.906 (delivery to minors) – except as otherwise authorized by law, it is unlawful for any person to deliver a controlled substance in Schedule II to any person under 18 years of age. Violation is a Class A felony.</p> <p>§ 475.907 (sentencing for unlawful delivery of cocaine, methamphetamine, heroin, or ecstasy to minors convictions) – when a person is convicted of unlawful delivery of methamphetamine to a person under 18 years of age, the court shall sentence the person to a term of incarceration from 34 months to 72 months. This section does not apply if the person is less than three years older than the person to whom the substance was delivered, unless the person has a previous conviction for delivery to a minor.</p>

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 475.925 – 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; or (2) 34 months to 72 months, if the delivery or manufacture involves 100 grams or more of a mixture or substance containing a detectable amount of methamphetamine.</p> <p>§ 475.935 – when the court sentences a person convicted of delivery of methamphetamine under § 475.890 or § 475.892, the presumptive sentence is 19 months of incarceration, unless the rules of the Oregon Criminal Justice Commission prescribe a longer presumptive sentence, if the person has two or more previous convictions for any combination of the following crimes: (1) delivery or manufacture of methamphetamine; (2) delivery or manufacture of methamphetamine within 1,000 feet of a school; or (3) possession of a precursor substance with intent to manufacture a controlled substance.</p>
Methamphetamine cleanup and disposal	<p>§ 86.771 – provides that the notice of sale must include language that reads substantially as follows: “Without limiting the trustee’s disclaimer of representations and warranties, Oregon law requires the trustee state in this notice that some residential property sold at a trustee’s sale may have been used in manufacturing methamphetamines, the chemical components of which are known to be toxic.”</p> <p>§§ 475.405 to 475.495 – 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>§ 475.977 – unless otherwise authorized by law, a person commits the crime of possessing or disposing of methamphetamine manufacturing waste if the person knowingly possesses or disposes of methamphetamine manufacturing waste. Violation is a Class C felony.</p>

<u>OREGON</u>	
Other statutory provisions of note	§ 419B.005 – 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.
Recently proposed legislation	Yes. See Pending State Legislation .

<u>PENNSYLVANIA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • 18 PA. STAT. AND CONS. STAT. ANN. § 1110 (West 2024) (restitution for cleanup of clandestine laboratories) • 18 PA. STAT. AND CONS. STAT. ANN. § 3313 (West 2024) (illegal dumping of methamphetamine waste) • 18 PA. STAT. AND CONS. STAT. ANN. § 6316 (West 2024) (selling or furnishing certain stimulants to minors) • 18 PA. STAT. AND CONS. STAT. ANN. §§ 7508 to 7508.2 (West 2024) (included within “Other Offenses”) • 23 PA. STAT. AND CONS. STAT. ANN. § 6303 (West 2024) (definitions) • 35 PA. STAT. AND CONS. STAT. ANN. § 780-113 (West 2024) (prohibited acts; penalties) • 35 PA. STAT. AND CONS. STAT. ANN. §§ 780-113.2 to 780-113.6 (West 2024) (included within “The Controlled Substance, Drug, Device and Cosmetic Act”) • 35 PA. STAT. AND CONS. STAT. ANN. § 780-114 (West 2024) (distribution to persons under age 18) • 204 PA. CODE § 303.14 (2024) (guideline sentence recommendations—economic sanctions)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • October 26, 1972 (35 § 780-114) • December 19, 1990 (18 § 7508) • May 9, 1997 (18 § 6316) • September 13, 2004 (35 § 780-113.2) • January 18, 2005 (18 § 1110) • May 11, 2006 (18 § 7508.1) • April 29, 2010 (35 §§ 780-113.3 to 780-113.5) • June 28, 2010 (18 §§ 3313 and 7508.2) • April 7, 2014 (35 §§ 780-113 and 780-113.6) • December 31, 2014 (23 § 6303) • January 1, 2021 (204 § 303.14)
Restrictions placed on precursors	<p>35 § 780-113.6 (ephedrine and pseudoephedrine; electronic tracking) – retailers are prohibited from making sales to an individual of, and an individual is prohibited from purchasing, ephedrine or pseudoephedrine base, in excess of the following amounts: 3.6 grams per day and 9 grams per 30-day period. Non-prescription products shall be kept behind the counter or in a locked case where the customer does not have direct access. The retailer shall require any person purchasing a product that contains ephedrine or pseudoephedrine to present a valid government-issued photo identification at the point of sale, and shall record the name and address of the purchaser, name and quantity of product purchased, date and time of purchase, and signature of purchaser in logbook. A violation of this section is a misdemeanor, punishable by a fine only. This section does not</p>

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Restrictions placed on precursors (cont'd)	apply to a person who obtains the product pursuant to a valid prescription.
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>18 § 6316 – 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. “Ephedrine” as used in this section does not include a product containing ephedrine if it may lawfully be sold over the counter without a prescription.</p> <p>18 § 7508 (drug trafficking sentencing and penalties) – this statute was held to be unconstitutional in <i>Commonwealth v. DiMatteo</i>, 644 Pa. 463, 177 A.3d 182 (2018). Provides that a person convicted of certain offenses with regard to methamphetamine shall be sentenced, upon conviction, to a mandatory minimum term of imprisonment based on the aggregate weight of the substance at issue.</p> <ol style="list-style-type: none"> (1) When the aggregate weight is at least five grams and less than 10 grams, punishable by three years in prison and a fine of \$15,000, or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity. If the defendant has been convicted of another drug trafficking offense, conviction is punishable by five years in prison and \$30,000 fine. (2) When the aggregate weight is at least 10 grams and less than 100 grams, punishable by four years in prison and a fine of \$25,000, or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity. If the defendant has been convicted of another drug trafficking offense, conviction is punishable by seven years in prison and a \$50,000 fine. (3) When the aggregate weight is at least 100 grams, punishable by five years in prison and a fine of \$50,000, or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity. If the defendant has been convicted of another drug trafficking offense, conviction is punishable by eight years in prison and \$50,000.

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>18 § 7508.2 (operation of methamphetamine laboratory) – a person commits the offense of operating a methamphetamine laboratory if the person knowingly causes a chemical reaction involving ephedrine, pseudoephedrine, or phenylpropanolamine for the purposes of manufacturing methamphetamine or preparing a precursor or reagent substance for the manufacture of methamphetamine. This offense is a felony of the second degree and is subject to restitution for the cleanup. If the violation occurs within 1,000 feet of the real property on which is located a public, private, or parochial school, a college or university, or a nursery school or day care center, or within 250 feet of the real property on which is located a recreation center or playground, it is a felony of the first degree.</p> <p>23 § 6303 – the definition of “child abuse” includes intentionally, knowingly, or recklessly causing a child to be present at a location while a violation of 18 § 7508.2 (see above) is occurring, provided that the violation is being investigated by law enforcement.</p> <p>35 § 780-113 – it is unlawful to:</p> <ol style="list-style-type: none"> (1) Knowingly or intentionally possess a controlled substance unless such substance was obtained pursuant to a valid prescription. A violation is a misdemeanor punishable by imprisonment not exceeding one year or a fine not exceeding \$5,000, or both. (2) Manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance by a person not authorized to do so. A violation is a felony punishable by imprisonment not exceeding 10 years, a fine not exceeding \$100,000, or both. (3) Manufacture methamphetamine in a structure where any child under 18 years of age is present or where the manufacturing of methamphetamine causes any child under 18 years of age to suffer bodily injury. A violation where a child is present is a felony of the third degree punishable by imprisonment of not more than seven years and a fine of not more than \$25,000. A violation where a child suffers bodily injury is a felony of the second degree punishable by imprisonment of not more than 10 years and a fine of not more than \$50,000. (4) Knowingly possess ephedrine or pseudoephedrine with the intent to manufacture methamphetamine. A violation

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>is a misdemeanor punishable by imprisonment not exceeding six months, a fine not exceeding \$10,000, or both, for a first offense. A second or subsequent offense shall be punishable by imprisonment not exceeding two years, a fine not exceeding \$25,000, or both.</p> <p>Any person convicted of manufacture of methamphetamine shall be sentenced to at least two years of total confinement.</p> <p>35 § 780-113.3 (methamphetamine production) – provides that proof that a person had in his or her possession more than 40 grams or 15 packages of any drug containing ephedrine or pseudoephedrine gives rise to a rebuttable presumption that the person acted with intent to manufacture methamphetamine. Further, proof that a person had in his or her possession any amount of ephedrine or pseudoephedrine 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 § 780-113.4 (operating a methamphetamine laboratory and illegal dumping of methamphetamine waste) – a person commits the offense of operating a methamphetamine laboratory if the person knowingly causes a chemical reaction involving ephedrine or pseudoephedrine for the purpose of manufacturing methamphetamine or preparing a precursor or reagent substance for the manufacture of methamphetamine. A violation is a felony of the second degree and is subject to 18 § 1110 related to restitution for cleanup of clandestine laboratories. If the violation occurs within 1,000 feet of the real property on which is located a public, private, or parochial school, a college or university, or a nursery school or daycare center, or within 250 feet of the real property on which is located a recreation center or playground, it is a felony of the first degree.</p> <p>§ 780-114 – 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 Schedule II, including methamphetamine, to a person under 18 years of age who is at least four years his or her junior is punishable by a term of imprisonment up to twice that otherwise authorized by this act.</p>

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	204 § 303.14 – provides that a fine, within the limits established by law, shall be considered by the court when the offender is convicted of certain specified offenses and the drug involved is one of a list of controlled substances, including methamphetamine. Provides that such fine shall be of an amount that is at least sufficient to exhaust the assets utilized in, and the proceeds obtained by the offender from, the illegal possession, manufacture, or distribution of controlled substances.
Methamphetamine cleanup and disposal	<p>18 § 1110 – when any person is convicted of an offense under the state controlled substances act 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 substance.</p> <p>18 § 3313 – a person commits a felony of the third degree if he or she 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 § 780-113.4 (operating a methamphetamine laboratory and illegal dumping of methamphetamine waste) – a person commits a felony of the third degree if he or she 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>In addition to restitution under 18 § 1110, a person who is convicted of an offense under this section shall be ordered to reimburse the appropriate law enforcement agency, emergency medical services organization, fire company, or other organization for the costs of cleaning up the environmental hazards associated with the operation of the laboratory or the possession of a precursor or reagent substance to manufacture methamphetamine.</p> <p>35 § 780-113.5 (environmental costs) – in addition to restitution under 18 § 1110, a person who is convicted of an offense</p>

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Methamphetamine cleanup and disposal (cont'd)	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 appropriate law enforcement agency, emergency medical services organization, fire company, or other organization for the costs of cleaning up the environmental hazards associated with the operation of the laboratory or the possession or use of a precursor or reagent substance to manufacture methamphetamine.
Other statutory provisions of note	<p>18 § 7508.1 (Substance Abuse Education and Demand Reduction Fund) – creates the Substance Abuse Education and Demand Reduction Fund. Provides for a mandatory cost of \$100 to be automatically assessed on any individual found guilty of certain acts, including violations of the controlled substances act. Of the amount collected, 50 percent shall remain at the county level to be used for substance abuse treatment or prevention programs and the remaining 50 percent deposited into the Fund.</p> <p>35 § 780-113.2 (clandestine drug laboratory data repository) – the Pennsylvania State Police shall maintain a statewide repository of data relating to clandestine drug laboratories, clandestine drug laboratory dump sites, and the seizure of chemicals and other implements associated with manufacturing.</p>
Recently proposed legislation	None.

<u>RHODE ISLAND</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • 21 R.I. GEN. LAWS ANN. §§ 21-28-4.01 to 21-28-4.01.2 (West 2024) (included within “Offenses and Penalties”) • 21 R.I. GEN. LAWS ANN. §§ 21-28-4.07 and 21-28-4.07.1 (West 2024) (included within “Offenses and Penalties”) • 21 R.I. GEN. LAWS ANN. § 21-28-4.17.1 (West 2024) (assessment for drug education, counseling, and treatment)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • 1990 (§ 21-28-4.07) • 1996 (§ 21-28-4.07.1) • 2002 (§ 21-28-4.17.1) • July 9, 2021 (§§ 21-28-4.01 to 21-28-4.01.2)
Restrictions placed on precursors	None.
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 21-28-4.01 (prohibited acts A—penalties) – except as otherwise authorized by law, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance. Any person who is not a drug-addicted person (as defined by law) who violates this section with respect to a controlled substance in Schedule II is guilty of a crime and, upon conviction, may be imprisoned to a term up to life or fined not more than \$500,000 nor less than \$10,000, or both.</p> <p>Where the deliverance is the proximate cause of death of the person to whom the controlled substance is delivered, it is not a defense that the person delivering the substance was, at the time of delivery, a drug-addicted person.</p> <p>Except as otherwise provided above, any person who violates this section with respect to a Schedule II substance is guilty of a crime and, upon conviction, may be imprisoned for not more than 30 years, or fined not more than \$100,000 nor less than \$3,000, or both.</p> <p>It is unlawful for any person to knowingly or intentionally possess a controlled substance unless such substance was obtained pursuant to a valid prescription. Except as otherwise provided by law, any person who violates this section with respect to:</p> <ol style="list-style-type: none"> (1) 10 grams or less of a mixture or substance containing a detectable amount of a Schedule II controlled substance is guilty of a misdemeanor punishable by imprisonment for not more than two years, fined not more than \$500,

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>or both; or</p> <p>(2) More than 10 grams but less than one ounce of a mixture or substance containing a detectable amount of a Schedule II controlled substance is guilty of a felony punishable by imprisonment for not more than three years, a fine of not more than \$5,000, or both.</p> <p>§ 21-28-4.01.1 (certain quantities of controlled substances) – except as otherwise authorized, it is unlawful for any person to manufacture, sell, or possess with intent to manufacture or sell, a controlled substance in Schedule II or to possess or deliver one ounce to 1 kg. of methamphetamine. Violation is a crime punishable by imprisonment for a term up to 50 years and a fine of not more than \$500,000.</p> <p>§ 21-28-4.01.2 (certain quantities of controlled substances) except as otherwise authorized, it is unlawful for any person to possess, manufacture, sell, or deliver more than 1 kg. of methamphetamine. Violation is a crime punishable by imprisonment for a term up to life and a fine of not more than \$1,000,000.</p> <p>§ 21-28-4.07 (distribution to persons under age 18) – any person 18 years of age or over who violates § 21-28-4.01 by distributing a controlled substance listed in Schedule II to a person under 18 years of age who is at least three years his or her junior shall be imprisoned to a term of not less than 15 years and may be imprisoned for life, fined not more than \$500,000, or both.</p> <p>§ 21-28-4.07.1 (distribution or manufacturing in or near schools) – any person who violates law by distributing or manufacturing a controlled substance listed in Schedule II in the building or on the grounds, or within 300 yards of the grounds, of a public or private elementary, vocational, or secondary school, or public park or playground shall be punished by a term of imprisonment or fine, or both, up to twice that authorized by §§ 21-28-4.01 or 21-28-4.07, but not exceeding life imprisonment.</p>
Methamphetamine cleanup and disposal	None.
Other statutory provisions of note	§ 21-28-4.17.1 (assessment for drug education, counseling and treatment) – provides that any person convicted of a controlled substance offense other than possession must, in addition to any

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Other statutory provisions of note (cont'd)	other sentence and/or fine imposed, be assessed \$400. This assessment is placed in a drug education, assessment, and treatment account to be used by the state Department of Mental Health, Retardation and Hospitals and the Department of Health for the purpose of administration, drug education, and treatment.
Recently proposed legislation	Yes. See Pending State Legislation .

