

HOUSE BILL NO. HB0293

Illegal drug manufacturing-precursor chemicals.

Sponsored by: Representative(s) Harvey, Harshman,
Jorgensen, Luthi, Osborn and White

A BILL

for

1 AN ACT relating to controlled substances; regulating the
2 sale of illegal drug precursors as specified; prohibiting
3 sales to minors; providing penalties; and providing for an
4 effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 35-7-1059 by creating new subsections
9 (e) through (n) is amended to read:

10

11 **35-7-1059. Unlawful clandestine laboratory**
12 **operations; methamphetamine precursors; presumptively**
13 **illegal amount; methamphetamine precursor sales**
14 **limitations; registration requirements; reports; penalties.**

15

1 (e) Except as provided in this subsection, no person
2 shall possess a drug product containing more than nine (9)
3 grams of ephedrine, pseudoephedrine or phenylpropanolamine,
4 or their salts, isomers or salts of isomers. This
5 subsection shall not apply to the following persons who are
6 lawfully possessing drug products in the course of
7 legitimate business:

8
9 (i) A retail distributor or wholesaler of drug
10 products registered with the board;

11
12 (ii) A wholesale drug distributor licensed by
13 the board;

14
15 (iii) A drug manufacturer licensed by the board;

16
17 (iv) A pharmacist licensed by the board;

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19 (v) A licensed health care professional
20 possessing the drug products in the course of practicing
21 his profession.

22
23 (f) The retail sale of nonliquid methamphetamine
24 precursor drugs or liquid products with ephedrine or

1 pseudoephedrine as the sole active ingredient shall be
2 limited to:

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4 (i) Sales in packages containing not more than
5 three (3) grams of one (1) or more methamphetamine
6 precursor drugs, calculated in terms of the active
7 equivalent of ephedrine hydrochloride and pseudoephedrine
8 base;

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10 (ii) Sales in blister packs, each blister
11 containing not more than two (2) dosage units or, when the
12 use of blister packs is not technically feasible, sales in
13 unit dose packets or pouches.

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15 (g) The retail sale of methamphetamine precursor
16 drugs or a combination of methamphetamine precursor drugs
17 shall be limited as follows:

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19 (i) No person shall sell in a single retail
20 transaction more than two (2) packages as described in
21 subsection (f) of this section;

22

23 (ii) No person shall sell a product containing a
24 methamphetamine precursor drug to a person under the age of

1 eighteen (18). A retailer shall require proof of age from
2 any purchaser who reasonably appears to be under the age of
3 twenty-five (25);

4
5 (iii) No person under the age of eighteen (18)
6 years may sell a product containing a methamphetamine
7 precursor drug.

8
9 (h) A retail distributor of products containing
10 methamphetamine precursors shall sell them in one (1) of
11 the following ways:

12
13 (i) Product packages are displayed behind a
14 store counter, in an area not accessible to customers;

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16 (ii) Product packages are displayed in a locked
17 case so that a customer must ask a store employee for
18 assistance in purchasing the product;

19
20 (iii) Product packages are displayed within
21 thirty (30) feet of and in the direct line of sight of a
22 cash register or store counter staffed by a store employee
23 and the store employs a reliable alarm system to prevent
24 the theft of multiple product packages;

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(iv) Product packages are displayed in a location that is under constant video surveillance and:

(A) Persons examining or removing packages are within the camera's view;

(B) The video camera records recognizable images at least once every ten (10) seconds;

(C) Surveillance images are preserved for at least one hundred sixty-eight (168) hours and are available to law enforcement authorities immediately upon request;

(D) The retail distributor posts a sign in a prominent manner stating that the area is under constant video surveillance;

(E) The retail distributor reports to local law enforcement any theft or suspected thefts.

(j) A person who intentionally or knowingly violates subsection (f), (g) or (h) of this section is guilty of a

1 misdemeanor punishable by a fine of one hundred dollars
2 (\$100.00) for a first offense, five hundred dollars
3 (\$500.00) for a second offense within two (2) years and one
4 thousand dollars (\$1,000.00) and up to six (6) months
5 imprisonment, or both, for a third offense within three (3)
6 years. It shall be a defense to violation under paragraph
7 (g)(ii) of this section that the person making the sale
8 required and obtained proof of age from a purchaser who
9 produced a false, forged or altered document that an
10 ordinarily prudent person would believe to be legitimate.

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12 (k) A resident or nonresident retailer, manufacturer
13 or wholesaler who distributes ephedrine, pseudoephedrine or
14 phenylpropanolamine, or their salts, isomers or salts of
15 isomers in Wyoming shall:

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17 (i) Register with the board by submitting an
18 application on a form prescribed by the board and pay a
19 registration fee of twenty-five dollars (\$25.00). Where
20 the retailer, manufacturer or wholesaler distributions are
21 conducted at more than one (1) location, each location
22 shall be separately registered. Except as provided in
23 subsection (m) of this section, those facilities registered

1 with the board under W.S. 35-7-1024 on July 1, 2005, shall
2 not be required to register under this section;

3
4 (ii) Notify the board of the occurrence of any
5 of the following:

6
7 (A) The permanent closing of the retailer,
8 manufacturer or wholesaler outlet;

9
10 (B) A change in ownership, name, management
11 or location.

12
13 (iii) Be subject to inspection by the board.
14 Inspections shall be conducted during normal business hours
15 and shall be limited to the following:

16
17 (A) For retail distribution, inspection of
18 the method of display and sale of any drug products covered
19 by this section;

20
21 (B) For manufacturer or wholesaler
22 distribution, inspection of the purchase and sale records
23 of any drug products covered by this section.

24

1 (iv) Display the registration issued by the
2 board in a conspicuous location in the place of business;

3
4 (v) Provide reports to the board as follows:

5
6 (A) A manufacturer or wholesaler who
7 distributes drug products covered by this section shall
8 submit a monthly report no later than the 10th day of the
9 month immediately following the month in which the
10 distribution takes place;

11
12 (B) The report shall include a listing by
13 retail vendor, including the name of the proprietary
14 product, package size, date shipped and quantity shipped.

15
16 (m) A registration issued under this section shall be
17 renewed annually, on or before September 30, by submitting
18 a renewal application supplied by the board and paying the
19 renewal fee of twenty-five dollars (\$25.00). Renewal
20 applications postmarked after September 30 shall be subject
21 to a late fee of fifty dollars (\$50.00) which shall be in
22 addition to the renewal fee.

23

1 (n) The board may revoke, suspend or assess an
2 administrative penalty not to exceed one hundred dollars
3 (\$100.00) for a first offense, five hundred dollars
4 (\$500.00) for a second offense within two (2) years and one
5 thousand dollars (\$1,000.00) for a third offense within
6 three (3) years. Any administrative penalty assessed shall
7 be paid to the board who shall remit the monies to the
8 county treasurer to the credit of the public school fund of
9 the county in which the violation occurred.

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11 **Section 2.** This act is effective July 1, 2005.

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(END)