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H.211

Introduced by Representatives McFaun of Barre Town, Stevens of Shoreham,  
Batchelor of Derby, Bouchard of Colchester, Buxton of  
Tunbridge, Dickinson of St. Albans Town, Donaghy of  
Poultney, Donahue of Northfield, Sharpe of Bristol, Wilson of  
Manchester, and Zagar of Barnard

Referred to Committee on

Date:

Subject: Health; regulated drugs; prescription; ephedrine

Statement of purpose of bill as introduced: This bill proposes to require a  
prescription for the purchase of products used as precursors to  
methamphetamine that contain ephedrine, pseudoephedrine, or  
phenylpropanolamine.

An act relating to precursor drugs of methamphetamine

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. FINDINGS

The General Assembly finds that:

(1) The National Justice Institute describes amphetamine as a

“sympathomimetic drug that alleviates fatigue and produces feelings of mental

1 alertness and well-being.” Methamphetamine is the most widely used  
2 amphetamine.

3 (2) The use of methamphetamine constitutes an ongoing problem in  
4 Vermont, as demonstrated by the persistent number of drug and drug  
5 equipment violations involving this substance over the past decade.

6 (3) According to the Vermont Department of Health, short-term use of  
7 methamphetamine may result in insomnia, decreased appetite, increased  
8 respiration, burns, nosebleeds, violence, aggression, and secretive behavior.

9 (4) Vermont’s Department of Health further finds that long-term use of  
10 methamphetamine may result in dependence, hallucinations, paranoia, mood  
11 disturbances, severe anorexia, memory loss, stroke, and liver or heart failure.

12 (5) The U.S. Department of Justice cites pseudoephedrine and ephedrine  
13 extracted from pharmaceutical grade products as the two precursor substances  
14 most often used to manufacture methamphetamine.

15 (6) The production of methamphetamine endangers communities.  
16 According to the National Institute of Justice, “[t]he volatile chemicals can  
17 explode when the ingredients are cooking. The invisible vapors that emanate  
18 from cooking meth create health problems for people living in the area. The  
19 waste and residue remaining from meth cooking are harmful to the  
20 environment.”

1           (7) Identifying users and producers of methamphetamine poses many  
2           challenges to law enforcement officers. The U.S. Department of Justice states  
3           that “[l]ocal police are faced with the challenge of disrupting a drug market  
4           where much of the buying, selling, and cooking happened in private residences  
5           or rural locations, and among people who are often familiar with one another.”

6           (8) In 2006, the Oregon Board of Pharmacy adopted a rule requiring a  
7           prescription for the purchase of all pseudoephedrine products, and thereafter  
8           the number of incidents involving methamphetamine labs significantly  
9           decreased in the state.

10          Sec. 2. 18 V.S.A. § 4234b(b) is amended to read:

11          (b) Sale.

12           (1) A drug product containing ephedrine base, pseudoephedrine base, or  
13           phenylpropanolamine base shall not be distributed at retail to the general  
14           public ~~unless it is maintained in a locked display case or behind the counter out~~  
15           ~~of the public’s reach~~ without a valid prescription as defined in subdivision  
16           4201(26) of this title.

17           ~~(2)(A) A retail establishment shall not knowingly sell to a person within~~  
18           ~~a calendar day any drug product or combination of drug products containing a~~  
19           ~~total of more than 3.6 grams of ephedrine base, pseudoephedrine base, or~~  
20           ~~phenylpropanolamine base.~~

1           ~~(B) This subdivision shall not apply to drug products dispensed~~  
2 ~~pursuant to a valid prescription.~~

3           (3) A person or business which violates this subdivision shall:

4           (A) for a first violation be assessed a civil penalty of not more than  
5 \$100.00.

6           (B) for a second and subsequent violation be assessed a civil penalty  
7 of not more than \$500.00.

8           Sec. 3. EFFECTIVE DATE

9           This act shall take effect on July 1, 2013.