<u>SOUTH CAROLINA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • S.C. CODE ANN. § 23-3-1200 (2024) (SLED electronic monitoring system; collection, storage, and use of information) • S.C. CODE ANN. § 44-53-370 (2024) (prohibited acts A; penalties) • S.C. CODE ANN. §§ 44-53-375 to 44-53-378 (2024) (included within “Narcotics and Controlled Substances”) • S.C. CODE ANN. § 44-53-398 (2024) (sale of products containing ephedrine or pseudoephedrine; penalties; training of sales personnel) • S.C. CODE ANN. § 44-53-445 (2024) (distribution of controlled substance within proximity of school) • S.C. CODE ANN. § 44-53-577 (2024) (illegal acts involving persons under 17 years of age; penalties; separate offense)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • 1990 (§ 44-53-577) • May 4, 2006 (§ 44-53-376) • June 16, 2008 (§ 44-53-378) • June 2, 2010 (§ 44-53-445) • June 11, 2010 (§ 16-1-90) • July 1, 2010 (§ 44-53-398) • April 21, 2016 (§§ 44-53-370 and 44-53-375)
Restrictions placed on precursors	<p>§ 23-3-1200 – 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 or pseudoephedrine.</p> <p>§ 44-53-398 – nonprescription products whose sole active ingredient is ephedrine or pseudoephedrine may be offered for retail sale only if sold in blister packaging. Such products must be kept behind a counter or other barrier so that they are not directly accessible by the public. A retailer may not sell to an individual, and an individual may not purchase, in any single day a product containing more than 3.6 grams of ephedrine or pseudoephedrine or more than 9 grams in a 30-day period. A violation by a seller is a misdemeanor and, for a first offense, punishable by a fine of not more than \$5,000. For a second or subsequent offense, a violation by a retailer is punishable by a fine of \$10,000. A violation by a purchaser is a felony and, for a first offense, punishable by imprisonment of not more than five years and a fine of not more than \$5,000. For a second or subsequent offense, it is a felony punishable by imprisonment of not more than 10 years and a fine of not less than \$10,000.</p>

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Restrictions placed on precursors (cont'd)	<p>A purchaser shall produce a valid government-issued photo identification showing the date of birth of the person and shall sign an electronic log showing the date and time of the transaction, the purchaser's name and address, the amount of the compound, mixture, or preparation, and the name of the product and quantity sold.</p> <p>Except as otherwise authorized by law, it is unlawful for any person to possess, have under his or her control, manufacture, deliver, distribute, dispense, administer, purchase, sell, or possess with intent to distribute, any substance containing any amount of ephedrine or pseudoephedrine which have been altered from their original condition so as to be powdered, liquefied, dissolved, solvated, or crushed.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 44-53-370 – except as otherwise authorized by law, it is unlawful for any person to manufacture, distribute, dispense, deliver, purchase, aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, possess with the intent to manufacture, distribute, dispense, deliver, or purchase a controlled substance. A person who violates this section with regard to a Schedule II controlled substance is guilty of a felony and, for a first offense, must be imprisoned not more than five years or fined not more than \$5,000, or both. For a second offense, imprisonment of not more than 10 years and a fine of not more than \$10,000, or both. For a third or subsequent offense, imprisonment for not less than five years or more than 20 years, a fine of not more than \$20,000, or both.</p> <p>It is unlawful for any person to knowingly or intentionally possess a controlled substance unless obtained pursuant to a valid prescription. A violation with respect to a Schedule II substance is a misdemeanor punishable by imprisonment for not more than six months or fined not more than \$1,000, or both. For a second or subsequent offense, punishable by imprisonment for not more than one year, a fine of not more than \$2,000, or both.</p> <p>§ 44-53-375 (possession, manufacture, and trafficking of methamphetamine and cocaine base and other controlled substances; penalties) – provides that a person possessing less than one gram of methamphetamine is guilty of a misdemeanor punishable by imprisonment for not more than three years, a fine of not more than \$5,000, or both. For a second offense, it is a felony punishable by imprisonment for not more than five</p>

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>years, a fine of not more than \$7,500, or both. For a third or subsequent offense, it is a felony punishable by imprisonment for not more than 10 years, a fine of not more than \$12,000, or both.</p> <p>A person who manufactures, distributes, dispenses, delivers, purchases, or otherwise aids, abets, attempts, or conspires to manufacture, distribute, dispense, deliver, or purchase, or possesses with intent to distribute, dispense, or deliver methamphetamine is guilty of a felony and, for a first offense, must be sentenced to a term of imprisonment of not more than 15 years, a fine of not more than \$25,000, or both. For a second offense, imprisonment of not less than five years nor more than 30 years, a fine of not more than \$50,000, or both. For a third or subsequent offense, imprisonment for not less than 10 years nor more than 30 years, a fine of not more than \$50,000, or both. Possession of one or more grams of methamphetamine is prima facie evidence of a violation of this section.</p> <p>A person who knowingly sells, manufactures, delivers, purchases, or brings into this state, or who provides financial assistance or otherwise aids, abets, attempts, or conspires to sell, manufacture, deliver, purchase, or bring into this state, or who is knowingly in actual or constructive possession or who knowingly attempts to become in actual or constructive possession of 10 grams or more of methamphetamine is guilty of a felony known as “trafficking in methamphetamine,” punishable as follows for the quantities involved:</p> <ol style="list-style-type: none"> (1) 10 grams or more, but less than 28 grams, by imprisonment of not less than three years or more than 10 years and a fine of \$25,000 for a first offense. For a second offense, imprisonment of not less than five years nor more than 30 years and a fine of \$50,000. For a third or subsequent offense, a mandatory minimum term of imprisonment of not less than 25 years or more than 30 years and a fine of \$50,000. (2) 28 grams or more, but less than 100 grams, by imprisonment for not less than seven years nor more than 25 years and a fine of \$50,000 for a first offense. For a second offense, imprisonment of not less than seven years nor more than 30 years and a fine of \$50,000. For a third or subsequent offense, a mandatory minimum term of imprisonment of not less than 25

<u>SOUTH CAROLINA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>years and not more than 30 years and a fine of \$50,000.</p> <p>(3) 100 grams or more, but less than 200 grams, a mandatory term of imprisonment of 25 years and a fine of \$50,000.</p> <p>(4) 200 grams or more, but less than 400 grams, a mandatory term of imprisonment of 25 years and a fine of \$100,000.</p> <p>(5) 400 grams or more, a term of imprisonment of not less than 25 years nor more than 30 years with a mandatory term of imprisonment of 25 years, and a fine of \$200,000.</p> <p>Possession of equipment or paraphernalia used in the manufacture of methamphetamine is prima facie evidence of intent to manufacture.</p> <p>Except as otherwise provided by law, it is unlawful for any person to knowingly possess any product that contains 9 grams or more of ephedrine or pseudoephedrine. A violation is a felony known as “trafficking in ephedrine or pseudoephedrine,” punishable as follows for the quantities involved:</p> <p>(1) 9 grams or more, but less than 28 grams, imprisonment of not more than 10 years and a fine of \$25,000 for a first offense. For a second offense, imprisonment of not less than five years nor more than 30 years and a fine of \$50,000. For a third or subsequent offense, a mandatory minimum term of imprisonment of not less than 25 years nor more than 30 years and a fine of \$50,000.</p> <p>(2) 28 grams or more, but less than 100 grams, imprisonment of not less than seven years nor more than 25 years and a fine of \$50,000 for a first offense. For a second offense, imprisonment of not less than seven years nor more than 30 years and a fine of \$50,000. For a third or subsequent offense, a mandatory minimum term of imprisonment of not less than 25 years and not more than 30 years and a fine of \$50,000.</p> <p>(3) 100 grams or more, but less than 200 grams, a mandatory term of imprisonment of 25 years and a fine of \$50,000.</p> <p>(4) 200 grams or more, but less than 400 grams, a mandatory term of imprisonment of 25 years and a fine of \$100,000.</p> <p>(5) 400 grams or more, imprisonment of not less than 25</p>

<u>SOUTH CAROLINA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>years nor more than 30 years with a mandatory minimum term of 25 years and a fine of \$200,000.</p> <p>A person 18 years or older may be charged with unlawful conduct toward a child pursuant to § 63-5-70 if a child was present at any time during the unlawful manufacturing of methamphetamine.</p> <p>§ 44-53-376 (disposal of waste from production of methamphetamine; penalty; emergency or environmental response restitution; exemptions) – it is unlawful for a person to knowingly cause to be disposed any waste from the production of methamphetamine or knowingly assist, solicit, or conspire with another to dispose of methamphetamine waste. A violation is a felony punishable by imprisonment for not more than five years, a fine of not more than \$5,000, or both for a first offense. Upon conviction for a second or subsequent offense, a person must be imprisoned for not more than 10 years, fined not more than \$10,000, or both.</p> <p>§ 44-53-378 (exposing child to methamphetamine) – it is unlawful for a person who is 18 years of age or older to:</p> <ol style="list-style-type: none"> (1) Manufacture methamphetamine in the presence of a minor child; (2) Knowingly permit a child to be in an environment where a person is selling, offering for sale, or having in such person's possession with intent to sell, deliver, distribute, prescribe, administer, dispense, manufacture, or attempt to manufacture methamphetamine; or (3) Knowingly permit a child to be in an environment where drug paraphernalia or volatile, toxic, or flammable chemicals are stored for the purpose of manufacturing or attempting to manufacture methamphetamine. <p>A violation of this section shall result in imprisonment for not more than five years, a fine of not more than \$5,000, or both, for a first offense. A second or subsequent offense is punishable by imprisonment for not more than 10 years, a fine of not more than \$10,000, or both.</p> <p>§ 44-53-445 – it is a separate criminal offense for a person to distribute, sell, purchase, manufacture, or to unlawfully possess</p>

<u>SOUTH CAROLINA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>with intent to distribute, a controlled substance while in, on, or within a one-half mile radius of the grounds of a public or private elementary, middle, or secondary school; a public playground or park; a public vocational or trade school or technical educational center; or a public or private college or university. The person must know that he or she is on, in, or within one-half mile radius of such property and actually commit the offense in, on, or within a half-mile radius of such property. A violation is a felony punishable by imprisonment of not more than 10 years, a fine of not more than \$10,000, or both. When the violation involves only the purchase of a controlled substance, it is a misdemeanor punishable by imprisonment for not more than one year, a fine of not more than \$2,000, or both.</p> <p>§ 44-53-577 – it is unlawful for any person at least 17 years of age to knowingly and intentionally use, solicit, direct, hire, persuade, induce, entice, coerce, or employ a person under 17 years of age to violate § 44-53-370; receive a controlled substance from a person under 17 years of age; or conspire to use, solicit, direct, hire, persuade, induce, entice, coerce, or employ a person under 17 years of age to violate § 44-53-370. A violation is a felony punishable by a term of imprisonment of not less than five years nor more than 15 years. A violation of this section constitutes a separate offense.</p>
Methamphetamine cleanup and disposal	§ 44-53-376 (disposal of waste from production of methamphetamine; penalty; emergency or environmental response restitution; exemptions) – if a person unlawfully disposes of methamphetamine waste in a manner that requires an emergency or environmental response, the person will be required to make restitution to all public entities involved in the emergency response.
Other statutory provisions of note	None.
Recently proposed legislation	None.

<u>SOUTH DAKOTA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • S.D. CODIFIED LAWS §§ 22-42-4.3 and 22-42-5 (2024) (included within “Controlled Substances and Marijuana”) • S.D. CODIFIED LAWS §§ 34-20D-1 to 34-20D-12 (2024) (collectively “Products Containing Pseudoephedrine, Ephedrine, or Phenylpropanolamine”)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • March 1, 2006 (§§ 34-20D-1 to 34-20D-7, 34-20D-10) • July 1, 2013 (§ 22-42-5) • March 24, 2014 (§§ 34-20D-8, 34-20D-11, and 34-20D-12) • March 21, 2018 (§ 22-42-4.3)
Restrictions placed on precursors	<p>§ 34-20D-1 (sale of packages containing pseudoephedrine or ephedrine—number in single transaction limited—exception—misdemeanor) – no retailer may sell, in a single transaction, more than two packages containing pseudoephedrine or ephedrine as an active ingredient. This section does not apply to products sold pursuant to a valid prescription.</p> <p>§ 34-20D-2 (purchase of packages containing pseudoephedrine or ephedrine—number in single transaction limited—exception—misdemeanor) – no person may purchase, in a single transaction, more than two packages containing pseudoephedrine or ephedrine as an active ingredient. This does not apply to products purchased pursuant to a valid prescription. A violation is a Class 1 misdemeanor.</p> <p>§ 34-20D-3 (requirements for display and offer of product containing pseudoephedrine or ephedrine as active ingredient) – pseudoephedrine and ephedrine products must be kept behind a counter where the public is not permitted or in a locked case so that a customer must ask a store employee for assistance.</p> <p>§ 34-20D-8 (identification and record of buyer of product containing pseudoephedrine, ephedrine, or phenylpropanolamine—reporting—stop-sale alert) – if offering for sale a product containing pseudoephedrine or ephedrine as an active ingredient, a retailer shall, before making such sale, require and make a record of the identification of the person purchasing the product. The retailer shall electronically submit the record of identification, including the purchaser’s name, date of birth, address of purchaser, the product name and quantity sold, and the date and time of the sale.</p>

<u>SOUTH DAKOTA</u>	
Restrictions placed on precursors (cont'd)	§§ 34-20D-11 and 34-20D-12 (related to real-time electronic record-keeping system) – these statutes set forth the requirements for a real-time electronic record-keeping system for the purchase of products containing ephedrine or pseudoephedrine base.
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 22-42-4.3 (unauthorized manufacture, distribution, counterfeiting, or possession of methamphetamine as felony—mandatory sentences) – except as authorized by law, no person may manufacture, distribute, or dispense more than 5 grams of methamphetamine, a methamphetamine analog or immediate precursor; possess with intent to manufacture, distribute, or dispense methamphetamine. A violation of this section is a Class 3 felony. It is a Class 2 felony if the person is in possession of three or more of the listed items. A first conviction shall be punished by a mandatory sentence in a state correctional facility of at least five years. A second or subsequent conviction shall be punished by imprisonment of at least 10 years.</p> <p>The manufacture, distribution, or dispensing of methamphetamine to a minor is a Class 1 felony. A first conviction is punishable by imprisonment for a mandatory sentence of at least five years. A second or subsequent conviction is punishable by a mandatory sentence of at least 15 years.</p> <p>§ 22-42-5 (unauthorized possession of controlled drug or substance as felony) – no person may knowingly possess a controlled substance unless the substance was obtained through a valid prescription. A violation of this section for a substance in Schedule II is a Class 5 felony.</p> <p>§ 34-20D-10 (possession of product, mixture, or preparation containing ephedrine base, pseudoephedrine base, or phenylpropanolamine base restricted—exception—misdemeanor) – no person may possess, receive, or otherwise acquire more than 9 grams of ephedrine or pseudoephedrine base in any product, mixture, or preparation within any 30-day period. This does not apply to products purchased pursuant to a valid prescription.</p> <p>Possession of more than 9 grams of a drug product containing more than 9 grams of ephedrine or pseudoephedrine base constitutes a rebuttable presumption of the intent to use the</p>

<u>SOUTH DAKOTA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	product as a precursor to methamphetamine or another controlled substance. Any violation of this section is a Class 1 misdemeanor.
Methamphetamine cleanup and disposal	None.
Other statutory provisions of note	None.
Recently proposed legislation	None.

<u>TENNESSEE</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • TENN. CODE ANN. § 39-17-417 (West 2024) (offenses; violations, fines’ habitual drug offenders) • TENN. CODE ANN. § 39-17-418 (West 2024) (simple possession; casual exchange) • TENN. CODE ANN. § 39-17-431 to 39-17-435 (West 2024) (included within “Drugs”) • TENN. CODE ANN. § 39-17-439 (West 2024) (alcohol and drug addiction treatment fee) • TENN. CODE ANN. §§ 68-212-501 to 68-212-509 (West 2024) (collectively “Property Where Methamphetamine Manufactured”) • TENN. COMP. R. & REGS. 0400-15-02-.01 and 0400-15-02-.02 (2024) (collectively “Standards for Testing and Cleaning Quarantined Clandestine Drug Manufacturing Sites”)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • July 1, 2004 (§§ 68-212-505 and 68-212-506) • March 30, 2005 (§§ 39-17-435, 68-212—502, and 68-212-509) • July 1, 2011 (§ 39-17-433) • May 23, 2012 (0400-15-02-.01 and 0400-15-02-.02) • July 1, 2012 (§ 39-17-439) • July 1, 2014 (§§ 39-17-418, 39-17-434, and 68-212-503) • April 29, 2022 (§ 39-17-432) • July 1, 2024 (§§ 39-17-417 and 39-17-431)
Restrictions placed on precursors	<p>§ 39-17-431 (products containing immediate methamphetamine precursors; violations and penalties) – any product that contains any immediate methamphetamine precursor may be dispensed only by a licensed pharmacy. Such products shall be kept behind the counter of a pharmacy or in a locked case within view of and within 25 feet of the counter.</p> <p>A pharmacy shall not sell products, and a person shall not purchase products, containing ephedrine or pseudoephedrine base to the same person in an amount more than 7.2 grams in any period of 30 consecutive days or 43.2 grams in any one-year period. These limits do not apply if the product is purchased pursuant to a valid prescription.</p> <p>Purchasers must present a valid government-issued photo identification at the point of sale. The seller shall maintain an electronic record of the sale that shall include the name and address of the purchase, the name and quantity of product purchased, date and time purchased, and the identity of the seller.</p>

<u>TENNESSEE</u>	
Restrictions placed on precursors (cont'd)	<p>A violation of this section is a Class A misdemeanor, punishable by fine only.</p> <p>Except as otherwise authorized by law, it is an offense for a person to knowingly:</p> <ol style="list-style-type: none"> (1) Attempt to sell an immediate methamphetamine precursor knowing that it will be used to product methamphetamine or with reckless disregard of its intended use; (2) Attempt to purchase the product with intent to manufacture methamphetamine or deliver the product to another person whom they know intends to manufacture methamphetamine, or with reckless disregard of the person's intent; or (3) Purchase the product at different times or locations for the purpose of circumventing the maximum allowable quantity of the product that may lawfully be purchased during a 30-day or one-year period. <p>A violation of this section is a Class A misdemeanor. No person under 18 years of age may purchase a product that contains any immediate methamphetamine precursor except pursuant to a valid prescription.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 39-17-417 – it is an offense for a person to knowingly manufacture, deliver, sell, or possess a controlled substance with intent to manufacture, deliver, or sell the substance. A violation with respect to methamphetamine is a Class B felony if the amount involved is 0.5 grams or more and, in addition, may be fined not more than \$100,000. A violation of this section with regard to the manufacture of any amount of methamphetamine shall be punished by confinement for not less than 180 days.</p> <p>A violation of, or a conspiracy to violate, this section with respect to 26 grams or more of methamphetamine is a Class B felony and, in addition, may be fined not more than \$200,000. A violation of, or conspiracy to violate, this section with respect to 300 grams or more of methamphetamine is a Class A felony and, in addition, may be fined not more than \$500,000.</p> <p>A violation of this section, or a conspiracy to violate this section, where the recipient or the intended recipient of the</p>

