

HOUSE BILL NO. HB0249

Methamphetamine ingredient control.

Sponsored by: Representative(s) Bucholz

A BILL

for

1 AN ACT relating to the Wyoming Controlled Substances Act;
 2 providing for denial of release on bail for specified
 3 violations; providing procedures for sale of
 4 psuedoephedrine; establishing an amount of product that may
 5 be acquired within certain period of time; providing
 6 exceptions; and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 35-7-1061 is created to read:

11

12 **35-7-1061. Control of controlled substance**
 13 **precursors.**

14

15 (a) If any compound, mixture or other preparation
 16 containing any detectible quantity of psuedoephedrine, its

1 salts or optical isomers, unless specifically exempted or
2 excluded is dispensed, sold or distributed in a pharmacy:

3

4 (i) It shall be dispensed, sold or distributed
5 only by a licensed pharmacist or a licensed pharmacy
6 technician; and

7

8 (ii) Any person purchasing, receiving or
9 otherwise acquiring any compound, mixture or preparation
10 containing any detectible quantity of psuedoephedrine, its
11 salts or optical isomers shall produce a photo
12 identification showing the date of birth of the person and
13 shall sign a written log showing the date of the
14 transaction, name of the person, and the amount of the
15 compound, mixture or preparation.

16

17 (b) No person shall purchase, receive or otherwise
18 acquire more than nine (9) grams of any product, mixture or
19 preparation containing any detectible quantity of
20 psuedoephedrine, its salts or optical isomers within any
21 thirty (30) day period.

22

23 (c) The provisions of this section shall not apply to
24 any compounds, mixtures or preparations containing

1 pseudoephedrine which are in liquid, liquid capsule or gel
2 capsule form if pseudoephedrine is not the only active
3 ingredient.

4

5 (d) A person convicted of a violation of this section
6 is guilty of a crime and shall be punished by imprisonment
7 not to exceed one (1) year in jail or by a fine not to
8 exceed one thousand dollars (\$1,000.00), or both.

9

10 **Section 2.** W.S. 5-9-132(a), 35-7-1059(a) by creating
11 a new paragraph (v) and by creating a new subsection (e)
12 and 35-7-1060(a) and (b) are amended to read:

13

14 **5-9-132. Authority to set bail; preliminary**
15 **examinations.**

16

17 (a) Judges and magistrates of the circuit court are
18 authorized to set bail before trial in accordance with this
19 subsection and with the rules of the Wyoming supreme court.
20 Judges and magistrates of the circuit court shall have the
21 power and the duty to decide promptly the bail application
22 of any person arrested for a violation of state law within
23 the county, whether or not the formal document charging the
24 person with a violation of state law has been filed with

1 the court. In determining bail or conditions of release
2 for persons arrested for a violation of W.S. 35-7-1059, the
3 judge, magistrate or court shall consider any evidence that
4 the person is in any manner dependent upon a controlled
5 substance or has a pattern of regular illegal use of any
6 controlled substance. A rebuttable presumption that no
7 conditions of release on bond would assure the safety of
8 the community or any person therein shall arise if the
9 state shows, by a preponderance of the evidence:

10
11 (i) The person was arrested for a violation of
12 W.S. 35-7-1059 relating to clandestine laboratory
13 operations, or possessing any of the substances listed in
14 W.S. 35-7-1058(a)(vi) and (vii) with the intent to engage
15 in a clandestine laboratory operation; and

16
17 (ii) The person is in any manner dependent upon
18 a controlled substance or has a pattern of regular illegal
19 use of a controlled substance, and the violation referred
20 to in paragraph (i) of this subsection was committed or
21 attempted in order to maintain or facilitate the dependence
22 or pattern of illegal use in any manner.

23

1 **35-7-1059. Unlawful clandestine laboratory**
2 **operations; unlawful possession of ingredients; penalties.**

3
4 (a) It is unlawful for any person to knowingly or
5 intentionally:

6
7 (v) Possess a drug product or products containing
8 more than nine (9) grams of psuedoephedrine, its salts or
9 optical isomers unless the person lawfully possesses the
10 drug products in the course of legitimate business and is:

11
12 (A) A retail distributor or wholesaler of
13 drug products; or

14
15 (B) A wholesale distributor, or its agent,
16 licensed by the board of pharmacy.

17
18 (e) The commissioner of drugs and substances control
19 may, by rule and regulation, exempt other products from the
20 List I or II controlled substance precursors lists which
21 the commissioner finds are not used in the illegal
22 manufacture of methamphetamine or other controlled
23 substances. A manufacturer of a drug product may apply for
24 removal of the product from the List I or II controlled

1 substance precursor lists if the product is determined by
2 the commissioner to have been formulated in such a way as
3 to effectively prevent the conversion of the active
4 ingredient into methamphetamine or other controlled
5 substances.

6

7 **35-7-1060. Controlled substances prescription**
8 **tracking program.**

9

10 (a) In addition to other duties and responsibilities
11 as provided by this act, the board shall maintain a
12 computerized program to track prescriptions for controlled
13 substances and logs required under W.S. 35-7-1061(a)(ii)
14 for the purposes of assisting patients, practitioners and
15 pharmacists to avoid inappropriate use of controlled
16 substances and of assisting with the identification of
17 illegal activity related to the dispensing of controlled
18 substances. The tracking program and any data created
19 thereby shall be administered by the board, and the board
20 may charge reasonable fees to help defray the costs of
21 operating the program. Any fee shall be included with and
22 in addition to other registration fees established by the
23 board as authorized in W.S. 35-7-1023.

24

1 (b) All prescriptions for schedule II, III and IV
2 controlled substances dispensed by, and logs required under
3 W.S. 35-7-1061(a)(ii) held by any retail pharmacy licensed
4 by the board shall be filed with the board electronically
5 or by other means required by the board. The board may
6 require the filing of other prescriptions and may specify
7 the manner in which the prescriptions and logs are filed.

8

9 **Section 2.** Fifty thousand dollars (\$50,000.00) is
10 appropriated from the budget reserve account to the board
11 of pharmacy for the purpose of expanding its computerized
12 program to track logs required under W.S. 35-7-1061(a)(ii)
13 as provided in this act.

14

15 **Section 3.** This act is effective July 1, 2005.

16

17

(END)