

# Methamphetamine and State Legislation



CARNEVALE ASSOCIATES LLC

## Information Brief

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### State Legislative Actions Targeting Methamphetamine

#### Overview

Methamphetamine (meth) is a synthetic stimulant with a high potential for abuse and dependence. Its ability to be manufactured from accessible and over-the-counter medicines and chemicals has led to widespread use and distribution in several regions of the United States, including the West, Southwest, and Midwest. Makeshift or "clandestine" meth labs have emerged throughout these areas, occurring in virtually any enclosed area, in both rural and urban settings. The manufacture of meth is a dangerous process that causes a myriad of problems affecting citizens and the environment. Many states have responded to this threat by developing statutes and/or regulations, implementing policy changes and creating guidelines that address various aspects of meth production and minimize its harm.

#### Actions Targeting Precursor Chemicals

Precursor chemicals are used either directly or indirectly to manufacture illicit or regulated controlled substances. Examples of precursor chemicals used in meth production include matches (red phosphorous), ephedrine, drain cleaner, cold tablets (pseudoephedrine), lye, acetone, and anhydrous ammonia. States have begun to develop laws addressing precursor chemicals, most commonly ephedrine and pseudoephedrine, to prevent the diversion of these over-the-counter items for illegal purposes.

One legislative method which states use to reduce availability of these chemicals includes classifying or "scheduling" ephedrine and pseudoephedrine to regulate their sale. Scheduled drugs are placed into one of five different categories of varying control or legality. Scheduling varies by state: Some states classify

ephedrine and/or pseudoephedrine as Schedule II drugs (high potential for abuse, but accepted medical use), while others classify them as Schedule V drugs (accepted medical use, limited potential for physical or psychological dependence). Programs that regulate and monitor precursor chemicals typically maintain and file records and reports with assigned authorities to trace the chemicals and prevent any illegal diversion from source to consumer.

States have also placed limits on the amount of ephedrine or pseudoephedrine individuals can purchase or have in their possession. For example, in Arkansas, it is illegal for one person to possess more than five grams of ephedrine or nine grams of pseudoephedrine. Other states that have placed possession limits on ephedrine or pseudoephedrine amounts include Arizona (no more than 24 grams), Oklahoma (nine grams), Utah (12 grams), and Washington (15 grams). Alabama has also placed restrictions on how much pseudoephedrine one can possess (nine grams), and has required that products that contain over 60 mg of pseudoephedrine per tablet must be sold in "blister packs." Finally, Oklahoma has recently implemented legislation that medicines containing any detectable amount of pseudoephedrine can only be sold by a licensed pharmacist. The consumer must present a photo id and sign written documentation of the transaction in order to purchase the product. These precursor chemical laws have been credited in reducing the number of meth labs seizures in Oklahoma by 50 to 70 percent in 2004.

#### Actions Targeting Innocent Victims

Meth production is not a victimless crime. Meth labs produce hazardous chemicals and vapors that affect the

#### Quick Facts

- **Over one-third** of state and local law enforcement agencies **identify methamphetamine** as the **number one drug threat** in their area.
- It only costs a **few hundred dollars** in over-the-counter medicines and various chemicals to **produce thousands of dollars of methamphetamine**.
- 3,419 children were **affected by methamphetamine lab-related incidents** in 2003.
- **One pound of methamphetamine produces five to seven pounds of toxic waste**.
- **Methamphetamine lab clean-up typically costs between \$3,500 to \$5,000**, but clean-up in **some labs** can cost as much as **\$20,000**.
- **14 states** have statutes/regulations addressing **restrictions of pseudoephedrine**, **35 states plus D.C.** have specific statutes/regulations addressing **drug-endangered children**, and **seven states** have specific statutes/regulations addressing **meth lab clean-up**.

# Methamphetamine: State Legislative Actions

health and well-being of individuals in the immediate vicinity. Children and other innocent parties are often found at meth lab sites, directly in harm's way. It is estimated that the health of children is endangered at roughly one-third of all meth labs.

Thirty-five states plus the District of Columbia have developed legislation to assist drug endangered children. Many of these states also have specific guidelines and protocols that address how to respond to drug endangered children. These protocols typically focus on the development of a multi-agency team to coordinate investigations, interventions, and treatment to ensure children's safety and improve their quality of life. Child protective services, hospitals, pediatric specialists, prosecutors specializing in family law, and first responders are just a few of the professionals that comprise multi-agency teams.