<u>TENNESSEE</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>controlled substance is under 18 years of age shall be punished one classification higher than that otherwise provided for.</p> <p>§ 39-17-418 – it is an offense for a person to knowingly possess or casually exchange a controlled substance, unless such substance was obtained directly from, or pursuant to, a valid prescription order. A violation with respect to any amount of methamphetamine shall be punished by confinement for not less than 30 days. A violation of this section where there is casual exchange to a minor from an adult who is at least two years the minor's senior, and who knows that the person is a minor, is punished as a felony.</p> <p>§ 39-17-432 (drug-free school zones; violations and penalties) – this section creates drug-free zones for the purpose of providing vulnerable persons in this state an environment in which they can learn, play, and enjoy themselves without the distractions and dangers that are incident to the occurrence of illegal drug activities. A violation of § 39-17-417, or a conspiracy to violate the section, may be punished one classification higher than provided by such section if the violation or conspiracy to violate the section occurs on the grounds or facilities of any school or within 500 feet of or within the area bounded by a divided federal highway, whichever is less, the real property that comprises a public or private elementary school, middle school, secondary school, preschool, child care agency, public library, recreational center, or park.</p> <p>Sets forth fines that may be imposed for a violation of this section. provides that a person convicted of violating this section who is within the prohibited zone of a preschool, childcare center, public library, recreational center, or park shall not be subject to additional incarceration, but may be subject to the additional fines.</p> <p>A person subject to enhancement of their sentence under § 39-17-417 may also be subject to enhancement of their sentence under this section.</p> <p>§ 39-17-433 (promotion of methamphetamine manufacture) – it is an offense for a person to promote methamphetamine manufacture. A person promotes methamphetamine manufacture if that person:</p>

<u>TENNESSEE</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>(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;</p> <p>(2) Purchases or possesses more than 9 grams of a methamphetamine precursor with the intent to manufacture methamphetamine; or</p> <p>(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.</p> <p>Possession of more than 15 grams of an immediate methamphetamine precursor shall be prima facie evidence of intent to violate this section. A violation of this section is a Class D felony.</p> <p>§ 39-17-434 (methamphetamine) – it is an offense for a defendant to knowingly manufacture, deliver, sell, or possess with intent to manufacture, deliver, or sell methamphetamine. It is an offense for a person to knowingly possess or casually exchange methamphetamine. If the violation is for methamphetamine, the defendant shall be charged, indicted, prosecuted, and convicted under this section rather than §§ 39-17-417 or 39-17-418, but shall be punished as provided for in those sections.</p> <p>§ 39-17-435 (initiation of methamphetamine manufacture process) – it is an offense for a person to knowingly initiate a process intended to result in the manufacture of any amount of methamphetamine. A violation is a Class B felony.</p>
Methamphetamine cleanup and disposal	<p>§ 39-17-417 – as part of any sentence imposed for a violation of this section involving methamphetamine, the court shall require the defendant to make restitution to any governmental entity for the costs reasonably incurred in cleaning the area in which the offense occurred and in rendering the area safe for human use. The court shall also require that restitution be made to any private property owner, either real or personal, whose property is destroyed or suffers damage as a result of the offense. In the case of property that was rented or leased, damages may also include the loss of any revenue that occurred because the property was uninhabitable or a crime scene.</p>

<u>TENNESSEE</u>	
Methamphetamine cleanup and disposal (cont'd)	<p>§ 39-17-431 – all proceeds from fines imposed pursuant to a violation of subsection (m)(1) related to offenses related to the purchase or attempted purchase of products used to manufacture methamphetamine shall be used by the jurisdiction making the arrest for methamphetamine clean-up activities in that jurisdiction.</p> <p>§ 68-212-502 (property used to manufacture methamphetamine; persons authorized to perform clean-up) – the commissioner shall compile and maintain a list of certified industrial hygienists and such other persons or entities the commissioner certifies as qualified to perform the services of industrial hygienists. Such persons will test properties in which a process intended to result in the manufacture of methamphetamine has occurred to determine if a property is safe for human use. Such property may include, but is not limited to, leased or rented property such as a hotel or motel room, rented home or apartment, or any residential property.</p> <p>§ 68-212-503 (quarantine of property) – any property in which the manufacture of methamphetamine is occurring or has occurred may be quarantined by law enforcement. It is an offense for any person to knowingly inhabit quarantined property, to enter onto quarantined property without authorization, to offer such property to the public for temporary or indefinite habitation, or to remove any signs or notices of the quarantine.</p> <p>§ 68-212-505 (property clean-up; certification of safety) – once a property has been quarantined, any party having a right, title, or interest in the property may contact any person or entity certified to perform appropriate testing on the property to determine whether hazardous waste is present on the property, or a contractor from the list maintained by the commissioner for clean-up and removal of all hazardous waste from the property. The property must remain quarantined until it is certified as safe for human use.</p> <p>§ 68-212-506 (restitution) – any inspection, testing, or quarantine conducted pursuant to this part shall be considered when calculating the appropriate restitution under § 39-17-417.</p> <p>§ 68-212-509 (registry of quarantined property) – the Department of Environment and Conservation is required to</p>

<u>TENNESSEE</u>	
Methamphetamine cleanup and disposal (cont'd)	<p>maintain a registry of all properties reported by law enforcement that have been under order of quarantine for at least 60 days. The registry is required to be available to the public and be posted on the Department's website.</p> <p>0400-15-02-.01 and 0400-15-02-.02 – sample collection and clean up of contaminated properties can only be performed by a professional or company certified by the Commissioner as being able to perform the services of cleaning up sites used to manufacture methamphetamine.</p>
Other statutory provisions of note	<p>§ 39-17-439 – 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>
Recently proposed legislation	<p>Yes. See Pending State Legislation.</p>

<u>TEXAS</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • TEX. HEALTH & SAFETY CODE ANN. § 431.022 (West 2023) (offense: transfer of product containing ephedrine) • TEX. HEALTH & SAFETY CODE ANN. § 481.077 (West 2023) (chemical precursor records and reports) • TEX. HEALTH & SAFETY CODE ANN. § 481.112 (West 2023) (offense: manufacture or delivery of substance in Penalty Group 1) • TEX. HEALTH & SAFETY CODE ANN. § 481.1122 (West 2023) (manufacture of substance in Penalty Group 1: presence of child) • TEX. HEALTH & SAFETY CODE ANN. § 481.115 (West 2023) (offense: possession of substance in Penalty Group 1 or 1-B) • TEX. HEALTH & SAFETY CODE ANN. § 481.124 (West 2023) (offense: possession or transport of certain chemicals with intent to manufacture controlled substance) • TEX. HEALTH & SAFETY CODE ANN. §§ 481.136 and 481.137 (West 2023) (included within “Offenses and Penalties”) • TEX. HEALTH & SAFETY CODE ANN. §§ 481.140 and 481.141 (West 2023) (included within “Offenses and Penalties”) • TEX. HEALTH & SAFETY CODE ANN. §§ 486.001 to 486.033 (West 2023) (collectively “Over-the-Counter Sales of Ephedrine, Pseudoephedrine, and Norpseudoephedrine”)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • September 1, 1999 (§ 431.022) • September 1, 2001 (§ 481.137) • August 1, 2005 (§§ 481.124, 486.011, 486.013, and 486.021 to 486.033) • September 1, 2007 (§ 481.1122) • September 1, 2011 (§§ 486.014 to 486.015) • September 1, 2019 (§§ 481.077 and 481.136) • September 1, 2021 (§ 481.140) • September 1, 2023 (§§ 481.112, 481.115, and 481.141)
Restrictions placed on precursors	<p>§ 431.022 – a person commits a Class C misdemeanor if the person knowingly sells, transfers, or otherwise furnishes a product containing ephedrine to a person 17 years of age or younger.</p> <p>§ 481.077 – except as otherwise provided by law, a person who sells, transfers, or otherwise furnishes a chemical precursor, including ephedrine and pseudoephedrine, to another person shall make an accurate and legible record of the transaction. The seller shall obtain the recipient’s driver’s license or other personal identification certificate number, date of birth, and address from the individual’s valid government-issued photo</p>

<u>TEXAS</u>	
Restrictions placed on precursors (cont'd)	<p>identification; the year, state, and number of the motor vehicle license of the motor vehicle owned or operated by the recipient; a complete description of how the chemical precursor is to be used; and the recipient's signature.</p> <p>§ 486.011 (sales by pharmacies) – permits a pharmacy licensed by the Board of Pharmacy to engage in over-the-counter sales of ephedrine and pseudoephedrine.</p> <p>§ 486.013 (restriction of access to ephedrine, pseudoephedrine, and norpseudoephedrine) – products containing ephedrine or pseudoephedrine shall be kept behind the pharmacy counter or in a locked case within 30 feet and in a direct line of sight from a pharmacy counter staffed by an employee of the establishment.</p> <p>§ 486.014 (prerequisites to and restrictions on sale) – before completing an over-the-counter sale of a product containing ephedrine or pseudoephedrine, a seller shall require the purchaser to display a valid government-issued photo identification indicating that the person is 16 years of age or older and sign for the purchase. The seller shall also make a record of the sale that includes the name, date of birth, and address of the purchaser; the date and time of the purchase; and the item and number of grams purchased.</p> <p>A seller may not sell more than 3.6 grams of a product containing ephedrine or pseudoephedrine in a single calendar day or more than 9 grams in any 30-day period.</p> <p>§ 486.0141 (transmission of sales information to real-time electronic logging system) – before completing an over-the-counter sale of an ephedrine or pseudoephedrine product, a retailer is required to submit information about the transaction to a real-time electronic logging system.</p> <p>§§ 486.0142 to 486.015 (related to written and electronic recordkeeping logs) – these statutes set forth the specific recordkeeping requirements for sellers of products containing ephedrine or pseudoephedrine.</p> <p>§§ 486.021 to 486.033 (related to penalties for violations of Chapter 486) – provides that the department can impose an administrative penalty on a person who violates this chapter</p>

<u>TEXAS</u>	
Restrictions placed on precursors (cont'd)	which may not exceed \$1,000 for each violation. Provides that the total amount of the penalty cannot exceed \$20,000.
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 481.112 – except as otherwise authorized by law, a person commits an offense if the person knowingly manufactures, delivers, or possesses with intent to deliver a controlled substance listed in Penalty Group 1. A violation is:</p> <ol style="list-style-type: none"> (1) A state jail felony if the substance weighs less than 1 gram; (2) A felony of the second degree if the substance weighs 1 gram or more but less than 4 grams; (3) A felony of the first degree if the substance weighs 4 grams or more but less than 200 grams; (4) A felony of the first degree punishable by imprisonment for life or for a term of not more than 99 years or less than 10 years, and a fine not to exceed \$100,000, if the substance weighs 200 grams or more but less than 400 grams; and (5) A felony of the first degree punishable by imprisonment for life or for a term of not more than 99 years or less than 15 years, and a fine not to exceed \$250,000, if the substance weighs 400 grams or more. <p>§ 481.1122 – if it is shown during the punishment phase of a trial for the manufacture of methamphetamine that when the offense was committed a child younger than 18 years of age was present on the premises at the time of the offense, the punishments, including maximum fines, specified in § 481.112 are increased.</p> <p>§ 481.115 – except as otherwise authorized by law, a person commits an offense if the person knowingly or intentionally possesses a controlled substance listed in Penalty Group 1, unless such substance was obtained pursuant to a valid prescription. A violation is:</p> <ol style="list-style-type: none"> (1) A state jail felony if the substance weighs less than 1 gram; (2) A felony of the third degree if the substance weighs 1 gram or more but less than 4 grams; (3) A felony of the second degree if the substance weighs 4 grams or more but less than 200 grams; (4) A felony of the first degree if the substance weighs 200 grams or more but less than 400 grams; and

<u>TEXAS</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>(5) A felony of the first degree punishable by imprisonment for life or for a term of not more than 99 years or less than 10 years, and a fine not to exceed \$100,000, if the substance weighs 400 grams or more.</p> <p>§ 481.124 – a person commits an offense if, with intent to unlawfully manufacture a controlled substance, the person possesses or transports anhydrous ammonia, an immediate precursor, or a chemical precursor. For purposes of this section, an intent to unlawfully manufacture methamphetamine is presumed if the person possesses or transports in one container, vehicle, or building more than 9 grams, three containers packaged for retail sale, or 300 tablets or capsules of a product containing ephedrine or pseudoephedrine and additional substances and items commonly used in the manufacture of methamphetamine. A violation is a felony of the second degree if the substance is methamphetamine.</p> <p>§ 481.136 (offense: unlawful transfer or receipt of chemical precursor) – a person commits an offense if the person sells, transfers, furnishes, or receives a chemical precursor subject to § 481.077 and the person does not comply with §§ 481.077 or 481.0771, knowingly makes a false statement in a report required by such statutes, or knowingly violates a rule adopted pursuant to such statutes. An offense under this section is a state jail felony for a first offense. A second offense is a felony of the third degree.</p> <p>§ 481.137 (offense: transfer of precursor substance for unlawful manufacture) – a person commits an offense if the person sells, transfers, or otherwise furnishes a chemical precursor subject to § 481.077 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> <p>§ 481.140 (use of child in commission of offense) – if it is shown at the punishment phase of the trial of an offense otherwise punishable as a state jail felony, felony of the third degree, or felony of the second degree that the defendant used or attempted to use a child younger than 18 years of age to commit or assist in the commission of the offense, the punishment is increased by one degree, unless the defendant used or threatened to use force against the child or another to</p>

<u>TEXAS</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>gain the child's assistance, in which event the punishment for the offense is a felony of the first degree.</p> <p>§ 481.141 (manufacture or delivery of controlled substance causing death or serious bodily injury) – if at the guilt or innocence phase of the trial of an offense that is punishable as a state jail felony, felony of the third degree, or felony of the second degree, the trier of fact determines beyond a reasonable doubt that a person died or suffered serious bodily injury as a result of injecting, ingesting, inhaling, or introducing into the person's body any amount of the controlled substance manufactured or delivered by the defendant, the punishment for the offense is increased by one degree.</p>
Methamphetamine cleanup and disposal	None.
Other statutory provisions of note	None.
Recently proposed legislation	None.

UTAH	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • UTAH CODE ANN. §§ 19-6-901 to 19-6-906 (West 2024) (collectively “Illegal Drug Operations Site Reporting and Decontamination Act”) • UTAH CODE ANN. § 58-37-8 (West 2024) (prohibited acts—penalties) • UTAH CODE ANN. § 58-37c-1 to 58-37c-21 (West 2024) (collectively “Utah Controlled Substance Precursor Act”) • UTAH CODE ANN. §§ 58-37d-1 to 58-37d-9 (West 2024) (collectively “Clandestine Drug Lab Act”) • UTAH ADMIN. CODE r. R392-600 (2024) (collectively “Illegal Drug Operation Decontamination Standards”)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • May 3, 1999 (§ 58-37c-11) • May 1, 2000 (§ 58-37c-3) • May 5, 2003 (§ 58-37d-3) • May 3, 2004 (§§ 19-6-903 to 19-6-905) • April 30, 2007 (§§ 58-37c-20 and 58-37c-20.5) • May 14, 2019 (§§ 58-37d-4 to 58-37d-6) • July 1, 2024 (§ 58-37-8)
Restrictions placed on precursors	<p>§ 58-37c-3 (definitions) – definitions include “unlawful conduct,” which includes, among other things, if the person is at least 18 years of age, employing, hiring, using, persuading, inducing, enticing, or coercing another person under 18 years of age to violate any provision of this chapter, or assisting in avoiding detection or apprehension for any violation of this chapter by any federal, state, or local law enforcement official. It also includes obtaining, or attempting to obtain, or to possess any controlled substance precursor or any combination of controlled substance precursors knowing or having reasonable cause to believe that the controlled substance precursor is intended to be used in the unlawful manufacture of any controlled substance.</p> <p>§ 58-37c-11 (penalty for unlawful conduct) – provides that a person who violates this chapter with regard to obtaining, or attempting to obtain, or to possess any controlled substance precursor or any combination of controlled substance precursors knowing or having reasonable cause to believe that the controlled substance precursor is intended to be used in the unlawful manufacture of any controlled substance, commits a second degree felony. All other violations are a class A misdemeanor.</p> <p>§ 58-37c-20.5 (pseudoephedrine products—limitations on retail sale) – a seller may not distribute or sell any product that</p>

