



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1300

H.P. 897

House of Representatives, April 4, 2017

**An Act To Require a Prescription for a Medication That Contains
Certain Substances That May Be Used To Make Methamphetamine**

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative COOPER of Yarmouth.
Cosponsored by Senator CARPENTER of Aroostook and
Representative: LUCHINI of Ellsworth.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 17-A MRSA §1101, sub-§4-A**, as enacted by PL 2005, c. 430, §1 and
3 affected by §10, is amended to read:

4 **4-A.** "Methamphetamine precursor drug" means any drug or product possessed by a
5 person that contains ephedrine or pseudoephedrine or their salts, isomers or salts of
6 isomers, either alone or in combination with other ingredients, in dry or solid nonliquid
7 form, or that contains in the aggregate a quantity of more than 9 grams of ~~ephedrine,~~
8 ~~pseudoephedrine or~~ phenylpropanolamine or ~~their~~ its salts, isomers or salts of isomers,
9 either alone or in combination with other ingredients, in dry or solid nonliquid form.

10 **Sec. 2. 32 MRSA §13702-A, sub-§33**, as enacted by PL 2007, c. 402, Pt. DD,
11 §2, is amended to read:

12 **33. Targeted methamphetamine precursor.** "Targeted methamphetamine
13 precursor" means any product containing any amount of ~~ephedrine, pseudoephedrine or~~
14 phenylpropanolamine or ~~their~~ its salts, isomers or salts of isomers, either alone or in
15 combination with other ingredients:

16 A. In dry or solid nonliquid form; or

17 B. In liquid, liquid-filled capsule or glycerin matrix form if designation as a targeted
18 methamphetamine precursor has been completed by rule adopted pursuant to section
19 13795, subsection 5, paragraph A.

20 **Sec. 3. 32 MRSA §13795, sub-§5, ¶A**, as amended by PL 2011, c. 657, Pt. AA,
21 §84, is further amended to read:

22 A. If the Director of the Maine Drug Enforcement Agency within the Department of
23 Public Safety finds that the ease of availability of liquid, liquid-filled capsule or
24 glycerin matrix forms of products containing ~~ephedrine, pseudoephedrine or~~
25 phenylpropanolamine or ~~their~~ its salts, isomers or salts of isomers, either alone or in
26 combination with other ingredients, referred to in this paragraph as "products," is a
27 threat to the public health, safety and welfare, then the Director of the Maine Drug
28 Enforcement Agency shall notify the Commissioner of Health and Human Services.
29 The Commissioner of Health and Human Services shall consult with the joint
30 standing committee of the Legislature having jurisdiction over health and human
31 services matters, providing the reasons for undertaking rulemaking, and may, after
32 consultation, adopt rules designating the products as targeted methamphetamine
33 precursors pursuant to section 13702-A, subsection 33, paragraph B.

34 **Sec. 4. 32 MRSA §13796, sub-§3**, as amended by PL 2011, c. 584, §3, is further
35 amended to read:

36 **3. Restrictions on the sale of targeted methamphetamine precursors.** The
37 following restrictions on location in the retail store, manner of sale and amount of sale
38 apply to sales of targeted methamphetamine precursors. The limits under this subsection
39 on the amount of targeted methamphetamine precursors that may be sold apply to the

1 total amount of base ~~ephedrine, phenylpropanolamine and~~ pseudoephedrine contained in
2 packages and not the overall weight of the packages.

3 A. A retailer may not sell to the same person a targeted methamphetamine precursor
4 that causes the sales to that person of targeted methamphetamine precursors within a
5 24-hour period to exceed 3.6 grams.

6 A-1. A person may not purchase more than 3.6 grams of a targeted
7 methamphetamine precursor within a 24-hour period.

8 A-2. A retailer may not sell to the same person a targeted methamphetamine
9 precursor that causes the sale to that person of targeted methamphetamine precursors
10 within a 30-day period to exceed 9 grams.

11 A-3. A person may not purchase more than 9 grams of a targeted methamphetamine
12 precursor within a 30-day period.

13 B. Except with regard to single-dose packages of not more than 60 milligrams that
14 are kept within 30 feet and in direct line of sight of a staffed cash register or store
15 counter, a retailer shall keep targeted methamphetamine precursors in a location that
16 is locked or otherwise not accessible by customers.

17 C. Except with regard to single-dose packages of not more than 60 milligrams that
18 are kept within 30 feet and in direct line of sight of a staffed cash register or store
19 counter, the sale of targeted methamphetamine precursors must be completed by:

- 20 (1) A licensed pharmacist or licensed pharmacy technician; or
21 (2) An employee of the retailer who accepts payment for the targeted
22 methamphetamine precursor as long as:
23 (a) The employee works under the direct supervision of a pharmacist in the
24 pharmacy area of the retail store; and
25 (b) A licensed pharmacist or licensed pharmacy technician has given
26 individual, express approval for the purchase.

27 D. Except with regard to single-dose packages of not more than 60 milligrams that
28 are kept within 30 feet and in direct line of sight of a staffed cash register or store
29 counter, a retailer shall require a person purchasing a targeted methamphetamine
30 precursor to present a valid government-issued photograph identification document at
31 the point of sale. A retailer shall record the:

- 32 (1) Name and address of the purchaser;
33 (2) Name of the targeted methamphetamine precursor purchased including the
34 number of grams the product contains;
35 (3) Date and time of purchase; and
36 (4) Form of identification presented, issuing government entity and
37 corresponding identification number.

38 E. Except with regard to single-dose packages of not more than 60 milligrams that
39 are kept within 30 feet and in direct line of sight of a staffed cash register or store
40 counter, a retailer shall maintain a written or electronic logbook and require a person

1 purchasing a targeted methamphetamine precursor to sign the logbook. A purchaser
2 must sign the logbook acknowledging that the purchaser understands the applicable
3 sales limit and that providing false statements or misrepresentations in the logbook
4 may subject the purchaser to criminal penalties under 18 United States Code, Section
5 1001.

6 **SUMMARY**

7 This bill requires a prescription to possess any amount of ephedrine or
8 pseudoephedrine. It removes references to ephedrine and pseudoephedrine from the laws
9 governing over-the-counter sales of methamphetamine precursors.