

HOUSE No. 02865

The Commonwealth of Massachusetts

PRESENTED BY:

Steven M. Walsh

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act criminalizing the possession of ingredients for manufactured drugs.

PETITION OF:

NAME:

Steven M. Walsh

DISTRICT/ADDRESS:

11th Essex

HOUSE No. 02865

By Mr. Walsh of Lynn, a petition (accompanied by bill, House, No. 2865) of Walsh for legislation to prohibit the possession of ingredients used in manufacturing certain drugs Joint Committee on the Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 1774 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act criminalizing the possession of ingredients for manufactured drugs.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 94C of the General Laws, as appearing in the 2008 Official
2 Edition, is hereby amended by adding the following section:-
3 Section 32L
4 Section 1. (a) Any person who possesses at the same time any of the following combinations, a
5 combination product thereof, or possesses any compound or mixture containing the chemicals
6 listed in the following combinations, with the intent to
7 manufacture phencyclidine (PCP) or any of its analogs is guilty of a felony and shall be punished
8 by imprisonment in the state prison for 5 years:

9 (1) Piperidine and cyclohexanone.

10 (2) Pyrrolidine and cyclohexanone.

11 (3) Morpholine and cyclohexanone.

12 (b) Any person who possesses the optical, positional, or geometric isomer of any of the
13 compounds listed in this section, with the intent to manufacture these controlled substances is
14 guilty of a felony and shall be punished by imprisonment in the
15 state prison for 5 years:

16 (1) Phencyclidine (PCP).

17 (2) Any analog of PCP

18 (c) Any person who possesses any compound or mixture containing piperidine, cyclohexanone,
19 pyrrolidine, morpholine, 1-phenylcyclohexylamine (PCA),

20 1-piperidinocyclohexanecarbonitrile (PCC), or phenylmagnesium bromide (PMB) with the intent
21 to manufacture phencyclidine, is guilty of a felony and shall be punished by imprisonment in the
22 state prison for 5 years.

23 (d) Any person who possesses immediate precursors sufficient for the manufacture of piperidine,
24 cyclohexanone, pyrrolidine, morpholine, or phenylmagnesium bromide (PMB) with the intent to
25 manufacture phencyclidine, is guilty of a felony and shall be
26 punished by imprisonment in the state prison for 5 years.

27 (e) This section does not apply to drug manufacturers licensed by this state or persons authorized
28 by regulation of the board of registration in pharmacy to possess those substances or
29 combinations of substances.

30 SECTION 2. (a) Any person who possesses both methylamine and phenyl-2-propanone
31 (phenylacetone) at the same time with the intent to manufacture methamphetamine, or who
32 possesses both ethylamine and phenyl-2-propanone (phenylacetone) at the
33 same time with the intent to manufacture N-ethylamphetamine, is guilty of a felony and shall be
34 punished by imprisonment in the state prison for 5 years.

35 (b) (1) Any person who, with the intent to manufacture methamphetamine or any of its analogs,
36 possesses ephedrine or pseudoephedrine, or any salts, isomers, or salts of isomers of ephedrine or
37 pseudoephedrine, or who possesses a substance containing
38 ephedrine or pseudoephedrine, or any salts, isomers, or salts of isomers of ephedrine or
39 pseudoephedrine, or who possesses at the same time any of the following, or a combination
40 product thereof, is guilty of a felony and shall be punished by
41 imprisonment in the state prison for 5 years:

42 (A) Ephedrine, pseudoephedrine, norpseudoephedrine,
43 N-methylephedrine, N-ethylephedrine,
44 N-methylpseudoephedrine, N-ethylpseudoephedrine, or
45 phenylpropanolamine, plus hydriodic acid.

46 (B) Ephedrine, pseudoephedrine, norpseudoephedrine,

47 N-methylephedrine, N-ethylephedrine,

48 N-methylpseudoephedrine, N-ethylpseudoephedrine, or

49 phenylpropanolamine, thionyl chloride and hydrogen gas.

50 (C) Ephedrine, pseudoephedrine, norpseudoephedrine,

51 N-methylephedrine, N-ethylephedrine,

52 N-methylpseudoephedrine, N-ethylpseudoephedrine, or

53 phenylpropanolamine, plus phosphorus pentachloride and

54 hydrogen gas.

55 (D) Ephedrine, pseudoephedrine, norpseudoephedrine,

56 N-methylephedrine, N-ethylephedrine,

57 N-methylpseudoephedrine, N-ethylpseudoephedrine,

58 chloroephedrine and chlorpseudoephedrine, or

59 phenylpropanolamine, plus any reducing agent

60 (2) Any person who, with the intent to manufacture methamphetamine or any of its analogs,

61 possesses hydriodic acid or a reducing agent or any product containing hydriodic acid or a

62 reducing agent is guilty of a felony and shall be punished by imprisonment

63 in the state prison for 5 years.