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Restrictions placed on precursors (cont'd)	<p>exceeds the threshold amount of 3.6 grams of ephedrine or pseudoephedrine regardless of the number of transactions in any 24-hour period or more than 7.5 grams in any 30-day period.</p> <p>Unless obtained pursuant to a valid prescription, a person may not purchase product that exceeds 3.6 grams of ephedrine or pseudoephedrine during any 24-hour period or more than 9 grams in any 30-day period. A violation of this section is a class B misdemeanor.</p> <p>Products must be stored in an area inaccessible to customers. Purchasers must produce a valid government-issued photo identification that includes the purchaser's date of birth. Sellers must submit the following information to an electronic or written log: the purchaser's name, address, and date of birth; the date and time of the transaction; the brand name and quantity sold; and the purchaser's signature.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 58-37-8 – except as otherwise authorized by law, it is unlawful for a person to knowingly and intentionally:</p> <ol style="list-style-type: none"> (1) Produce, manufacture, or dispense, or to possess with intent to produce, manufacture, or dispense, a controlled substance; (2) Distribute a controlled substance, or to agree, consent, offer, or arrange to distribute a controlled substance; (3) Possess a controlled substance with intent to distribute; or (4) Engage in a continuing criminal enterprise where the person participates, directs, or engages in conduct that results in a violation of this title that is a felony and the violation is a part of a continuing series of two or more violations of this title on separate occasions that are undertaken in concert with five or more persons to whom the person occupies a position of organizer, supervisor, or any other position of management. <p>A violation of paragraphs (1) – (3) with respect to methamphetamine is a second degree felony punishable by imprisonment for not more than 15 years for a first offense. A second offense is a first degree felony. A violation of paragraph (4) is a first degree felony punishable by imprisonment for an indeterminate term of not less than seven years and which may be for life or 15 years and which may be for life if the trier of</p>

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>fact determined that the defendant knew or reasonably should have known that any subordinate under this paragraph was under 18 years of age, unless the defendant was, at the time of the offense, under 18 years of age.</p> <p>A violation of paragraphs (1) – (4) above when the trier of fact finds that the act is committed in a public or private elementary or second school, or a public or private vocational school or postsecondary institution or on the grounds of any of those schools or institutions during the hours of 6am through 10pm; in or on the grounds of a preschool or child care facility during the preschool's or facility's hours of operation; in a public park, amusement park, arcade, or recreation center when such location is open to the public; in or on the grounds of a house of worship; in or on the grounds of a library when open to the public; within an area that is within 100 feet of any structure, facility, or grounds included above; or in the presence of a person younger than 18 years old, regardless of where the act occurs. A person convicted under this section is guilty of a first degree felony and shall be imprisoned for a term of not less than five years if the penalty that would have been established would have been a first degree felony.</p> <p>The court shall impose an indeterminate prison term for a person who has been convicted of a violation of paragraphs (2) or (3) that is a first degree felony or a second degree felony if the trier of fact finds beyond a reasonable doubt that, during the commission or furtherance of the violation, the person intentionally or knowingly used, drew, or exhibited a dangerous weapon that is not a firearm, in an angry, threatening, intimidating, or coercive manner; used a firearm or had a firearm readily accessible for immediate use; or distributed a firearm or possessed a firearm with intent to distribute the firearm.</p> <p>It is unlawful for a person to knowingly and intentionally possess or use a controlled substance unless it was obtained pursuant to a valid prescription. A violation is a class B misdemeanor. Upon a third conviction, the person is guilty of a class A misdemeanor if each prior offense was committed within seven years before the date of the offense upon which the current conviction is based. Upon a fourth or subsequent conviction, the person is guilty of a third degree felony if each</p>

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>prior offense was committed within seven years before the date of the offense upon which the current conviction is based.</p> <p>A violation of this chapter for which no penalty is specified is a class B misdemeanor.</p> <p>§ 58-37c-20 (possession of ephedrine, pseudoephedrine, or phenylpropanolamine—penalties) – a person is guilty of a class A misdemeanor who is not authorized by law and possesses more than 9 grams of ephedrine or pseudoephedrine.</p> <p>§ 58-37d-3 (definitions) – definitions include, “clandestine laboratory operation,” which means the:</p> <ol style="list-style-type: none"> (1) Purchase or procurement of chemicals, supplies, equipment, or laboratory location for the illegal manufacture of controlled substances; (2) Transportation or arranging for the transportation of chemicals, supplies, or equipment for the illegal manufacture of controlled substances; (3) Setting up of equipment or supplies in preparation for the illegal manufacture of controlled substances; (4) Activity of compounding, synthesis, concentration, purification, separation, extraction, or other physical or chemical processing of a substance, including a controlled substance precursor, to be used for the illegal manufacture of controlled substances; (5) Illegal manufacture of controlled substances; or (6) Distribution or disposal of chemicals, equipment, supplies, or products used in or produced by the illegal manufacture of controlled substances. <p>§ 58-37d-4 (prohibited acts—second degree felony) – it is unlawful for any person to knowingly or intentionally:</p> <ol style="list-style-type: none"> (1) Possess a controlled substance or 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

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>used for a clandestine laboratory operation;</p> <p>(4) Conspire with or aid another to engage in a clandestine laboratory operation;</p> <p>(5) Produce or manufacture, or possess with intent to produce or manufacture, a controlled substance;</p> <p>(6) Transport or convey a controlled substance with the intent to distribute or to be distributed by the person transporting or conveying the controlled substance or by another person regardless of whether the final destination for the distribution is within this state or another location; or</p> <p>(7) Engage in compounding, synthesis, concentration, purification, separation, extraction, or other physical or chemical processing of any substance, including a controlled substance precursor, knowing or having reasonable cause to believe that the substance is a product of any of these activities and will be used in the illegal manufacture of controlled substances.</p> <p>A violation of this section is a second degree felony punishable by imprisonment for an indeterminate term of not less than three years nor more than 15 years.</p> <p>§ 58-37d-5 (prohibited acts—first degree felony) – a person who violates certain provisions of § 58-37d-4 is guilty of a first degree felony if any one of the following conditions occurred in conjunction with that violation:</p> <p>(1) Possession of a firearm;</p> <p>(2) Use of a booby trap;</p> <p>(3) Illegal possession, transportation, or disposal of hazardous or dangerous material or while transporting or causing to be transported materials in furtherance of clandestine laboratory operation, there was created a substantial risk to human health or safety or a danger to the environment;</p> <p>(4) The intended laboratory operation was to take place or did take place within 500 feet of a residence, place of business, church, or school;</p> <p>(5) The clandestine laboratory operation actually produced any amount of a specified controlled substance or a counterfeit opioid; or</p> <p>The intended clandestine laboratory operation was for the production of methamphetamine base.</p>

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	§ 58-37d-6 (legal inference of intent—illegal possession of a controlled substance precursor or clandestine laboratory equipment) – the trier of fact may infer that a defendant intended to engage in a clandestine laboratory operation if the defendant is in illegal possession of a controlled substance precursor or illegally possesses or attempts to illegally possess a controlled substance or controlled substance precursor and is in possession of any one of specified pieces of equipment.
Methamphetamine cleanup and disposal	<p>§ 19-6-903 (law enforcement reporting and records—removal from list) – when law enforcement discovers a clandestine drug laboratory operation, the agency is required to report the location to the local health department. The local health department is required to maintain a searchable record of properties which are contaminated and make those records available to the public.</p> <p>§ 19-6-904 (decontamination specialist reporting to local health departments) – a certified decontamination specialist is required to report to the local health department the location of any property that is the subject of decontamination work by the specialist. The report shall be submitted prior to commencement of the decontamination work. The report shall include sufficient information to allow the local health department to investigate and verify the location of the property and a proposed work plan for decontaminating the property.</p> <p>§ 19-6-905 (notification of property owner—notification of municipality or county) – if the local health department determines that a property is contaminated, it is required to notify the property owner that the property has been placed on the contamination list and provide the owner with information regarding remediation options and the requirements necessary to clean up the property.</p> <p>R392-600 – this rule details Utah’s illegal drug operations decontamination standards. A decontamination specialist is required to determine the nature of and extent of damage and contamination of the property from illegal drug operations by performing a preliminary assessment prior to decontamination activities. Decontamination specialists are required to comply with all applicable laws, rules, ordinances, and regulations in decontaminating the property.</p>
Other statutory provisions of note	None.

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Recently proposed legislation	None.

<u>VERMONT</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • VT. STAT. ANN. tit. 18, §§ 4234a and 4234b (West 2024) (included within “Regulated Drugs”) • VT. STAT. ANN. tit. 18, §§ 4236 to 4238 (West 2024) (included within “Regulated Drugs”) • VT. STAT. ANN. tit. 18, § 4250 (West 2024) (selling or dispensing a regulated drug with death resulting)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • 1989 (§§ 4236 and 4238) • June 4, 2003 (§§ 4234a, 4237, and 4250) • June 7, 2017 (§ 4234b)
Restrictions placed on precursors	<p>§ 4234b (ephedrine and pseudoephedrine) – drug products containing ephedrine or pseudoephedrine base shall be maintained in a locked display case or behind the counter out of the public’s reach. A retail establishment shall not knowingly complete a sale to a person if the purchase would surpass a total of more than 3.6 grams within a 24-hour period or 9 grams within a 30-day period unless dispensed pursuant to a valid prescription. A person or business that violates this subdivision shall be assessed a civil penalty of not more than \$100 for a first violation and a civil penalty of not more than \$500 for a second or subsequent violation.</p> <p>Prior to completing a sale, a retail establishment shall require the purchaser to present a current, valid government-issued identification. The seller shall record in an electronic registry system the name and address of the purchaser; the name of the drug product and quantity sold in grams; the date and time of purchase; the form of identification presented; and the name of the seller.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 4234a (methamphetamine) – a person knowingly and unlawfully possessing methamphetamine:</p> <ol style="list-style-type: none"> (1) Shall be imprisoned not more than one year or fined not more than \$2,000, or both; (2) In an amount consisting of 2.5 grams or more of one or more preparations, compounds, mixtures, or substances containing methamphetamine shall be imprisoned not more than five years or fined not more than \$100,000, or both; or (3) In an amount consisting of 25 grams or more of one or more preparations, compounds, mixtures, or substances containing methamphetamine shall be imprisoned not more than 10 years or fined not more than \$250,000, or both.

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>A person knowingly and unlawfully:</p> <ol style="list-style-type: none"> (1) Dispensing methamphetamine shall be imprisoned not more than three years or fined not more than \$75,000, or both; (2) Selling methamphetamine shall be imprisoned not more than five years or fined not more than \$100,000, or both; (3) Selling or dispensing methamphetamine in an amount consisting of 2.5 grams or more shall be imprisoned not more than 10 years or fined not more than \$250,000, or both; or (4) Selling or dispensing methamphetamine in an amount consisting of 25 grams or more shall be imprisoned not more than 20 years or fined not more than \$1,000,000, or both. <p>A person knowingly and unlawfully possessing methamphetamine in an amount consisting of 300 grams or more with the intent to sell or dispense the methamphetamine shall be imprisoned not more than 30 years or fined not more than \$1,000,000, or both. There shall be a permissive inference that a person possessing methamphetamine in an amount consisting of 300 grams or more intends to sell or dispense the methamphetamine. The amount to sustain a charge of conspiracy shall be no less than 800 grams in the aggregate.</p> <p>§ 4234b (ephedrine and pseudoephedrine) – no person shall knowingly and unlawfully possess a drug product containing ephedrine or pseudoephedrine base with the intent to use the product as a precursor to manufacture methamphetamine or another controlled substance. A person who violates this section when the amount possessed is less than 9 grams shall be imprisoned not more than one year, fined not more than \$2,000, or both. If the offense involves possession of 9 or more grams, the person shall be imprisoned not more than five years, fined not more than \$100,000, or both.</p> <p>§ 4236 (manufacture or cultivation) – a person knowingly and unlawfully manufacturing or cultivating a regulated drug, including methamphetamine, shall be imprisoned not more than 20 years or fined not more than \$1,000,000, or both.</p>

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 4237 (selling or dispensing to minors; selling on school grounds) – a person knowingly and unlawfully dispensing any regulated drug to a minor who is at least three years that person’s junior shall be sentenced to a term of imprisonment of not more than five years.</p> <p>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.</p> <p>No person shall knowingly and unlawfully dispense or sell a regulated drug to any person on a school bus or on real property owned by a public or private elementary, secondary, or vocational school; sell a regulated drug to any person on real property abutting real property owned by a public or private elementary, secondary, or vocational school; or dispense a regulated drug to any person in public view on real property abutting real property owned by a school. “Abutting school property” means that the property is within 500 feet of the school property. A violation of this section shall result in an additional term of imprisonment of not more than 10 years.</p> <p>§ 4238 (second and subsequent offenses) – a person convicted of a second or subsequent offense of violating §§ 4236 or 4237 shall be subject to a term of imprisonment or fined up to twice that authorized by those sections, or both.</p> <p>§ 4250 – if the death of a person results from the selling or dispensing of a regulated drug to the person in violation of this chapter, the person convicted of the violation shall be imprisoned not less than two years nor more than 20 years. This section only applies if the person’s use of the regulated drug is the proximate cause of the person’s death</p>
Methamphetamine cleanup and disposal	None.
Other statutory provisions of note	None.
Recently proposed legislation	Yes. See Pending State Legislation .

<u>VIRGINIA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • VA. CODE ANN. § 15.2-1716.2 (West 2024) (methamphetamine lab cleanup costs; localities may charge for reimbursement) • VA. CODE ANN. §§ 18.2-248 to 18.2-248.04 (West 2024) (included within “Drugs”) • VA. CODE ANN. § 18.2-250 (West 2024) (possession of controlled substances unlawful) • VA. CODE ANN. §§ 18.2-265.6 to 18.2-265.18 (West 2024) (collectively “Sale of Ephedrine or Related Compounds”) • VA. CODE ANN. § 18.2-269 (West 2024) (presumptions from alcohol or drug content of blood) • VA. CODE ANN. § 32.1-11.7 (West 2024) (guidelines for cleanup of residential property used to manufacture methamphetamine) • VA. CODE ANN. § 55.1-1219 (West 2024) (required disclosures for property previously used to manufacture methamphetamine; remedy for nondisclosure)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • April 3, 1991 (§ 18.2-250) • April 12, 2004 (§ 18.2-248.01) • March 23, 20025 (§ 18.2-269) • July 1, 2008 (§ 18.2-248.03) • July 1, 2012 (§§ 15.2-1716.2 and 18.2-248.04) • January 1, 2013 (§§ 18.2-265.6 to 265.18, 18.2-248.02) • April 3, 2014 (§ 18.2-248) • July 1, 2014 (§ 32.1-11.7) • October 1, 2019 (§ 55.1-1219)
Restrictions placed on precursors	<p>§ 18.2-265.7 (sale of the methamphetamine precursors ephedrine or related compounds; penalty) – the sale of any product containing ephedrine or related compounds sold by a pharmacy or retail distributor shall be limited to no more than 3.6 grams per day and 9 grams per 30-day period per individual customer. Such products shall only be displayed for sale behind a store counter or in a locked case that requires assistance for customer access. Purchasers shall present a valid photo identification issued by a government or educational institution.</p> <p>The seller shall maintain a written or electronic log with the purchaser’s name, address, date of birth, and signature; the product name and quantity sold; and the date and time of the transaction.</p> <p>The provisions of this section do not apply to products dispensed pursuant to a valid prescription. Any person who</p>

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Restrictions placed on precursors (cont'd)	<p>willfully violates this section is guilty of a Class 1 misdemeanor.</p> <p>§§ 18.2-265.8 to 18.2-265.18 relate to the real-time electronic system for recording the sales of ephedrine or related compounds.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 18.2-248 (manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance prohibited; penalties) – except as otherwise authorized by law, it is unlawful for any person to manufacture, sell, give, distribute, or possess with intent to manufacture, sell, give, or distribute a controlled substance.</p> <p>Any person who violates this section with respect to a controlled substance in Schedule II, including methamphetamine, shall be imprisoned for not less than five nor more than 40 years and fined not more than \$500,000. Upon a second conviction, the person shall be sentenced to imprisonment for life or for any period not less than five years and fined not more than \$500,000. A third or subsequent offense is punishable by imprisonment for life or for a period of not less than 10 years and a fine of not more than \$500,000.</p> <p>A person who manufactures, sells, gives, distributes, or possesses with the intent to manufacture, sell, give, or distribute 10 grams or more of methamphetamine or 20 grams or more of a mixture or substance containing a detectable amount of methamphetamine is guilty of a felony punishable by a fine of not more than \$1 million and imprisonment for five years to life.</p> <p>Any person who violates this section with respect to the manufacturing of methamphetamine or less than 200 grams of a mixture or substance containing a detectable amount of methamphetamine shall, upon conviction, be imprisoned for not less than 10 nor more than 40 years and fined not more than \$500,000. Upon a second conviction, a violation is punishable by imprisonment for life or for any period not less than 10 years and a fine of not more than \$500,000. A third or subsequent offense is punishable by imprisonment for life or for a period of not less than 10 years and a fine of not more than \$500,000.</p> <p>(1)</p>