Some states have also mandated in the sentencing process that the presence of a child during the use,

sale, or production of meth is an aggravating circumstance. In Wyoming, for instance, a person charged with unlawful clandestine laboratory operation in the presence of a child under 18 can receive a sentence up to five years longer and a fine up to \$25,000 greater than when a child is not present. Likewise, in California, if a child under 16 is present in a seized meth lab, the offender is sentenced an additional two years, and sentenced an additional five years if the child has suffered "great bodily injury."

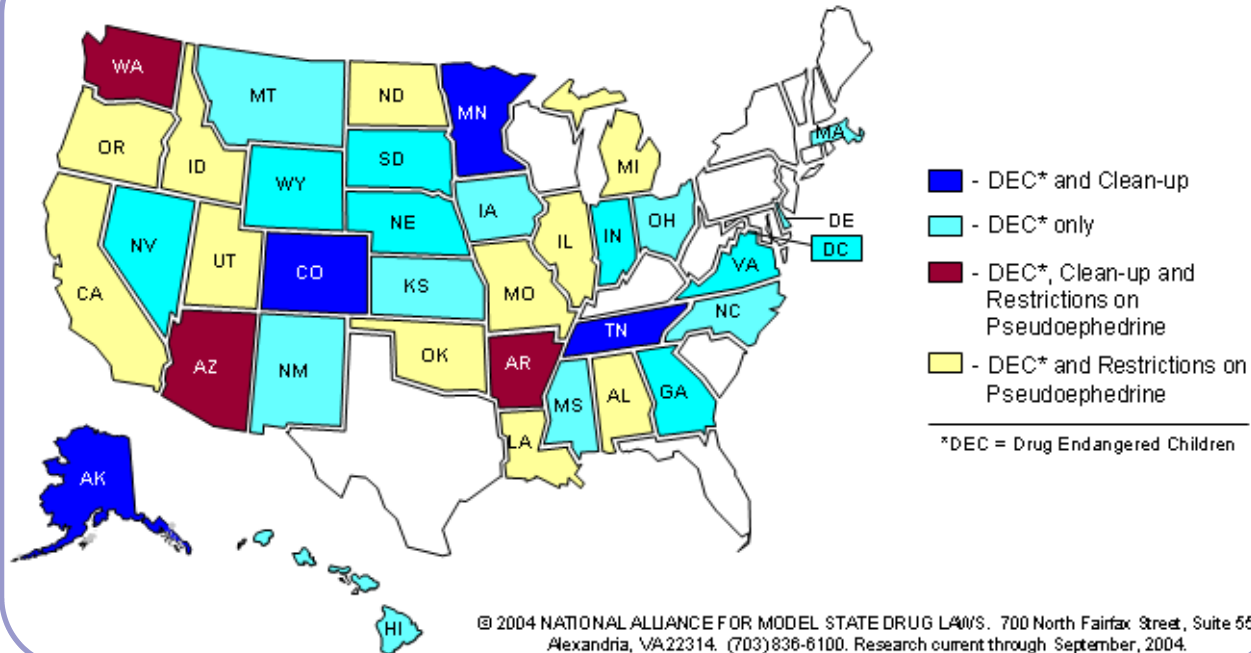
## Actions to Protect the Environment

Meth lab clean-up is a very rigorous process, due to the volatile and caustic nature of meth's ingredients. Each pound of meth manufactured yields five to seven pounds of toxic waste. Clean-up typically costs between \$3,500 to \$5,000, but some lab clean-ups cost as much as \$20,000.

Some states where clandestine labs are abundant have developed specific legislation or guidelines in their statutes that outline how to respond to, secure, and clean-up meth labs. Seven states currently have such formal legislation. Statutes typically require that guidelines for clean-up be implemented (Arkansas). Sometimes guidelines are established in the statutes themselves (Arizona). While states may not provide specific meth lab clean-up standards, they often do address the expense of clean-up by seeking liability. Compensation is sought through restitution (North Carolina) or civil proceedings (Ohio).

Since meth manufacturing can cause long-term contamination to a property, there is a growing concern that future tenants and property owners of a former meth lab may be subject to environmental hazards. Currently, only Arizona, Washington, and Oregon formally address this possibility in their legislation.

## States with Meth Lab-Related Statutes, Regulations and/or Guidelines



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