64 (c) Any person who possesses the optical, positional, or geometric isomer of any of the
65 compounds listed in this section, with the intent to manufacture any of the following controlled
66 substances, is guilty of a felony and shall be punished by imprisonment in the state prison for 5
67 years:

68 (1) Methamphetamine.

69 (2) Any analog of methamphetamine

70 (3) N-ethylamphetamine.

71 (d) Any person who possesses immediate precursors sufficient for the manufacture of

72 methylamine, ethylamine, phenyl-2-propanone, ephedrine, pseudoephedrine,

73 norpseudoephedrine, N-methylephedrine, N-ethylephedrine, phenylpropanolamine, hydriodic

74 acid or a reducing agent, thionyl chloride, or phosphorus pentachloride, with the intent to

75 manufacture methamphetamine, is guilty of a felony and shall be

76 punished by imprisonment in the state prison for 5 years.

77 (e) Any person who possesses essential chemicals sufficient to manufacture hydriodic acid or a

78 reducing agent, with the intent to manufacture methamphetamine, is guilty of a felony and shall

79 be punished by imprisonment in the state prison for 5 years.

80 (f) Any person who possesses any compound or mixture containing ephedrine, pseudoephedrine,

81 norpseudoephedrine, N-methylephedrine, N-ethylephedrine, phenylpropanolamine, hydriodic

82 acid or a reducing agent, thionyl chloride, or

83 phosphorus pentachloride, with the intent to manufacture methamphetamine, is guilty of a felony
84 and shall be punished by imprisonment in the state prison for 5 years.

85 (g) For purposes of this section, a “reducing agent” for the purposes of manufacturing
86 methamphetamine means an agent that causes reduction to occur by either donating a hydrogen
87 atom to an organic compound or by removing an oxygen atom
88 from an organic compound.

89 (h) This section does not apply to drug manufacturers licensed by this state or persons authorized
90 by regulation of the board of registration in pharmacy to possess those substances or
91 combinations of substances.

92 SECTION 3. (a) Any person who possesses at the same time any of the following combinations,
93 a combination product thereof, or possesses any compound or mixture containing the chemicals
94 listed in the following combinations, with the intent to sell, transfer, or otherwise furnish those
95 chemicals, combinations, or mixtures to another person with the knowledge that they will be
96 used to manufacture phencyclidine (PCP) or any of its analogs is guilty of a misdemeanor and
97 shall be punished by imprisonment in the house of correction for up to 2 and ½ years:

98 (1) Piperidine and cyclohexanone.

99 (2) Pyrrolidine and cyclohexanone.

100 (3) Morpholine and cyclohexanone.

101 (b) Any person who possesses the optical, positional, or geometric isomer of any of the
102 compounds listed in this section with the intent to sell, transfer, or otherwise furnish the isomer
103 to another person with the knowledge that they will be used to manufacture these controlled

104 substances is guilty of a misdemeanor and shall be punished by imprisonment in the house of
105 correction for up to 2 and ½ years:

106 (1) Phencyclidine (PCP).

107 (2) Any analog of PCP

108 (c) Any person who possesses any compound or mixture containing piperidine, cyclohexanone,
109 pyrrolidine, morpholine, 1-phenylcyclohexylamine (PCA),

110 1-piperidinocyclohexanecarbonitrile (PCC), or phenylmagnesium bromide (PMB) with the intent
111 to sell, transfer, or otherwise furnish the compound or mixture to another person with the
112 knowledge that it will be used to manufacture phencyclidine is guilty of a misdemeanor and shall
113 be punished by imprisonment in the house of correction for up to 2 and 1/2 years.

114 (d) Any person who possesses immediate precursors sufficient for the manufacture of piperidine,
115 cyclohexanone, pyrrolidine, morpholine, or phenylmagnesium bromide (PMB) with the intent to
116 sell, transfer or otherwise furnish the immediate precursors to

117 another person with the knowledge that they will be used to manufacture phencyclidine is guilty
118 of a misdemeanor and shall be punished by imprisonment in the house of correction for up to 2
119 and 1/2 years.

120 (e) This section does not apply to drug manufacturers licensed by this state or persons authorized
121 by regulation of the board of registration in pharmacy to possess those substances or
122 combinations of substances.

123 SECTION 4. (a) Any person who possesses both methylamine and phenyl-2-propanone
124 (phenylacetone) at the same time with the intent to sell, transfer, or otherwise furnish those
125 chemicals to another person with the knowledge that they will be used to
126 manufacture methamphetamine, or who possesses both ethylamine and phenyl-2-propanone
127 (phenylacetone) at the same time with the intent to sell, transfer, or otherwise furnish those
128 chemicals to another person with the knowledge that they will be used to manufacture
129 methamphetamine is guilty of a misdemeanor and shall be punished by imprisonment in the
130 house of correction for up to 2 and 1/2 years.