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>If an individual convicted of this section proves that he gave, distributed, or possessed with intent to give or distribute a Schedule II substance only as an accommodation to another individual and not with intent to profit thereby from any consideration received or expected nor to induce the recipient or intended recipient of the controlled substance to use or become addicted to or dependent on such controlled substance, the individual shall be guilty of a Class 5 felony.</p> <p>Any person who manufactures, sells, gives, distributes, or possesses with intent to manufacture, sell, give, or distribute 100 grams or more of methamphetamine or 200 grams or more of a mixture or substance containing a detectable amount of methamphetamine shall be guilty of a felony punishable by a fine of not more than \$1 million and imprisonment for 20 years to life.</p> <p>Any person who was the principal or one of several principal administrators, organizers, or leaders of a continuing criminal enterprise shall be guilty of a felony if:</p> <ol style="list-style-type: none"> (1) The enterprise received at least \$100,000 but less than \$250,000 in gross receipts during any 12-month period from the manufacture, importation, or distribution of methamphetamine; or (2) The person engaged in the enterprise to manufacture, sell, give, distribute, or possess with intent to manufacture, sell, give, or distribute at least 100 grams but less than 250 grams of methamphetamine or at least 200 grams but less than 1.0 kg of a mixture or substance containing a detectable amount of methamphetamine during any 12-month period of its existence. <p>A conviction under this section shall be punishable by a fine of not more than \$1 million and imprisonment for 20 years to life.</p> <p>Any person who was the principal or one of several principal administrators, organizers, or leaders of a continuing criminal enterprise if:</p> <ol style="list-style-type: none"> (1) The enterprise received \$250,000 or more in gross receipts during any 12-month period of its existence from the manufacture, importation, or distribution of methamphetamine; or

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>(2) The person engaged in the enterprise to manufacture, sell, give, distribute, or possess with intent to manufacture, sell, give, or distribute at least 250 grams of methamphetamine or at least 1.0 kg of a mixture or substance containing a detectable amount of methamphetamine during any 12-month period of its existence.</p> <p>A conviction under this section shall be punishable by a fine of not more than \$1 million and imprisonment for life. The court may impose a mandatory minimum sentence of 40 years if the court finds that the defendant substantially cooperated with law enforcement.</p> <p>Except as otherwise authorized, any person who possesses any two or more different methamphetamine precursor drugs with the intent to manufacture methamphetamine is guilty of a Class 6 felony.</p> <p>§ 18.2-248.01 (transporting controlled substances into the commonwealth; penalty) – it is unlawful for any person to transport any Schedule II controlled substance into the commonwealth by any means with intent to sell or distribute it. A violation of this section shall constitute a separate and distinct felony punishable by imprisonment of not less than five years or more than 40 years and a fine not to exceed \$1 million. A second or subsequent conviction is punishable by a mandatory minimum term of 10 years imprisonment.</p> <p>§ 18.2-248.02 (allowing a minor or incapacitated person to be present during manufacture or attempted manufacture of methamphetamine prohibited; penalties) – prohibits a person age 18 or older from knowingly allowing a minor under age 15, a minor 15 or older for whom they maintain a custodial arrangement, or a mentally/physically incapacitated person to be present in the same dwelling, apartment, unit of a hotel, garage, shed, or vehicle during the manufacture or attempted manufacture of methamphetamine. A violation is a felony punishable by imprisonment for not less than 10 nor more than 40 years.</p> <p>§ 18.2-248.03 (manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute methamphetamine; penalty) – any person who manufactures,</p>

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>sells, gives, distributes, or possesses with intent to manufacture, sell, give, or distribute:</p> <ol style="list-style-type: none"> (1) 28 grams or more of a mixture or substance containing a detectable amount of methamphetamine is guilty of a felony punishable by a fine of not more than \$500,000 and imprisonment for not less than five nor more than 40 years; or (2) 227 grams or more of a mixture or substance containing a detectable amount of methamphetamine is guilty of a felony punishable by a fine of not more than \$1 million and imprisonment for not less than five years nor more than life. <p>§ 18.2-250 – it is unlawful for any person knowingly or intentionally to possess a controlled substance unless obtained pursuant to a valid prescription. Any person who violates this section with respect to a Schedule II controlled substance is guilty of a Class 5 felony.</p>
Methamphetamine cleanup and disposal	<p>§ 15.2-1716.2 – provides that any locality may require that any person convicted of an offense for the manufacture of methamphetamine shall be liable at the time of sentencing or in a separate civil action to the locality or to any other law enforcement entity for the expense in cleaning up any methamphetamine lab related to the conviction. The cost shall not exceed the actual expenses associated with cleanup, removal, or repair of the affected property or the replacement cost of personal protective equipment used.</p> <p>§ 18.2-248 (manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance prohibited; penalties) – in addition to any other punishment, a person found guilty of manufacturing methamphetamine shall be ordered by the court to make restitution, as the court deems appropriate, to any innocent property owner whose property is damaged, destroyed, or otherwise rendered unusable as a result of methamphetamine production. This restitution shall include the person's or his estate's estimated or actual expenses associated with cleanup, removal, or repair of the affected property. If the property is owned in whole or in part by the person so convicted, the court shall order the person to pay to the Methamphetamine Cleanup Fund authorized in § 18.2-</p>

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Methamphetamine cleanup and disposal (cont'd)	<p>248.04 the reasonable estimated or actual expenses associated with cleanup, removal, or repair of the affected property or, if such expenses cannot be determined, the sum of \$10,000. The convicted person shall also pay the cost of certifying that any building that is cleaned up or repaired is safe for human occupancy.</p> <p>§ 18.2-248.04 (Methamphetamine Cleanup Fund established) – establishes a non-reverting account funded by all moneys assessed against a person convicted of manufacture of methamphetamine as methamphetamine cleanup funds.</p> <p>§ 32.1-11.7 – directs the state Board of Health, in consultation with the state Department of Environmental Quality, to establish guidelines for the cleanup of residential property and other buildings formerly used as sites to manufacture methamphetamine.</p> <p>§ 55.1-1219 – 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>
Other statutory provisions of note	<p>§ 18.2-269 – 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>
Recently proposed legislation	<p>Yes. See Pending State Legislation.</p>

<u>WASHINGTON</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • WASH. REV. CODE ANN. §§ 69.43.105 to 69.43.130 (West 2024) (included within “Precursor Drugs”) • WASH. REV. CODE ANN. § 69.43.190 (West 2024) (products found at methamphetamine sites—report) • WASH. REV. CODE ANN. § 69.50.401 (West 2024) (prohibited acts: A—penalties) • WASH. REV. CODE ANN. § 69.50.4013 (West 2024) (possession, use of controlled substance—penalty—referral to assessment and services—possession of useable cannabis, cannabis concentrates, or cannabis-infused products—delivery) • WASH. REV. CODE ANN. § 69.50.4015 (West 2024) (involving a person under 18 in unlawful controlled substance transaction—penalty) • WASH. REV. CODE ANN. § 69.50.406 (West 2024) (distribution to persons under age 18) • WASH. REV. CODE ANN. § 69.50.440 (West 2024) (possession with intent to manufacture—penalty) • WASH. ADMIN. CODE § 246-205-001 to 246-205-990 (2024)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • July 22, 2001 (§ 69.43.120) • January 23, 2003 (§§ 246-205-001 to 246-205-990) • July 1, 2004 (§ 69.50.4015) • July 24, 2005 (§§ 69.50.406 and 69.50.440) • January 1, 2006 (§ 69.43.190) • July 28, 2013 (§§ 69.43.105 to 69.43.110, and 69.43.130) • July 24, 2015 (§ 69.50.401) • July 1, 2023 (§ 69.50.4013)
Restrictions placed on precursors	<p>§ 69.43.105 (ephedrine, pseudoephedrine, phenylpropanolamine—sales restrictions—record of transaction—exceptions—penalty) – a listed seller may not knowingly sell, transfer, or otherwise furnish to any person at retail a product that he or she knows to contain any detectable quantity of ephedrine or pseudoephedrine without first obtaining a photo identification of the person that shows the date of birth of the person. Such products shall be kept behind the counter or in a locked display case. No such product may be sold to an individual under the age of 18.</p> <p>A purchaser must electronically or manually sign a record of the transaction that includes the name and address of the purchaser, the date and time of the sale, name and initials of the seller, and the name and quantity of product being sold.</p>

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Restrictions placed on precursors (cont'd)	<p>Nothing in this section applies to a product dispensed pursuant to a valid prescription. A violation of this section is a gross misdemeanor.</p> <p>§ 69.43.110 (ephedrine, pseudoephedrine, phenylpropanolamine—sales restrictions—electronic sales tracking system—penalty) – it is unlawful for a person to sell or for a person to purchase more than 3.6 grams of ephedrine or pseudoephedrine in any 24-hour period or more than 9 grams in any 30-day period. Retailers are required to record information about the purchase in an electronic sales tracking system.</p> <p>§ 69.43.120 (ephedrine, pseudoephedrine, phenylpropanolamine—possession of more than fifteen grams—penalty—exceptions) – any person who possesses more than 15 grams of ephedrine or pseudoephedrine is guilty of a gross misdemeanor. This provision does not apply to ephedrine or pseudoephedrine obtained through a valid prescription.</p> <p>§ 69.43.130 (exemptions—pediatric products—products exempted by the pharmacy quality assurance commission) – certain pediatric products containing ephedrine or pseudoephedrine are exempt from the provisions in RCWA 69.43.110 and 69.43.120.</p> <p>§ 69.43.190 – each county sheriff is required to compile and maintain a record of commercial products containing ephedrine or pseudoephedrine and packaging found at methamphetamine laboratory sites. The data is required to be forwarded to the Washington association of sheriffs and police chiefs and reported to the legislature.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 69.50.401 – except as otherwise authorized, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance. Any person who violates this section with respect to methamphetamine is guilty of a class B felony punishable by imprisonment for not more than 10 years, fined not more than \$25,000 if the crime involved less than 2 kg of the drug, or both. If the crime involved two or more kilograms of the drug, then fined not more than \$100,000 for the first 2 kg and not more than \$50 for each gram in excess of 2 kg, or both such imprisonment and fine.</p>

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 69.50.4013 – except as otherwise authorized, it is unlawful for any person to:</p> <ol style="list-style-type: none"> (1) Knowingly possess a controlled substance unless such substance was obtained pursuant to a valid prescription; or (2) Knowingly use a controlled substance in a public place unless obtained pursuant to a valid prescription. <p>A violation is a gross misdemeanor punishable by imprisonment of up to 180 days, a fine of not more than \$1,000, or both. If the defendant has two or more prior convictions occurring after July 1, 2023, a violation is punishable by imprisonment for up to 364 days, a fine of not more than \$1,000, or both.</p> <p>§ 69.50.4015 – 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. A violation of this section is a class C felony.</p> <p>§ 69.50.406 – any person 18 years of age or over who violates § 69.50.401 by distributing methamphetamine to a person under 18 years of age is guilty of a class A felony punishable by the fine authorized by § 69.50.401, by a term of imprisonment of up to twice that authorized by such section, or both.</p> <p>§ 69.50.440 – it is unlawful for any person to possess ephedrine or pseudoephedrine with the intent to manufacture methamphetamine. A violation is a class B felony punishable by imprisonment for not more than 10 years, a fine of not more than \$25,000, or both.</p>
Methamphetamine cleanup and disposal	<p>§§ 69.43.401 and 69.50.440 – \$3,000 of any fine assessed against an individual under these sections may not be suspended but must be deposited with the law enforcement agency having responsibility for cleanup of laboratories, sites, or substances used in the manufacture of methamphetamine. The fine moneys deposited with that law enforcement agency must be used for such clean-up cost.</p> <p>246-205-001 to 246-205-990. Chapter 246-205 of the Washington Administrative Code details the protocols for the decontamination of illegal drug manufacturing or storage sites</p>

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Methamphetamine cleanup and disposal (cont'd)	and includes information on certification for decontamination contractors and the responsibilities of local health officers.
Other statutory provisions of note	None.
Recently proposed legislation	Yes. See Pending State Legislation .

<u>WEST VIRGINIA</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • W. VA. CODE ANN. § 60A-2-212 (West 2024) (Schedule V) • W. VA. CODE ANN. § 60A-4-401 (West 2024) (prohibited acts; penalties) • W. VA. CODE ANN. § 60A-4-406 (West 2024) (distribution to persons under the age of 18 by persons over the age of 21; distribution by persons 18 or over in, on, or within 1,000 feet of, school or college; distribution by persons 18 or over in, on, or within 200 feet of a public library; increasing mandatory period of incarceration prior to parole eligibility) • W. VA. CODE ANN. §§ 60A-4-408 and 60A-4-409 (West 2024) (included within “Offenses and Penalties) • W. VA. CODE ANN. § 60A-4-411 (West 2024) (operating or attempting to operate clandestine drug laboratories; offenses; penalties) • W. VA. CODE ANN. § 60A-4-416 (West 2024) (drug delivery resulting in death; failure to render aid) • W. VA. CODE ANN. § 60A-4-418 (West 2024) (use of a minor to commit a felony drug offense; penalties) • W. VA. CODE ANN. §§ 60A-10-1 to 60A-10-15 (West 2024) (collectively “Methamphetamine Laboratory Eradication Act”) • W. VA. CODE ANN. §§ 60A-11-1 to 60A-11-6 (West 2024) (collectively “Clandestine Drug Laboratory Remediation Act”) • W. VA. CODE R. §§ 15-11-1 to 15-11-9 (2024) (collectively “Ephedrine and Pseudoephedrine Control”) • W. VA. CODE R. §§ 64-92-1 to 64-92-14 (2024) (collectively “Clandestine Drug Laboratory Remediation)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • 1971 (§ 60A-4-408) • April 9, 2005 (§§ 60A-10-9 and 60A-10-13) • June 8, 2007 (§§ 60A-11-4 to 6) • June 8, 2012 (§§ 60A-10-8 and 60A-10-11) • June 10, 2013 (§§ 15-11-1 to 15-11-9) • July 1, 2013 (§ 60A-10-5) • June 10, 2016 (§ 60A-4-411) • July 7, 2017 (§§ 60A-4-409, 60A-4-416, and 60A-10-12) • June 1, 2020 (§ 60A-4-406) • June 5, 2020 (§ 60A-4-401) • May 1, 2022 (§§ 64-92-1 to 64-92-14) • June 10, 2022 (§ 60A-4-418) • January 22, 2024 (§§ 60A-11-1 to 60A-11-3) • May 23, 2024 (§ 60A-10-4)

<u>WEST VIRGINIA</u>	
Restrictions placed on precursors	<p>§ 60A-2-212 – Schedule V includes any compound, mixture, or preparation containing as its single active ingredient ephedrine or pseudoephedrine except products which are for pediatric use intended for administration to children under the age of 12. Provides that neither the offenses set forth in § 60A-4-401 nor the penalties included therein are subject to the provisions of chapter 60A, article 10.</p> <p>§ 60A-10-4 (purchase, receipt, acquisition and possession of substances to be used as precursor to manufacture of methamphetamine or another controlled substance; offenses; exceptions; penalties) – provides that a pharmacy may not sell, transfer, or dispense 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 86.4 grams annually of ephedrine or pseudoephedrine without a prescription.</p> <p>Any person who purchases, receives, or otherwise possesses more than 7.2 grams in a 30-day period of such products in any form without a prescription is guilty of a misdemeanor punishable by imprisonment for not more than one year, a fine of not more than \$1,000, or both. A second or subsequent violation of the provisions of this section is punishable by imprisonment for not less than one nor more than five years, a fine of not more than \$25,000, or both.</p> <p>Any pharmacy, wholesaler, or other entity that sells, transfers, or dispenses a product in violation of this section is guilty of a misdemeanor subject to a fine of not more than \$1,000 for a first offense or more than \$10,000 for each subsequent offense.</p> <p>§ 60A-10-5 (restrictions on the sale, transfer, or delivery of certain drug products; penalties) – pharmacies must keep products containing ephedrine or pseudoephedrine behind the pharmacy counter where access is restricted. Such products shall not be sold to an individual under age 18. The purchaser shall produce a valid government-issued photo identification showing his or her date of birth and sign the logbook containing the information set forth in § 60A-10-8. Any person who knowingly makes a false representation or statement is guilty of a misdemeanor punishable by imprisonment for not more than six months, a fine of not more than \$5,000, or both. This section does not apply to products dispensed pursuant to a valid prescription.</p>

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Restrictions placed on precursors (cont'd)	<p>§ 60A-10-8 (reporting requirements; confidentiality) – beginning January 1, 2013, a pharmacist, pharmacy intern, or pharmacy technician making the sale, transfer, or distribution of any drug product containing ephedrine or pseudoephedrine shall report the following information in real time: the date of the transaction; the name, address, and identification number of the purchaser; and the name, quantity of packages, and total gram weight of the product purchased.</p> <p>§ 15-11-3 (pharmacy requirements) – Schedule V pseudoephedrine products can only be sold in licensed pharmacies, behind the pharmacy counter, by a pharmacist, registered pharmacy intern, or registered pharmacy technician. A pharmacy is required to offer a patient counseling for each transaction and require the person purchasing the drug to produce a valid government-issued photo identification and sign a logbook containing the information set forth in § 60A-10-8</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 60A-4-401 – except as otherwise authorized by law, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance. A violation with respect to methamphetamine is a felony punishable by imprisonment for not less than one year nor more than 15 years, a fine of not more than \$25,000, or both.</p> <p>It is unlawful for any person to knowingly or intentionally possess a controlled substance unless obtained pursuant to a valid prescription. A violation is a misdemeanor punishable by confinement in jail for not less than 90 days nor more than six months, a fine of not more than \$1,000, or both.</p> <p>§ 60A-4-406 – notwithstanding any other law to the contrary, a person is ineligible for parole for a period of three years if he or she is sentenced to the custody of the Commissioner of Corrections and Rehabilitation for service of a sentence of incarceration and is convicted of a felony violation of § 60A-4-401 for distribution of a controlled substance and:</p> <ol style="list-style-type: none"> (1) Is 21 years of age or older at the time of the distribution and the person to whom the substance was distributed was under 18 years of age at the time; (2) Is 18 years of age or older and the distribution upon which the convicted is based occurred in, on, or within 1,000 feet of, the real property comprising a public or

