

HCS HB 441 -- METHAMPHETAMINE PRECURSOR DRUGS

SPONSOR: Behnen

COMMITTEE ACTION: Voted "do pass" by the Committee on Crime Prevention and Public Safety by a vote of 12 to 0.

This substitute creates several restrictions regarding the sale of compounds containing ephedrine or pseudoephedrine. The purchase of products containing ephedrine or pseudoephedrine, other than those in liquid or gel capsule form, is limited to nine grams of ephedrine or pseudoephedrine per month. Current law limits only the amount of ephedrine or pseudoephedrine that can be purchased at one time.

Compounds containing these drugs may be sold only by pharmacies. The pharmacy must keep a log of all sales, keep all of these products behind a counter where the public is not permitted, and demand photo identification from the purchaser proving he or she is at least 18 years of age. All records of these sales will be open for inspection by law enforcement officials.

These restrictions do not apply to compounds that are in a liquid or gel capsule form. In addition, the Department of Health and Senior Services may, by rule, grant exemptions for any drug that the department finds is not used in the illegal manufacture of methamphetamine or other controlled substances.

A violation of these provisions is a class A misdemeanor.

The substitute contains an emergency clause.

FISCAL NOTE: Estimated Cost on General Revenue Fund of Unknown less than \$100,000 in FY 2006, FY 2007, and FY 2008. No impact on Other State Funds in FY 2006, FY 2007, and FY 2008.

PROPOSERS: Supporters say that past legislative efforts to limit the sale of pseudoephedrine have failed. Missouri still leads the nation in methamphetamine labs, with more than 2,800 lab incidents in 2004. The State Highway Patrol logged 19,000 overtime hours working on meth cases last year; and in most cases, local law enforcement agencies are also involved. The Jefferson County Sheriff's Office spent \$524,000 last year battling meth production. Meth producers put the lives of their children in danger from meth fumes, fires, and explosions of their meth labs. Meth task force members must wear hazardous material gear when cleaning up lab sites because the chemicals used are so dangerous. The average meth lab costs more than \$3,000 to clean up. When Oklahoma enacted similar legislation, meth lab incidents dropped 80%, while the figures rose in

Missouri. The meth producers could not get pseudoephedrine in Oklahoma, so many of them moved their operations to Missouri. Ten states in the Midwest are considering similar legislation. States which do not enact legislation will soon see how fast meth production can spread. The bill exempts all products that are in liquid and gel cap drugs, because the meth producers can't make meth out of those compounds so the consumers will still have a multitude of cold remedy choices. The legislation in Oklahoma did not affect prices or the availability of cold remedies for consumers. The only people affected were the meth producers.

Testifying for the bill were Representatives Behnen, Goodman, Lipke, and Wagner; State Highway Patrol; Franklin County Sheriff's Office; Missouri State Troopers Association; Jefferson County Sheriff's Office; Cape Girardeau County Sheriff's Office; Missouri Police Chiefs' Association; Kansas City Police Department; St. Louis County Police Department; Office of the Attorney General; Missouri Petroleum Marketers and Convenience Store Association; Missouri Sheriffs Association; Department of Health and Senior Services, Bureau of Narcotics and Dangerous Drugs; Missouri Pharmacy Association; and Barbara Barnes Miller.

OPPONENTS: There was no opposition voiced to the committee.

Richard Smreker, Senior Legislative Analyst