

## 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 (j) 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; penalties.**

15

1       (e) Except as provided in this subsection, possession  
2 of a drug product containing more than nine (9) grams of  
3 ephedrine, pseudoephedrine or phenylpropanolamine, or their  
4 salts, isomers or salts of isomers shall constitute a  
5 rebuttable presumption of the intent to use the product as  
6 a precursor to methamphetamine or another controlled  
7 substance. The rebuttable presumption established by this  
8 subsection shall not apply to the following persons who are  
9 lawfully possessing drug products in the course of  
10 legitimate business:

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

14  
15               (ii) A wholesale drug distributor licensed by  
16 the board;

17  
18               (iii) A drug manufacturer licensed by the board;

19  
20               (iv) A pharmacist licensed by the board;

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

1

2       (f) The retail sale of nonliquid methamphetamine  
3 precursor drugs shall be limited to:

4

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

9

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.

14

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 (h) A retail distributor of products containing  
6 methamphetamine precursors shall sell them in one (1) of  
7 the following ways:

8  
9 (i) Product packages are displayed behind a  
10 store counter, in an area not accessible to customers;

11  
12 (ii) Product packages are displayed in a locked  
13 case so that a customer must ask a store employee for  
14 assistance in purchasing the product;

15  
16 (iii) Product packages are displayed within  
17 thirty (30) feet of and in the direct line of sight of a  
18 cash register or store counter staffed by a store employee  
19 and the store employs a reliable alarm system to prevent  
20 the theft of multiple product packages;

21  
22 (iv) Product packages are displayed in a  
23 location that is under constant video surveillance and;

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

3

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

6

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

11

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

15

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

18

19                   (j) A person who intentionally or knowingly violates  
20 subsection (f), (g) or (h) of this section is guilty of a  
21 misdemeanor punishable by a fine of one hundred dollars  
22 (\$100.00) for a first offense, five hundred dollars  
23 (\$500.00) for a second offense within two (2) years and one  
24 thousand dollars (\$1,000.00) and up to six (6) months

1 imprisonment, or both, for a third offense within three (3)  
2 years. It shall be a defense to violation under paragraph  
3 (g)(ii) of this section that the person making the sale  
4 required and obtained proof of age from a purchaser who  
5 produced a false, forged or altered document that an  
6 ordinarily prudent person would believe to be legitimate.

7

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

9

10 (END)