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Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>private elementary, vocational, or secondary school, or a public or private college, junior college, or university in this state; or</p> <p>(3) Is 18 years of age or older and the distribution upon which the conviction is based occurred in, on, or within 200 feet of, the real property comprising a public library in this state.</p> <p>§ 60A-4-408 (second or subsequent offenses) – any person convicted of a second or subsequent offense under this chapter may be imprisoned for a term up to twice the term otherwise authorized, fined an amount up to twice that otherwise authorized, or both.</p> <p>§ 60A-4-409 (prohibited acts—transportation of controlled substances into state; penalties) – except as otherwise authorized, it is unlawful for any person to transport or cause to be transported into this state a controlled substance with the intent to deliver the same or with the intent to manufacture a controlled substance. Any person who violates this section with respect to a Schedule II controlled substance is guilty of a felony punishable by imprisonment for not less than one year not more than 10 years, fined not more than \$15,000, or both.</p> <p>Any person violating this section involving 50 grams or more of methamphetamine, or 500 grams of a substance or material containing a measurable amount of methamphetamine, is guilty of a felony punishable by imprisonment for a determinate sentence of not less than two years nor more than 30 years.</p> <p>Any person violating this section involving not less than five but fewer than 50 grams of methamphetamine, or not less than 50 grams but fewer than 500 grams of a substance or material containing a measurable amount of methamphetamine, is guilty of a felony punishable by imprisonment for a determinate sentence of not less than two nor more than 20 years.</p> <p>Any person violating this section involving not less than 499 mg nor more than 5 grams of methamphetamine, or not less than 20 grams nor more than 50 grams of a substance or material containing a measurable amount of methamphetamine, is guilty of a felony punishable by imprisonment for a determinate sentence of not less than two nor more than 15 years.</p>

<u>WEST VIRGINIA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 60A-4-411 – any person who operates or attempts to operate a clandestine drug laboratory is guilty of a felony punishable by imprisonment for not less than two years nor more than 10 years, a fine of not less than \$5,000 nor more than \$25,000, or both. If, in the course of operating or attempting to operate a clandestine drug laboratory, the person causes to be burned any dwelling, outbuilding, building, or structure of any class or character is guilty of a felony punishable by a fine of not less than \$1,000 nor more than \$5,000, imprisonment for not less than one nor more than five years, or both.</p> <p>§ 60A-4-416 – any person who knowingly and willfully delivers a controlled substance in violation of § 60A-4-401 for an illicit purpose and the use, ingestion, or consumption of the substance alone or in combination with one or more other substances, proximately causes the death of a person using, ingesting, or consuming such substance, is guilty of a felony punishable by imprisonment for a determinate sentence of not less than three nor more than 15 years.</p> <p>§ 60A-4-418 – any person over the age of 21 who knowingly and intentionally causes, aids, abets, or encourages a person under the age of 18 to distribute, dispense, manufacture, or possess with intent to distribute a controlled substance in violation of the provisions of this chapter is guilty of a felony punishable by a fine of not more than \$10,000 or imprisonment for not more than five years, or both.</p> <p>§ 60A-10-4 (purchase, receipt, acquisition and possession of substances to be used as precursor to manufacture of methamphetamine or another controlled substance; offenses; exceptions; penalties) – notwithstanding any provision to the contrary, any person who knowingly possesses any amount of ephedrine, pseudoephedrine, or other designated precursor with the intent to use it in the manufacture of methamphetamine or who knowingly possesses a substance containing ephedrine or pseudoephedrine in a state or form which is, or has been, altered or converted from the state or form in which these chemicals are, or were, commercially distributed is guilty of a felony punishable by imprisonment for not less than two nor more than 10 years, a fine of not more than \$25,000, or both.</p>

<u>WEST VIRGINIA</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 60A-10-12 (exposure of children to methamphetamine manufacturing; penalties) – any person 18 years of age or older who knowingly causes or permits a minor to be present in a location where methamphetamine is manufactured or attempted to be manufactured is guilty of a felony punishable by imprisonment for not less than two nor more than 10 years, a fine of not more than \$10,000, or both. If such child suffers serious bodily injury, violation is a felony punishable by imprisonment for not less than three nor more than 15 years, a fine of not more than \$25,000, or both.</p> <p>§ 60A-10-13 (exposure of first responders to manufacture methamphetamine; penalties) – any person who, as a result of or in the course of unlawfully and intentionally manufacturing methamphetamine, causes a listed individual, including, but not limited to, police officers, firefighters, and emergency medical service personnel, while 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 controlled substance, without prior knowledge of such, and thereby causes bodily injury to such persons, shall be guilty of a felony punishable by a fine of not less than \$500 nor more than \$5,000 and imprisonment for not less than one year nor more than five years.</p>
Methamphetamine cleanup and disposal	<p>§§ 60A-11-1 to 60A-11-6 – West Virginia's clandestine drug laboratory remediation act designates the Department of Health as the state agency to oversee the standards for the remediation of clandestine drug laboratories and requires that the department propose rules to address a list of specific issues.</p> <p>§ 60A-11-4 (law-enforcement responsibility) – any law enforcement agency, upon locating chemicals, equipment, supplies, or precursors indicative of a clandestine drug laboratory on residential property, shall notify the residential property owner and the department in a manner prescribe by rule.</p> <p>§ 60A-11-5 (residential property owner responsibility; owner immunity; voluntary compliance) – upon notification pursuant to § 60A-11-4, a residential property owner shall be responsible for actions necessary to meet the remediation standards established by rule. Such property shall remain unoccupied from the time the owner is notified until such time as the department certifies that the remediation meets requirements.</p>

<u>WEST VIRGINIA</u>	
Methamphetamine cleanup and disposal (cont'd)	<p>Once remediation has been certified complete by the department, the residential property owner and any representative or agent of the owner who neither knew nor should have known of the property's illegal use shall be immune from civil liability for action brought for injuries or loss based on the prior use of the residential property as a clandestine laboratory by future owners, renters, lessees, or any other person who occupies the residential property.</p> <p>§ 60A-11-6 (liability for costs of remediation) – any person convicted of a violation of § 60A-10-4 of this chapter and whose actions resulted in the necessity of remediation of a clandestine drug laboratory shall be liable to the person or entity for all costs associated with the remediation of such laboratory. These costs may include attorney's fees and court costs reasonably necessary to bring an action to collect the amount paid for the remediation.</p> <p>§§ 64-92-1 to 64-92-14 – these rules provide policies and protocols related to clandestine drug laboratory remediation. No person can perform the work of a clandestine drug laboratory remediation technician or contractor without possessing a valid license. A residential property owner who has been notified by a law enforcement agency or becomes aware of a clandestine drug laboratory on his or her property is required to ensure the property remains unoccupied and secured until a certificate of remediation completion is issued.</p>
Other statutory provisions of note	<p>§ 60A-10-9 (persons mandated to report suspected injuries related to methamphetamine production; failure to report; penalty) – when any medical, dental, or mental health professional, Christian Science practitioner, religious healer, or emergency medical services personnel has reason to believe that an injury is the direct result of exposure to the production of methamphetamine such person shall immediately, and not more than 48 hours after such suspicion arises, report the circumstances or cause a report to be made to a state, county, or local law enforcement agency. A knowing and intentional failure to make such report or intentionally preventing another person from making such report is a misdemeanor punishable by a fine of not more than \$100, imprisonment for not more than 10 days, or both.</p>

<u>WEST VIRGINIA</u>	
Other statutory provisions of note (cont'd)	§ 60A-10-11 (reporting to the Legislative Oversight Commission on Health and Human Resources Accountability) – the Superintendent of the West Virginia State Police shall submit an annual report no later than July 1 of each year to the Legislative Oversight Commission on Health and Human Resources Accountability with data and statistics related to methamphetamine use, production, and distribution in this state including, but not limited to, the number of clandestine methamphetamine lab incidents per year.
Recently proposed legislation	Yes. See Pending State Legislation .

<u>WISCONSIN</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • WIS. STAT. ANN. §§ 961.22 to 961.235 (West 2024) (included within “Standards and Schedules”) • WIS. STAT. ANN. § 961.41 (West 2024) (prohibited acts A—penalties) • WIS. STAT. ANN. §§ 961.453 to 961.46 (West 2024) (included within “Offenses and Penalties”) • WIS. STAT. ANN. § 961.495 (West 2024) (possession or attempted possession of a controlled substance on or near certain places)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • May 27, 2010 (§ 961.495) • June 1, 2018 (§§ 961.22 to 961.235) • March 18, 2022 (§ 961.41)
Restrictions placed on precursors	<p>§ 961.22 (Schedule V) – pseudoephedrine is included in schedule V.</p> <p>§ 961.23 (dispensing of schedule V substances) – if the substance is a pseudoephedrine product, such product may only be sold at retail by a pharmacist or a person working under the direction of a pharmacist when sold in a retail establishment. The purchaser shall present a photo identification that includes the purchaser’s correct name and address. The seller shall record the name, date of birth, and address of the purchaser; the name and quantity of product purchased; the date and time purchased; and the name of the seller or supervisor. The purchaser shall sign the record of the transaction.</p> <p>No person may purchase more than 7.5 grams of pseudoephedrine within a 30-day period. No person may sell such product to a person under 18 years of age and no person under 18 years of age shall purchase such product.</p> <p>§ 961.235 (records relating to sales of pseudoephedrine products) – records of pseudoephedrine sales are required to be kept in electronic format and be maintained by the pharmacy for at least two years.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 961.41 – except as otherwise authorized by law, it is unlawful for any person to manufacture, distribute, or deliver a controlled substance. A violation with respect to methamphetamine when the amount manufacture, distributed, or delivered is:</p> <ul style="list-style-type: none"> (1) 3 grams or less, it is a Class F felony; (2) More than 3 grams but not more than 10 grams, it is a Class E felony;

<u>WISCONSIN</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>(3) More than 10 grams but not more than 50 grams, it is a Class D felony; or</p> <p>(4) More than 50 grams, it is a Class C felony.</p> <p>Except as otherwise authorized by law, it is unlawful for any person to possess with intent to manufacture, distribute, or deliver a controlled substance. A violation with respect to methamphetamine when the amount possessed with intent is:</p> <p>(1) 3 grams or less, it is a Class F felony;</p> <p>(2) More than 3 grams but not more than 10 grams, it is a Class E felony;</p> <p>(3) More than 10 grams but not more than 50 grams, it is a Class D felony; or</p> <p>(4) More than 50 grams, it is a Class C felony.</p> <p>No person may possess or attempt to possess methamphetamine unless obtained pursuant to a valid prescription. A violation is a Class I felony.</p> <p>Whoever purchases more than 7.5 grams of pseudoephedrine in a 30-day period is guilty of a Class I felony.</p> <p>§ 961.453 (purchases of pseudoephedrine products on behalf of another person) – no person may, with the intent to acquire more than 7.5 grams of pseudoephedrine within a 30-day period, knowingly solicit, hire, direct, employ, or use another to purchase a pseudoephedrine product on his or her behalf. A violation is a Class I felony. If the person solicited, hired, directed, employed, or used is less than 18 years of age, the defendant is guilty of a Class H felony. No person may purchase a pseudoephedrine product on behalf of another with the intent to facilitate another person's manufacture of methamphetamine. A violation is a Class I felony.</p> <p>§ 961.455 (using a child for illegal drug distribution or manufacturing purposes) – any person who is 17 years old or older who knowingly solicits, hires, directs, employs, or uses a person who is under the age of 17 years for the purpose of violating § 961.41(1) is guilty of a Class F felony.</p> <p>§ 961.46 (distribution to persons under age 18) – if a person 17 years of age or over violates § 961.41(1) by distributing or</p>

<u>WISCONSIN</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>delivering a controlled substance to a person 17 years of age or under who is at least three years his or her junior, the applicable maximum term of imprisonment prescribed under § 961.41(1) for the offense may be increased by not more than five years.</p> <p>§ 961.495 – any person who violates § 961.41(3g) by possessing or attempting to possess a Schedule II controlled substance while in or on the premises of a scattered-site public housing project, while in or on or otherwise within 1,000 feet of a state, county, city, village, or town park, a jail or correctional facility, a multiunit public housing project, a public swimming pool, or while in or on or otherwise within 1,000 feet of a school bus, the court shall, in addition to any other penalties that may apply to the crime, impose 100 hours of community service work for a public agency or a nonprofit charitable organization.</p>
Methamphetamine cleanup and disposal	None.
Other statutory provisions of note	None.
Recently proposed legislation	None.

<u>WYOMING</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • WYO. STAT. ANN. § 35-7-1031 (West 2024) (unlawful manufacture or delivery; counterfeit substance; unlawful possession) • WYO. STAT. ANN. § 35-7-1036 (West 2024) (distribution to person under 18; drug free school zones) • WYO. STAT. ANN. §§ 35-7-1038 and 35-7-1039 (West 2024) (included within “Controlled Substances”) • WYO. STAT. ANN. § 35-7-1059 (West 2024) (unlawful clandestine laboratory operations; methamphetamine precursors; presumptively illegal amount; methamphetamine precursor sales limitations; registration requirements; reports; penalties) • 041.0004.2 WYO. CODE R. §§ 1 to 17 (2024) (collectively “Clandestine Lab Testing and Remediation”)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • July 1, 1995 (§ 35-7-1038) • July 1, 2004 (§ 35-7-1039) • September 14, 2010 (041.0004.2 §§ 1 to 17) • July 1, 2011 (§ 35-7-1059) • March 10, 2014 (§ 35-7-1036) • July 1, 2018 (§ 35-7-1031)
Restrictions placed on precursors	<p>§ 35-7-1059 – the retail sale of methamphetamine precursor drugs shall be limited as follows:</p> <ol style="list-style-type: none"> (1) No person shall obtain more than 3.6 grams per calendar day, regardless of the number of transactions, of one or more methamphetamine precursor drugs; (2) Sales in blister packs, each blister containing not more than two dosage units or, when the use of blister packs is not technically feasible, sales in unit dose packets or pouches; and (3) No person shall obtain more than 9 grams of ephedrine or pseudoephedrine base of which no more than 7.5 grams can be imported by private or commercial carrier or the U.S. postal service during any 30-day period. <p>No person shall sell in a single retail transaction more than two packages of a product containing methamphetamine precursor drugs. The seller shall maintain a written or electronic list of such sales that identifies the products by name, the quantity sold, the names and addresses of the purchasers, and the date and time of the sales.</p>

<u>WYOMING</u>	
Restrictions placed on precursors (cont'd)	<p>A retail distributor of products containing methamphetamine precursors shall keep products behind a store counter, in a locked case, or displayed within 30 feet of and in the direct line of sight of a cash register or store counter staffed by a store employee and the store employs a reliable alarm system to prevent theft.</p> <p>A violation of these provisions is a misdemeanor punishable by a fine of \$100 for a first offense, \$500 for a second offense within two years, and \$1,000 and up to six months imprisonment, or both, for a third offense within three years.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 35-7-1031 – except as otherwise authorized by law, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance. A violation with respect to methamphetamine is guilty of a crime punishable by imprisonment for not more than 20 years, a fine of not more than \$25,000, or both.</p> <p>It is unlawful for any person to knowingly or intentionally possess methamphetamine unless obtained pursuant to a valid prescription. A violation is a felony punishable by imprisonment for not more than seven years, a fine of not more than \$15,000, or both.</p> <p>§ 35-7-1036 – any person 18 years of age or over who violates § 35-7-1031 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 by such statute, by a term of imprisonment of up to twice that authorized by such statute, or both.</p> <p>Any person convicted of any of the following listed offenses with regard to a controlled substance listed in Schedule II shall have the penalties specified in this section as part of the sentence and in addition to any other penalties authorized by law, if that offense was committed within any school bus or within the boundaries of or within 500 feet of the boundaries of real property used by a school district primarily for the education of any student in any grade from kindergarten through 12th grade:</p> <p>(1) If an adult, for manufacture, delivery, or possession with intent to manufacture or deliver in violation of law, imprisonment for a minimum of two years and an</p>

<u>WYOMING</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>additional fine of \$1,000. For possession in violation of law, an additional fine of \$500.</p> <p>(2) If a minor and if not sentenced to a term of imprisonment which is unsuspended, for manufacture, delivery, or possession with intent to manufacture or deliver in violation of law, successful completion of a drug education or rehabilitation program specified by the court; not less than 25 nor more than 200 hours of community service; and submission to monthly drug testing for one year.</p> <p>§ 35-7-1038 (second or subsequent offenses; mandatory minimum penalty for certain subsequent offenses) – unless otherwise provided by § 35-7-1031, any person convicted of a second or subsequent offense under this act may be imprisoned for a term up to twice the term otherwise authorized, fined an amount up to twice that otherwise authorized, or both.</p> <p>§ 35-7-1039 (person using or under influence of controlled substance) – any person who knowingly or intentionally uses or is under the influence of a controlled substance listed in Schedule II, except when administered or prescribed by a licensed practitioner, shall be guilty of a misdemeanor punishable by imprisonment not to exceed six months or a fine not to exceed \$750, or both.</p> <p>§ 35-7-1059 – it is unlawful for any person to knowingly or intentionally possess a controlled substance precursor with the intent to engage in a clandestine laboratory operation; possess laboratory equipment or supplies with the intent to engage in a clandestine laboratory operation; sell, distribute, or otherwise supply a precursor, laboratory equipment, or supplies knowing it will be used for a clandestine laboratory operation; or conspire with or aid another to engage in a clandestine laboratory operation. A violation is a felony punishable by imprisonment for not more than 20 years, a fine of not more than \$25,000, or both.</p> <p>If any of the following occurred in conjunction with the violation, the violation is a felony punishable by imprisonment for not more than 25 years, a fine of not more than \$50,000, or both:</p>

<u>WYOMING</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>(1) 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;</p> <p>(2) The intended laboratory operation was to take place or did take place within 500 feet of a residence, business, church, or school; or</p> <p>(3) Any phase of the clandestine laboratory operation was conducted in the presence of a person less than 18 years of age.</p> <p>If the person used a fire or a booby trap, the violation is a felony punishable by imprisonment for not more than 40 years, a fine of not more than \$100,000, or both.</p> <p>Except as provided by law, no person shall possess a drug product containing more than 15 grams of ephedrine or pseudoephedrine unless subject to a listed exception. A person who knowingly or intentionally violates this section is guilty of a felony punishable by imprisonment for not more than 15 years, a fine of \$25,000, or both.</p>
Methamphetamine cleanup and disposal	041.0004.2 §§ 1 through 17 – these regulations provide the policies and procedures for clandestine lab testing and remediation in Wyoming. In an incident involving a clandestine lab occurs, until such time as it is determined the site is safe for human habitation, no persons are allowed to enter the building that have been involved in the incident except for the purpose of law enforcement, testing, remediation, or emergency purposes. All contractors and employees who perform remediation of clandestine laboratories are required to have a minimum level of training and have specific training in current clandestine laboratory hazards, remediation techniques, and applicable regulations.
Other statutory provisions of note	None.
Recently proposed legislation	None.

