
By: **Delegates McComas, Aumann, Elmore, Impallaria, Mandel, McDonough,
and Rudolph**

Introduced and read first time: February 9, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - "Meth Precursors" - Restrictions on Sale and Purchase**

3 FOR the purpose of restricting the sale or purchase or the attempt to sell or purchase
4 certain products containing certain ingredients in certain circumstances;
5 requiring the Alcohol and Drug Abuse Administration to assist in the regulation
6 of the sale of certain products by developing and maintaining a certain list,
7 adopting certain regulations, establishing and maintaining a certain electronic
8 log of certain purchases, and providing certain assistance to pharmacies and
9 retailers; establishing penalties for a violation of this Act; defining a certain
10 term; and generally relating to the sale or purchase of "meth precursors".

11 BY adding to

12 Article - Criminal Law
13 Section 5-711
14 Annotated Code of Maryland
15 (2002 Volume and 2005 Supplement)

16 BY repealing and reenacting, without amendments,

17 Article - Health - General
18 Section 8-101(a) and (b)
19 Annotated Code of Maryland
20 (2005 Replacement Volume and 2005 Supplement)

21 BY adding to

22 Article - Health - General
23 Section 8-406
24 Annotated Code of Maryland
25 (2005 Replacement Volume and 2005 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Criminal Law**

2 5-711.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
4 INDICATED.

5 (2) "METH" MEANS METHAMPHETAMINE.

6 (3) "METH PRECURSOR" MEANS A PRODUCT CONTAINING A
7 DETECTABLE QUANTITY OF:

8 (I) PSEUDOPHEDRINE, PHENYLPROPANOLAMINE, OR EPHEDRINE
9 BASE;

10 (II) PSEUDOPHEDRINE, PHENYLPROPANOLAMINE, OR EPHEDRINE
11 SALTS OR ISOMERS; OR

12 (III) SALTS OF PSEUDOPHEDRINE, PHENYLPROPANOLAMINE, OR
13 EPHEDRINE ISOMERS.

14 (B) A PERSON MAY NOT SELL OR PURCHASE OR ATTEMPT TO SELL OR
15 PURCHASE:

16 (1) A METH PRECURSOR CONTAINING A TOTAL OF MORE THAN 6 GRAMS
17 OF AN INGREDIENT LISTED IN SUBSECTION (A)(1) OF THIS SECTION IN A SINGLE
18 TRANSACTION WITHOUT A PRESCRIPTION; OR

19 (2) METH PRECURSORS CONTAINING A COMBINED TOTAL OF MORE
20 THAN 7.5 GRAMS OF AN INGREDIENT LISTED IN SUBSECTION (A)(1) OF THIS SECTION
21 IN TRANSACTIONS WITH THE SAME INDIVIDUAL IN A 30-DAY PERIOD WITHOUT A
22 PRESCRIPTION.

23 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
24 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A
25 FINE NOT EXCEEDING \$1,000 OR BOTH.

26 **Article - Health - General**

27 8-101.

28 (a) In this title the following words have the meanings indicated.

29 (b) "Administration" means the Alcohol and Drug Abuse Administration.

30 8-406.

31 (A) IN THIS SECTION, "METH PRECURSOR" HAS THE MEANING STATED IN §
32 5-711 OF THE CRIMINAL LAW ARTICLE.

1 (B) THE ADMINISTRATION SHALL ASSIST IN THE REGULATION OF THE SALE
2 OF METH PRECURSORS BY:

3 (1) DEVELOPING AND MAINTAINING A LIST OF METH PRECURSORS
4 THAT LISTS THE QUANTITY EACH METH PRECURSOR CONTAINS OF:

5 (I) PSEUDOPHEDRINE, PHENYLPROPANOLAMINE, OR EPHEDRINE
6 BASE;

7 (II) PSEUDOPHEDRINE, PHENYLPROPANOLAMINE, OR EPHEDRINE
8 SALTS OR ISOMERS; OR

9 (III) SALTS OF PSEUDOPHEDRINE, PHENYLPROPANOLAMINE, OR
10 EPHEDRINE ISOMERS;

11 (2) ADOPTING REGULATIONS THAT REQUIRE PHARMACIES AND
12 RETAILERS TO:

13 (I) MAINTAIN METH PRECURSORS IN A STORE LOCATION THAT
14 REQUIRES A PURCHASER TO REQUEST THE PRODUCT AND THE SELLER TO RECORD
15 THE TRANSACTION;

16 (II) PREVENT THE SALE OF A METH PRECURSOR TO A MINOR
17 WITHOUT A PRESCRIPTION;

18 (III) REQUIRE THE NAME AND ADDRESS AND A PHOTO
19 IDENTIFICATION FROM EACH PURCHASER OF A METH PRECURSOR;

20 (IV) RECORD THE DATE OF AND AMOUNT OF METH PRECURSOR
21 SOLD IN EACH TRANSACTION THAT IS SIGNED BY THE PURCHASER;

22 (V) PROVIDE RECORDS OF METH PRECURSOR SALES TO
23 APPROPRIATE LAW ENFORCEMENT AGENCIES;

24 (VI) MAINTAIN RECORDS OF METH PRECURSOR PURCHASES FOR 2
25 YEARS FROM DATE OF SALE; AND

26 (VII) AFFIX AT LEAST ONE WARNING NOTICE:

27 1. IN A CONSPICUOUS PLACE NEAR WHERE PRODUCTS
28 CONTAINING METH PRECURSORS ARE DISPLAYED FOR SALE;

29 2. WITH LETTERING AT LEAST 1-INCH HIGH; AND

30 3. THAT SHALL READ:

31 "WARNING

32 MARYLAND LAW PROHIBITS THE SALE OR PURCHASE OF PRODUCTS
33 CONTAINING MORE THAN 6 GRAMS OF PSEUDOPHEDRINE, PHENYLPROPANOLAMINE,
34 OR EPHEDRINE IN A SINGLE TRANSACTION, AND THE SALE TO OR PURCHASE BY THE

1 SAME INDIVIDUAL OF PRODUCTS CONTAINING MORE THAN 7.5 GRAMS OF
2 PSEUDOPHEDRINE, PHENYLPROPANOLAMINE, OR EPHEDRINE IN A 30-DAY PERIOD.
3 THIS STORE IS REQUIRED TO MAINTAIN A RECORD OF ALL SALES OF THESE
4 PRODUCTS. THESE RECORDS MAY BE AVAILABLE TO LAW ENFORCEMENT
5 OFFICIALS.";

6 (3) ESTABLISHING AND MAINTAINING A REAL-TIME STATEWIDE
7 ELECTRONIC LOG OF METH PRECURSOR PURCHASES THAT IS AVAILABLE TO LAW
8 ENFORCEMENT OFFICERS IN THE PERFORMANCE OF DUTY; AND

9 (4) PROVIDING TECHNICAL ASSISTANCE TO PHARMACIES AND
10 RETAILERS IN MEETING THE REQUIREMENTS OF THIS SECTION.

11 (C) (1) A PHARMACY OR RETAILER MAY NOT SELL A METH PRECURSOR
12 LISTED BY THE ADMINISTRATION UNDER SUBSECTION (B) OF THIS SECTION IN
13 VIOLATION OF A REQUIREMENT ESTABLISHED BY THE ADMINISTRATION UNDER
14 SUBSECTION (B) OF THIS SECTION.

15 (2) A PERSON WHO WILLFULLY VIOLATES THIS SUBSECTION IS GUILTY
16 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING
17 \$10,000.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2006.