131 (b) (1) Any person who possesses ephedrine or pseudoephedrine, or any salts, isomers, or salts of
132 isomers of ephedrine or pseudoephedrine, or who possesses a substance containing ephedrine or
133 pseudoephedrine, or any salts, isomers, or salts of isomers of ephedrine or pseudoephedrine, or
134 who possesses at the same time any of the following, or a combination product thereof, with the
135 intent to sell, transfer, or otherwise furnish those chemicals, substances, or products to another
136 person with the knowledge that they will be used to manufacture methamphetamine or any of its
137 analogs is guilty of a misdemeanor and shall be punished by imprisonment in the house of
138 correction for up to 2 and 1/2 years:

139 (A) Ephedrine, pseudoephedrine, norpseudoephedrine,
140 N-methylephedrine, N-ethylephedrine,
141 N-methylpseudoephedrine, N-ethylpseudoephedrine, or
142 phenylpropanolamine, plus hydriodic acid.

143 (B) Ephedrine, pseudoephedrine, norpseudoephedrine,

144 N-methylephedrine, N-ethylephedrine,

145 N-methylpseudoephedrine, N-ethylpseudoephedrine, or

146 phenylpropanolamine, thionyl chloride and hydrogen gas.

147 (C) Ephedrine, pseudoephedrine, norpseudoephedrine,

148 N-methylephedrine, N-ethylephedrine,

149 N-methylpseudoephedrine, N-ethylpseudoephedrine, or

150 phenylpropanolamine, plus phosphorus pentachloride and

151 hydrogen gas.

152 (D) Ephedrine, pseudoephedrine, norpseudoephedrine,

153 N-methylephedrine, N-ethylephedrine,

154 N-methylpseudoephedrine, N-ethylpseudoephedrine,

155 chloroephedrine and chlorpseudoephedrine, or

156 phenylpropanolamine, plus any reducing agent.

157 (2) Any person who possesses hydriodic acid or a reducing agent or any product containing

158 hydriodic acid or a reducing agent with the intent to sell, transfer, or otherwise furnish that

159 chemical, product, or substance to another person with the knowledge that they will be used to

160 manufacture methamphetamine or any of its analogs is guilty of a misdemeanor and shall be

161 punished by imprisonment in the house of correction for up to 2 and ½ years.

162 (c) Any person who possesses the optical, positional, or geometric isomer of any of the
163 compounds listed in this section with the intent to sell, transfer, or otherwise furnish any of the
164 compounds to another person with the knowledge that they will be used to manufacture these
165 controlled substances is guilty of a misdemeanor and shall be punished by imprisonment in the
166 house of correction for up to 2 and ½ years:

167 (1) Methamphetamine.

168 (2) Any analog of methamphetamine

169 (3) N-ethylamphetamine.

170 (d) Any person who possesses immediate precursors sufficient for the manufacture of

171 methylamine, ethylamine, phenyl-2-propanone, ephedrine, pseudoephedrine,

172 norpseudoephedrine, N-methylephedrine, N-ethylephedrine, phenylpropanolamine, hydriodic

173 acid or a reducing agent, thionyl chloride, or phosphorus pentachloride, with the intent to sell,

174 transfer, or otherwise furnish these substances to another person

175 with the knowledge that they will be used to manufacture methamphetamine is guilty of a

176 misdemeanor and shall be punished by imprisonment in the house of correction for up to 2 and ½

177 years.

178 (e) Any person who possesses essential chemicals sufficient to manufacture hydriodic acid or a

179 reducing agent with the intent to sell, transfer, or otherwise furnish those chemicals to another

180 person with the knowledge that they will be used to manufacture

181 methamphetamine is guilty of a misdemeanor and shall be punished by

182 imprisonment in the house of correction for up to 2 and ½ years.

183 (f) Any person who possesses any compound or mixture containing ephedrine, pseudoephedrine,
184 norpseudoephedrine, N-methylephedrine, N-ethylephedrine, phenylpropanolamine, hydriodic
185 acid or a reducing agent, thionyl chloride, or

186 phosphorus pentachloride, with the intent to sell, transfer, or otherwise furnish that compound or
187 mixture to another person with the knowledge that they will be used to manufacture
188 methamphetamine is guilty of a misdemeanor and shall be punished by

189 imprisonment in the house of correction for up to 2 and ½ years.

190 (g) For purposes of this section, a “reducing agent” for the purposes of manufacturing
191 methamphetamine means an agent that causes reduction to occur by either donating a hydrogen
192 atom to an organic compound or by removing an oxygen atom from an organic compound.

193 (h) This section does not apply to drug manufacturers licensed by this state or persons authorized
194 by regulation of the board of registration in pharmacy to possess those substances or
195 combinations of substances.