<u>GUAM</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • 9 GUAM CODE ANN. §§ 67.401.1 and 67.401.2 (2023) (included within “Offenses and Penalties”) • 9 GUAM CODE ANN. § 67.401.2.3 (2023) (pseudoephedrine; retail sale) • 9 GUAM CODE ANN. §§ 67.401.11 and 67.401.12 (2023) (included within “Offenses and Penalties”) • 9 GUAM CODE ANN. § 67.412.1 (2023) (no conditional discharge and dismissal permitted for offenses involving methamphetamine) • 9 GUAM CODE ANN. § 67.607 (2023) (manufacture or distribution for purposes of unlawful importation)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • December 12, 2005 (§ 67.401.2.3) • May 6, 2013 (§ 67.401.11) • April 4, 2019 (§ 67.401.2)
Restrictions placed on precursors	<p>§ 67.401.2.3 – any medication containing pseudoephedrine shall be placed behind the sales counter, stored or displayed in a locked cabinet or locked area in such manner that the product is accessible to the public only with the assistance of a pharmacist, retailer, or employer of the retailer. Individuals may not purchase more than two packages of a product containing pseudoephedrine in a single transaction and a seller may not sell more than two such packages in a single transaction.</p> <p>It is unlawful for any person to purchase packages containing pseudoephedrine with knowledge, intention, or with reckless disregard of the likely use of such products to manufacture methamphetamine. Any practitioner, retailer, employee of a retailer, or a purchaser who violates this section commits a violation.</p>
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 67.401.1 (possession, etc., for illegal delivery, dispensing, or manufacturing; defined; punishments classified according to drug class involved) – except as otherwise authorized by this act, it is unlawful for any person to knowingly or intentionally manufacture, deliver, or possess with intent to manufacture, deliver, or dispense a controlled substance. A violation with respect to a Schedule II controlled substance is a felony in the first degree.</p> <p>§ 67.401.2 (illegal possession; defined and punishment) – it is unlawful for any person to knowingly or intentionally possess a controlled substance, unless obtained pursuant to a valid prescription. A violation with respect to any controlled substance is guilty of a felony of the third degree. A person who</p>

<u>GUAM</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>commits a crime under this section within the drug-free school zone is guilty of a misdemeanor. A person who commits a crime under § 67.401.1 within a drug-free school zone is guilty of the same class of felony had the offense been committed outside the zone.</p> <p>§ 67.401.11 (mandatory sentencing for persons convicted of a third-degree felony relative to the possession of methamphetamine) – except as provided in § 67.401.12, the court shall impose a sentence of imprisonment of not less than three years and not more than five years, and a fine of \$15,000, on persons convicted of a third degree felony under the provisions of § 67.401.2 when the controlled substance possessed is methamphetamine. Sentence in these cases shall also include mandatory community service of no less than 150 hours, mandatory enrollment and attendance in a drug rehabilitation program, and a mandatory term of probation of five years.</p> <p>§ 67.401.12 (mandatory sentencing for first-time offenders of a third-degree felony relative to the possession of methamphetamine) – in cases where § 67.401.11 is applicable to the sentencing of a person, a person who has not previously been convicted of a felony relative to the possession of any controlled substance and has been convicted of a felony for the first time relative to possession of methamphetamine shall be sentenced to a term of imprisonment of no more than three years and a fine of \$5,000, as well as a mandatory sentence of 150 hours of community service, mandatory enrollment and attendance in a drug rehabilitation program, and a mandatory term of probation of five years.</p> <p>§ 67.412.1 – the provisions of § 67.412 (related to conditional discharge and dismissal of charges) shall not apply in the case of a violation defined as a third degree felony in § 67.401.2 that involves methamphetamine.</p> <p>§ 67.607 – it is unlawful and punishable as a felony of the first degree for any person to manufacture or distribute a Schedule II controlled substance intending that such substance be unlawfully imported into Guam or knowing that such substance will be unlawfully imported into Guam.</p>
Methamphetamine cleanup and disposal	None.

<u>GUAM</u>	
Other statutory provisions of note	None.
Recently proposed legislation	None.

<u>PUERTO RICO</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • P.R. LAWS ANN. tit. 24, § 2401 (English version current through 2012) (prohibited acts (A); penalties) • P.R. LAWS ANN. tit. 24, §§ 2404 and 2405 (English version current through 2012) (included within “Offenses and Penalties”) • P.R. LAWS ANN. tit. 24, §§ 2411 and 2411a (English version current through 2012) (included within “Offenses and Penalties”)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • April 17, 1972 (§ 2411) • June 4, 1980 (§ 2401) • September 3, 1997 (§ 2405) • January 10, 1998 (§ 2411a) • February 22, 2003 (§ 2404)
Restrictions placed on precursors	None.
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 2401 – except as otherwise authorized by law, it is unlawful for any person to knowingly or intentionally manufacture, distribute, dispense, transport, or conceal, or possess with intent to manufacture, distribute, dispense, transport, or conceal a controlled substance. If the violation involves a substance in Schedule II that is not a narcotic drug or in the case of a controlled substance in Schedule III, it is a felony punishable by imprisonment for a fixed term of seven years and a fine not to exceed \$15,000 may be imposed. A second or subsequent offense is a felony punishable by imprisonment for a fixed term of 15 years and a fine not to exceed \$30,000 may be imposed.</p> <p>§ 2404 (penalty for simple possession, conditional discharge and expungement of records for first offense) – it is unlawful for any person, knowingly or intentionally, to possess any controlled substance unless such substance was obtained pursuant to a valid prescription. Violation is a felony punishable by imprisonment for a fixed term of three years and a fine of not more than \$5,000 may be imposed. A second or subsequent offense is a felony punishable by imprisonment for a fixed term of six years.</p> <p>§ 2405 (distribution to persons under age 18) – any person over 18 years of age who violates § 2401 by distributing, dispensing, or in any other way transfers or administers a controlled substance to a person under 18 years of age, or who in any way induces or aids to, or conspires with others to induce a person under 18 years of age, to use a controlled substance, shall incur</p>

<u>PUERTO RICO</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>a felony and shall be punished up to twice the penalties provided in § 2401 for a first offense. A second offense shall be punishable up to three times that provided by such statute.</p> <p>§ 2411 (employment of minors) – any person who uses the services of a person under 18 years of age in the transportation, manufacture, distribution, dispensing of any of the controlled substances in this chapter for unlawful purposes shall be guilty of a felony punishable by twice the penalties provided in § 2401 for a first offense. For second and subsequent violations, it is punishable by triple the penalties provided in such statute.</p> <p>§ 2411a (introduction of drugs in schools, recreational facilities or institutions) – any person who knowingly and intentionally and in violation of law introduces, distributes, dispenses, administers, possesses, or conveys for the purpose of distribution, sells, gives away, or delivers in any way, or simply possesses any controlled substance, in a public or private school, public or private recreational facility, or in the surrounding area of any of these, is guilty of a felony punishable by double the penalty provided in §§ 2401 or 2404 for a first offense. In the case of a subsequent conviction for simple possession, the penalty shall be three times the penalty provided in § 2404 of this title. In the case of a subsequent conviction for the introduction, distribution, possession for distribution or sale, a penalty of imprisonment shall be imposed for a fixed term of 99 years.</p> <p>Any person who knowingly and intentionally and in violation of law distributes, dispenses, administers, possesses, or conveys for the purpose of distribution, or sells, gives away, or delivers any form of any controlled substance, in a center, institution, or public or private facility devoted to the prevention, diagnosis, treatment, and rehabilitation of narcotic drug addicts or those who depend on depressant or stimulant drugs, or in the surroundings thereof, shall be guilty of a felony.</p>
Methamphetamine cleanup and disposal	None.
Other statutory provisions of note	None.
Recently proposed legislation	None.

<u>VIRGIN ISLANDS</u>	
Statute(s) and regulation(s)	<ul style="list-style-type: none"> • V.I. CODE ANN. tit. 12, §§ 551 to 557 (2024) (collectively “Brownsfields Revitalization and Environmental Restoration Act”) • V.I. CODE ANN. tit. 19, § 604 (2024) (prohibited acts A—penalties) • V.I. CODE ANN. tit. 19, § 607 (2024) (penalty for simple possession; conditional discharge and expunging of records for first offense) • V.I. CODE ANN. tit. 19, §§ 608 to 608b (2024) (included within “Controlled Substances Law”) • V.I. CODE ANN. tit. 19, § 612a (2024) (liability for drug-induced deaths) • V.I. CODE ANN. tit. 19, § 614a (2024) (trafficking in certain controlled substances; mandatory sentences; suspension or reduction)
Effective date(s) of most recent substantive amendment(s)	<ul style="list-style-type: none"> • March 15, 1984 (§ 608) • November 9, 1990 (§§ 608a, 608b, and 612a) • May 3, 2013 (§§ 604 and 614a) • December 19, 2014 (§ 607)
Restrictions placed on precursors	None.
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine	<p>§ 604 – except as authorized by law, it is unlawful for any person to knowingly or intentionally manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance. A violation with respect to a controlled substance in Schedule II that is not a narcotic drug or a Schedule III substance is punishable by imprisonment for not more than five years, a fine of not more than \$15,000, or both. A second or subsequent offense is punishable by imprisonment of not more than 10 years, a fine of not more than \$30,000, or both.</p> <p>A person 18 years or older convicted of a violation of this section for distributing, dispensing, or possessing with intent to distribute or dispense, a controlled substance and the violation occurred within 1,000 feet of the real property boundary on which real property is located a public, private, or parochial school, college, or university; a public park; public playground; or public beach, shall, in addition to any other penalties, be sentenced to an additional minimum sentence of at least two years of total confinement.</p>

<u>VIRGIN ISLANDS</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 607 – except as otherwise provided by law, it is unlawful for any person to knowingly or intentionally possess a controlled substance unless obtained pursuant to a valid prescription. A violation is punishable by imprisonment for not more than one year, a fine of not more than \$5,000, or both. A second or subsequent offense is punishable by imprisonment for not more than two years, a fine of not more than \$10,000, or both.</p> <p>§ 608 (distribution to persons under age 18) – any person who violates § 604 by distributing controlled substances to a person under 18 years of age is punishable by a term of imprisonment and a fine equal to twice that authorized by such statute. A second or subsequent offense is punishable by a term of imprisonment and fine equal to three times that authorized by such statute.</p> <p>§ 608a (use of a juvenile in drug distribution) – any person at least 18 years of age or older who knowingly uses, solicits, directs, hires, or employs a person 17 years of age or younger to violate any section of chapter 29 of this title (related to controlled substances) and is found to have violated this section is guilty of a crime punishable by an additional term of imprisonment not to exceed 15 years. A fine not to exceed \$300,000 may also be imposed.</p> <p>§ 608b (maintaining or operating controlled substance production facilities) – in addition to any other provision of law, any person who knowingly maintains or operates any premises, place, or facility used for the manufacture of methamphetamine, or any person who knowingly aids, promotes, finances, or otherwise participates in the maintenance or operation of such premises, place, or facility, shall be guilty of a crime and shall be sentenced to a term of imprisonment of not less than 10 years nor more than 20 years and a fine not to exceed \$500,000 or five times the street value of all controlled substances at any time manufactured or stored at such premises, place, or facility, whichever is greater.</p> <p>§ 612a – notwithstanding any other provisions of law, any person who manufactures, distributes, or dispenses methamphetamine in violation of § 604 shall be liable for a death with results from the injection, inhalation, or ingestion of that substance, and is guilty of a crime punishable by life imprisonment without parole.</p>

<u>VIRGIN ISLANDS</u>	
Criminal penalties for possessing, manufacturing, or trafficking methamphetamine (cont'd)	<p>§ 614a – any person who knowingly sells, manufactures, delivers, or brings into the Virgin Islands, or who is knowingly in actual or constructive possession of 100 units or more of a controlled substance which is either a stimulant, depressant, or hallucinogenic drug is guilty of a felony which shall be known as “trafficking in dangerous drugs.” If the quantity involved is:</p> <ul style="list-style-type: none"> (1) 100 units or more, but less than 500 units, sentenced to a mandatory minimum term of imprisonment of three years and a fine of \$50,000; (2) 500 units or more, sentenced to a mandatory minimum term of imprisonment of five years and a fine of \$100,000; and (3) 2,000 units or more, sentenced to a mandatory term of imprisonment of 15 years and a fine of \$250,000.
Methamphetamine cleanup and disposal	<p>§§ 551 to 557 – this chapter relates to cleaning up hazardous substances found on real property under the U.S. Environmental Protection Agency’s Brownfields Program, funds for which can be used to clean up property contaminated by methamphetamine production.</p>
Other statutory provisions of note	None.
Recently proposed legislation	None.

<u>PENDING STATE LEGISLATION</u>	
State/Bill Number/ Status	Description
Alaska H.B. 398, 33 rd Leg., 2 nd Sess. (Alaska 2024) (5/8/2024 – referred to rules committee)	This bill would amend § 11.71.030 to provide that a person commits the crime of misconduct involving a controlled substance in the third degree if the person, with reckless disregard that the possession occurs, on or within 500 feet of school grounds or a day care center, or at or within 500 feet of a recreation or youth center, a shelter for the homeless, or a treatment and rehabilitation center.
Arizona H.B. 2550, 56 th Leg. Sess., 2 nd Reg. Sess. (Ariz. 2024) (1/22/2024 – read second time in House) H.B. 2607, 56 th Leg. Sess., 2 nd Reg. Sess. (Ariz. 2024) (1/17/2024 – read second time in House)	This bill would amend § 13-705 to provide that the penalties apply equally to crimes against all children under 18 years of age, including crimes involving methamphetamine.
Arizona H.B. 2820, 56 th Leg. Sess., 2 nd Reg. Sess. (Ariz. 2024) (2/22/2024 – read third time in House)	This bill creates § 13-1106 to provide that a person commits drug trafficking homicide if all of the following apply: (1) the person sells a dangerous drug in violation of § 13-3407 or a narcotic drug in violation of § 13-3408; (2) injecting, inhaling, absorbing, or ingesting the dangerous or narcotic drug, either alone or in combination with other drugs, causes the death of the person to whom the drug was sold; and (3) the person knows, has reason to know, or is criminally negligent as to the identity of the drug. Provides that drug trafficking homicide is a class 1 felony. Provides that, if the victim is under 15 years of age, drug trafficking homicide is punishable as provided in ARIZ. REV. STAT. ANN. § 13-705. Amends § 13-705 to include the sentences for drug trafficking homicide involving a child.
Georgia H.B. 1056, 157 th Gen. Assemb. (Ga. 2024) (1/31/2024 – House second readers)	This bill amends § 16-13-30 to add a new subsection to provide that any person, age 21 or older at the time of the offense, who violates this section when such violation involves manufacturing, delivering, distributing, dispensing, administering, selling, or possessing with intent to distribute to a person who is 14 years or younger shall be guilty of a felony and imprisoned for not less than five years or more than 30.

<u>PENDING STATE LEGISLATION</u>	
Idaho 23-8 Idaho Admin. Bull. 60 (Idaho 2024) (notice of proposed rules – Aug. 2, 2023)	Proposes to revise the rules related to clandestine drug laboratory cleanup.
Iowa H.F. 2227, 90 th Gen. Assemb. (Iowa 2024) (2/29/2024 – withdrawn)	This bill amends § 124.401 to add a new paragraph that provides that a person who causes the death of another person or causes serious bodily injury to another person may be charged criminally in either the venue where the controlled substance violation occurred or in the venue where the death or serious bodily injury occurred.
Iowa H.F. 2600, 90 th Gen. Assemb. (Iowa 2024) (5/1/2024 – signed by Governor)	This bill amends § 124.401 to add a new paragraph that provides that a person who causes the death of another person or causes serious bodily injury to another person may be charged criminally in either the county where the controlled substance violation occurred or in the county where the death or serious bodily injury occurred.
Kentucky H.B. 211, 2024 Reg. Sess. (Ky. 2024) (1/9/2024 – introduced in House; referred to committee)	This bill amends §§ 218A.1415 and 218A.1416 related to possession of a controlled substance to amend the penalty provisions to provide that possession of a controlled substance in the first or second degree is punishable by up to 15 hours of community service and evidence-based educational programming for reducing problematic substance use.
Louisiana H.B. 735, 2024 Reg. Sess. (La. 2024) (3/18/2024 – read by title, under rules, referred to committee on administration of criminal justice)	This bill amends § 40:967 to provide that the maximum sentence for the production or manufacturing of methamphetamine shall be life imprisonment.
Maryland H.B. 963, 446 th Sess. (Md. 2024) (2/6/2024 – scheduled for hearing Feb. 20)	This bill amends Criminal Law § 5-627 related to commission of drug offense near a school to change the distance from 1,000 feet to five miles.

<u>PENDING STATE LEGISLATION</u>	
<p>Minnesota H.F. 3952, 93rd Leg. Sess., 2nd Reg. Sess. (Minn. 2024) (2/19/2024 – introduction and first reading; referred to public safety finance and policy committee)</p> <p>S.F. 3663, 93rd Leg. Sess., 2nd Reg. Sess. (Minn. 2024) (2/15/2024 – introduction and first reading; referred to judiciary and public safety committee)</p>	<p>These bills amend § 152.023 to modify the provisions regarding possession of methamphetamine to provide that a person commits a controlled substance crime in the third degree if the person unlawfully possesses one or more mixtures of more than a residual amount of methamphetamine in a school zone, park zone, public housing zone, or drug treatment facility.</p>
<p>Mississippi H.B. 1054, 139th Leg. Sess. (Miss. 2024) (3/5/2024 – died in committee)</p> <p>S.B. 2255, 139th Leg. Sess. (Miss. 2024) (3/5/2024 – died in committee)</p>	<p>This bill amends § 41-29-145 to lower the age for violations of § 41-29-139 by distributing to a minor from 21 to 18.</p>
<p>Mississippi H.B. 1072, 139th Leg. Sess. (Miss. 2024) (3/5/2024 – died in committee)</p> <p>S.B. 2183, 139th Leg. Sess. (Miss. 2024) (3/5/2024 – died in committee)</p>	<p>These bills amend § 41-29-139 to provide that aggravated trafficking in a Schedule II controlled substance is trafficking in 200 grams or more or 80 or more dosage units of such substance.</p>

<u>PENDING STATE LEGISLATION</u>	
Mississippi S.B. 2624, 139 th Leg. Sess. (Miss. 2024) (3/5/2024 – died in committee)	This bill amends the penalty provisions of § 41-29-139 to provide penalties for a first or second offense as follows: for a first offense, simple possession of a controlled substance is a misdemeanor punishable by imprisonment for not more than six months, a fine a not more than \$100, or both. For a second offense, it is a misdemeanor punishable by imprisonment for not more than one year, a fine of not more than \$200, or both. Third and subsequent offenses would incur the penalties currently provided for in the statute.
Missouri H.B. 1403, 102 nd Gen. Assemb., 2 nd Reg. Sess. (Mo. 2024) (5/17/2024 – referred to general laws committee)	This bill amends § 579.020 to provide that the offense of delivery of a controlled substance is a class A felony if the controlled substance being delivered or distributed is marketed to minors and combined with a beverage or candy product, marketed or packaged to appear similar to a beverage or candy product, or modified by flavor or coloring.
Missouri H.B. 1996, 102 nd Gen. Assemb., 2 nd Reg. Sess. (Mo. 2024) (3/5/2024 – voted do pass in House committee) S.B. 1232, 102 nd Gen. Assemb., 2 nd Reg. Sess. (Mo. 2024) (1/25/2024 – read second time and referred to judiciary and civil and criminal jurisprudence committee)	<p>These bills amend § 579.030 to provide that the person commits the offense of distribution of a controlled substance in a protected location only if the person to whom the substance is distributed, sold, or delivered is under 22 years of age. Further, the offense would not apply if the offense is committed by a person under 22 years of age.</p> <p>These bills also amend § 579.055 to provide that the offense of manufacturing or attempting to manufacture any amount of a controlled substance is a class B felony when committed within 2,000 feet of the real property comprising a school when the person involves another person under 22 years of age while committing such offense. Provides that this section will not apply if the offense is committed by a person under 22 years of age.</p> <p>Also amend § 579.065 to provide that the offense of trafficking drugs in the first degree is a class A felony if the person distributes methamphetamine within 2,000 feet of certain specified locations and the person distributes such drug to a person under 22 years of age. This section would not apply if the person who commits the offense is under 22 years of age.</p>

<u>PENDING STATE LEGISLATION</u>	
Missouri H.B. 2700, 102 nd Gen. Assemb., 2 nd Reg. Sess. (Mo. 2024) (5/6/2024 – voted do pass in Senate committee)	This bill amends § 579.020 to add that a person commits the offense of delivery of a controlled substance if he or she knowingly distributes or delivers a Schedule II controlled substance and great bodily harm or death results from the use of such controlled substance. Further provides that when the delivery or distribution of a controlled substance results in great bodily harm, it is a class B felony. The offense of delivery of a controlled substance in which a death results from the use of such substance is a class A felony. It is not a defense that the user contributed to the user's own great bodily harm or death by using the controlled substance or consenting to the administration of the substance by another.
Missouri H.B. 2824, 102 nd Gen. Assemb., 2 nd Reg. Sess. (Mo. 2024) (5/16/2024 – dropped from calendar pursuant to House rules) S.B. 1485, 102 nd Gen. Assemb., 2 nd Reg. Sess. (Mo. 2024) (4/22/2024 – voted do pass in Senate committee)	These bills amend §§ 195.417 and 579.060 to change the maximum amount of a drug product containing any detectable amount of ephedrine or pseudoephedrine that can be sold in a 30-day period from 7.2 grams to 9 grams.
New Hampshire S.B. 414, 168 th Sess., 2 nd Year (N.H. 2023) (5/2/2024 – laid on table in House)	This bill amends § 318-B:26 to amend the penalty provisions related to the manufacture, sale, or dispensing of methamphetamine from life imprisonment to imprisonment of not less than 10 years up to life.
New Jersey A.B. 784, 221 st Leg., 1 st Sess. (N.J. 2024) (1/9/2024 – introduced and referred to judiciary committee)	This bill amends § 2C:35-5 to, in addition to the weights already listed, add specific numbers of units of methamphetamine. It provides that a crime of the first degree includes 500 or more units of methamphetamine while a crime of the second degree includes 100 or more units but fewer than 500 units.

<u>PENDING STATE LEGISLATION</u>	
New Jersey A.B. 3140, 221 st Leg., 1 st Sess. (N.J. 2024) (1/9/2024 – introduced and referred to children, families, and food security committee)	This bill amends § 2C:35-7 to establish a 500-foot drug free zone around child care centers and add such centers to the list of establishments that result in an enhanced sentence for certain drug crimes.
New Mexico H.B. 103, 56 th Leg. Sess., 2 nd Sess. (N.M. 2024) (action postponed indefinitely)	This bill amends § 30-6-1 to provide that it is not a defense to the crime of abuse of a child for exposing a child to methamphetamine that the defendant did not know that a child was present, a child could be found, a child resided in the premises, or a vehicle contained a child.
Ohio H.B. 230, 135 th Gen. Assemb. (Ohio 2024) (5/8/2024 – referred to judiciary committee in Senate)	This bill amends § 2925.03 to add methamphetamine to the specifically listed controlled substances that make a person guilty of aggravated trafficking of drugs and change the degrees of felony for certain amounts of drugs involved.
Oregon H.B. 4036, 82 nd Leg. Assemb., Reg. Sess. (Or. 2024) (3/7/2024 – in committee upon adjournment)	<p>This bill amends § 475.752 to change the classification of crime for possession of a controlled substance from a Class E violation to a Class A misdemeanor. It further amends § 475.894 to change the classification of crime for possession of methamphetamine from a Class E violation to a Class A misdemeanor.</p> <p>It also amends § 475.925 to provide that a person will be sentenced for the delivery or manufacture of a controlled substance to 36 months or more if the person has a previous conviction for unlawful delivery or manufacture or attempted delivery or manufacture of a controlled substance within the previous five years.</p>

<u>PENDING STATE LEGISLATION</u>	
<p>Oregon H.B. 4062, 82nd Leg. Assemb., Reg. Sess. (Or. 2024) (3/7/2024 – in committee upon adjournment)</p> <p>S.B. 1555, 82nd Leg. Assemb., Reg. Sess. (Or. 2024) (3/7/2024 – in committee upon adjournment)</p>	<p>These bills add a new statute to chapter 475 that makes it unlawful for a person to knowingly or intentionally use a controlled substance in a public place unless obtained pursuant to a valid prescription.</p> <p>They also amend § 475.752 to change the classification of crime for possession of a controlled substance from a Class E violation to a Class A misdemeanor. They amend § 475.894 related to possession of methamphetamine to change the classification of crime from a Class E violation to a Class A misdemeanor.</p> <p>They further amend § 475.925 to provide that a person will be sentenced for the delivery or manufacture of a controlled substance to 36 months or more if the person has a previous conviction for unlawful delivery or manufacture or attempted delivery or manufacture of a controlled substance within the previous five years.</p>
<p>Oregon S.B. 1588, 82nd Leg. Assemb., Reg. Sess. (Or. 2024) (3/7/2024 – in committee upon adjournment)</p>	<p>This bill amends § 475.752 to change the classification of crime for possession of a controlled substance from a Class E violation to a Class A misdemeanor. It further provides that unlawful possession of a controlled substance in Schedule II is a Class C felony if the person possesses a usable quantity of the controlled substance and, at the time of the possession, has a prior felony conviction; has two or more prior convictions for unlawful possession of a usable quantity of a controlled substance; or possession is a commercial drug offense under § 475.900(1)(b).</p> <p>It also amends § 475.894 related to possession of methamphetamine to change the classification of crime from a Class E violation to a Class A misdemeanor. It further provides that unlawful possession of methamphetamine is a Class C felony if the person possesses a usable quantity of methamphetamine and, at the time of possession, has a prior felony conviction; has two or more prior convictions for unlawful possession of a usable quantity of a controlled substance; or the possession is a commercial drug offense under § 475.900(1)(b).</p>
<p>Pennsylvania H.B. 2163, 208th Gen. Assemb. (Pa. 2024) (3/27/2024 – referred to judiciary)</p>	<p>This bill amends 18 Pa. Cons. Stat. Ann. § 7508 so that it complies with constitutional law and requires that any enhancement of a sentence be proven beyond a reasonable doubt at trial and submitted to the trier of fact for deliberation.</p>

<u>PENDING STATE LEGISLATION</u>	
Rhode Island H.B. 7315, 2024 Leg. Sess. (R.I. 2024) (3/21/2024 – committee recommended measure be held for further study)	This bill amends § 21-28-4.01 to provide that possession of a controlled substance is a civil violation punishable by a fine of \$100 for a first offense and up to \$300 for each subsequent offense.
Rhode Island H.B. 7973, 2024 Leg. Sess. (R.I. 2024) (3/19/2024 – withdrawn)	This bill amends § 21-28-4.01 to increase weight of substance that constitutes a misdemeanor from 10 grams to 28 grams. It also provides that any person previously convicted of possession of 28 grams or less of a controlled substance subject to the provisions of this section shall have their record modified to a misdemeanor. It also increases the weight of substance that constitutes a felony from more than 10 grams to more than 28 grams.
Vermont H.B. 767, Leg. Sess. (Vt. 2024) (1/11/2024 – read first time and referred to committee on judiciary) S.B. 298, Leg. Sess. (Vt. 2024) (1/8/2024 – read first time and referred to committee on judiciary)	<p>These bills amend 18 § 4237 to provide that it is an offense to knowingly employ, hire, use, persuade, induce, entice, or coerce a minor to violate any provision of this chapter or to assist in avoiding detection or apprehension for any offense of this chapter and sets forth the penalties for violating this section.</p> <p>They also amend 18 § 4238 related to second and subsequent offenses to provide that a person convicted of a section or subsequent offense for trafficking a regulated drug shall be imprisoned not less than three years and not more than 30 years or fined not more than \$2,000,000, or both.</p> <p>They further amend 18 § 4250 related to selling or dispensing a regulated drug with death resulting to provide that the fact that a dispensed or sold substance contains more than one regulated drug shall not be a defense under this section if the use of the substance is the proximate cause of death.</p>
Vermont S.B. 58, Leg. Sess. (Vt. 2024) (5/10/2024 – report of conference committee adopted in House; action messaged to House forthwith in Senate)	This bill amends 18 § 4250 related to selling or dispensing a regulated drug with death resulting to provide that the fact that a dispensed or sold substance contains more than one regulated drug shall not be a defense under this section if the use of the substance is the proximate cause of death.

<u>PENDING STATE LEGISLATION</u>	
Vermont S.B. 300, Leg. Sess. (Vt. 2024) (1/18/2024 – read first time and referred to committee on judiciary)	<p>This bill amends 18 § 4234a to provide that a person knowingly and unlawfully possessing methamphetamine in an amount equal to or less than a benchmark personal use supply shall not be subject to a criminal or civil penalty but shall be provided health needs screening information pursuant to § 4240a of this title.</p> <p>It further amends 18 § 4234b to provide that, if the offense of knowingly and unlawfully possessing a drug product containing ephedrine or pseudoephedrine base with the intent to use the product as a precursor to manufacture methamphetamine or another controlled substance, and the amount possessed is equal to or less than a benchmark personal use supply, the individual shall not be subject to a criminal or civil penalty but shall be provided health needs screening information pursuant to § 4240a of this title.</p>
Virginia H.B. 439, Reg. Sess. (Va. 2024) (2/13/2024 – left in courts of justice committee)	<p>This bill amends § 18.2-250 to add penalty provisions for second offenses, third offenses, and fourth and subsequent offenses for possession of a controlled substance.</p>
Washington H.B. 2002, 68 th Leg., Reg. Sess. (Wash. 2024) (1/8/2024 – first reading; referred to community safety, justice, and reentry committee)	<p>This bill adds a new section under chapter 69.50 that provides that it is unlawful for any person to knowingly or intentionally combust or exhale the smoke of a substance the person knows or reasonably should know contains or is contaminated with methamphetamine while in a public space and within 10 feet of another person, or while inside an enclosed public space with another person. A violation would be a gross misdemeanor unless committed in the presence of another person under age 13, in which case it would be a class C felony.</p>

<u>PENDING STATE LEGISLATION</u>	
West Virginia S.B. 154, 86 th Leg., Reg. Sess. (W. Va. 2024) (1/15/2024 – to House judiciary committee)	<p>This bill amends § 60A-4-401 to provide that the manufacture, delivery, or possession with intent to manufacture or deliver methamphetamine is punishable by imprisonment for not less than three years nor more than 15 years, or fined not more than \$50,000, or both.</p> <p>Further provides that, notwithstanding the provisions of this subsection, any person who willfully manufactures, delivers, or possesses with intent to manufacture or deliver 50 grams or more of methamphetamine is guilty of a felony punishable by imprisonment for an indeterminate sentence of not less than 10 nor more than 30 years, a fine of not more than \$100,000, or both.</p> <p>It further provides that possession of methamphetamine is a felony punishable by imprisonment for not less than one year nor more than five years. Such offense may be downgraded to a misdemeanor if the defendant successfully completes a drug treatment program.</p> <p>The bill further amends § 60A-4-401 to provide that any person who willfully manufactures or delivers or possesses with intent to manufacture or deliver not less than five but fewer than 50 grams of methamphetamine is guilty of a felony punishable by imprisonment for an indeterminate sentence of not less than five nor more than 20 years, a fine of not more than \$75,000, or both.</p>
West Virginia S.B. 276, 86 th Leg., Reg. Sess. (W. Va. 2024) (1/11/2024 – to judiciary committee)	<p>This bill amends §§ 60A-4-401 and 60A-4-407 to add the offense of using, consuming, or being under the influence of a controlled substance unless obtained pursuant to a valid prescription.</p>

ABOUT THE LEGISLATIVE ANALYSIS AND PUBLIC POLICY ASSOCIATION

The Legislative Analysis and Public Policy Association (LAPPA) 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.

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