

HOUSE BILL REPORT

HB 2567

As Amended by the Senate

Title: An act relating to the possession of methamphetamine precursors.

Brief Description: Providing provisions for methamphetamine precursors.

Sponsors: By Representatives Wallace, Ericks, Morrell, Kilmer, Lovick, Campbell, Green, Lantz, Springer and Moeller.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/20/06 [DP].

Floor Activity:

Passed House: 1/30/06, 92-3.

Senate Amended.

Passed Senate: 3/2/06, 46-0.

Brief Summary of Bill

- Makes it a gross misdemeanor offense to knowingly purchase or possess illegal quantities of iodine or methylsulfonylmethane.
- Establishes record keeping requirements for the selling of specific quantities of iodine or methylsulfonylmethane.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby, Strow and Williams.

Staff: Yvonne Walker (786-7841).

Background:

Precursor drugs are substances that can be used to manufacture controlled substances. For example: anhydrous ammonia, ephedrine, pseudoephedrine, and phenylpropanolamine are common precursor items that are often used to illegally manufacture methamphetamine. Methamphetamine is a highly addictive substance that affects the central nervous system.

In 2001, the Legislature passed legislation (ESSB 5017) that placed restrictions on the sale and distribution of ephedrine, pseudoephedrine, or phenylpropanolamine. The legislation

instituted a number of measures including: providing reporting and record keeping requirements for the sale of these precursor substances; restricting the retail sale of the precursor substances; and limiting the quantity that a person may possess.

Iodine is another precursor drug that can be used to manufacture methamphetamine. Iodine is used legally for a variety of commercial and medical purposes. It is widely available and can be used legitimately as a:

- derivative used to make chemicals and polymers, sanitation and cleaning compounds, pharmaceuticals, nylon fibers, dyes and ink, and photographic film;
- developer to help crime scene investigators discover latent fingerprints on paper surfaces;
- nutritional supplement in table salt;
- common ingredient in dietary supplements for livestock;
- element in the production of an electric light bulb;
- water purification and swimming pool sanitization chemical; and
- topical antiseptic for humans, horses, and cattle after the crystals are made into iodine tincture.

Iodine crystals may be purchased from a variety of businesses. Crystals typically are available for sale at chemical supply stores, feed and tack stores, and veterinary clinics and suppliers. Iodine also is widely available on the Internet.

Iodine is also frequently used illegally to produce high quality methamphetamine. Methamphetamine producers use iodine crystals to produce hydriodic acid, the preferred reagent in the ephedrine and pseudoephedrine reduction method of methamphetamine production.

Methylsulfonylmethane (also known as MSM) is commonly used as a nutritional supplement for horses and humans. Methamphetamine produced in Mexico and southwestern states commonly cut with MSM -- a white powder with a low melting point. It is highly soluble and readily mixes with most substances without leaving a residue, making it a suitable cutting agent for methamphetamine.

A gross misdemeanor offense is punishable by imprisonment of not more than one year in jail, or by a fine of not more than \$5,000, or both. A misdemeanor offense is punishable by imprisonment in the county jail for a maximum term of not more than 90 days, or by a fine of not more than \$1,000, or both.

Summary of Bill:

It is a gross misdemeanor offense to knowingly purchase in a 30-day period or possess any quantity of iodine in its elemental form, an iodine matrix, or more than two pounds of methylsulfonylmethane (MSM).

The penalties do not apply to the following individuals:

- a person who possesses iodine in its elemental form or an iodine matrix as a prescription drug, under a prescription issued by a licensed veterinarian, physician, or advanced registered nurse practitioner;
- a person who possesses iodine in its elemental form, an iodine matrix, or any quantity of MSM in its powder form and is actively engaged in the practice of animal husbandry of livestock;
- a person who possesses iodine in its elemental form or an iodine matrix in conjunction with experiments conducted in a chemistry-related laboratory maintained by a school, manufacturing facility, government agency, or research facility in the course of lawful business activities;
- a veterinarian, physician, advanced registered nurse practitioner, pharmacist, retail distributor, wholesaler, manufacturer, warehouseman, or common carrier, or an agent of any of these persons in the regular course of lawful business activities; or
- anyone working in a general hospital in the regular course of employment at the hospital.

The Washington State Patrol must develop a form to be used in recording transactions involving iodine in its elemental form, an iodine matrix, or MSM. A person who purchases any quantity of iodine in its elemental form, an iodine matrix, or any quantity of MSM must present an identification card or driver's license before purchasing the item. A person who sells or otherwise transfers any quantity of iodine or MSM to an authorized person must record each sale or transfer. The record must be retained by the person for at least three years. Any law enforcement agency may request access to the records. Failure to make or retain a record required is a misdemeanor offense. Failure to comply with a request for access to records is a misdemeanor offense.

"Iodine matrix" is defined as iodine at a concentration greater than 2 percent by weight in a matrix or solution. "Matrix" means something, as a substance, in which something else originates, develops, or is contained. "Methylsulfonylmethane" or MSM means MSM in its powder form only, and does not include products containing MSM in other forms such as liquids, tablets, capsules not containing MSM in pure powder form, ointments, creams, cosmetics, foods, and beverages.

EFFECT OF SENATE AMENDMENT(S):

The two crimes are moved into separate subsections. No other changes were made.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill covers the purchasing and possession of iodine that contains a 7 percent concentration or higher. The bill also covers people who possess more than two

pounds of MSM. It seems that since it is harder for people to obtain pseudoephedrine that drug offenders are substituting iodine for the production of meth.

Meth cooks are now going to farm supply stores to purchase MSM and concentrated iodine. In 2005, the Washington State Patrol found over 800 meth dump sites across the state. There was an instance where one particular store sold over 300 gallons of iodine in a five-month period and another instance where one feed store sold over 446 pounds of MSM in a 12-month period.

It is incumbent upon us to help reduce the supply of methamphetamine in the state. This bill will give law enforcement officers another tool to help in the fight against methamphetamine.

Testimony Against: None.

Persons Testifying: Representative Wallace, prime sponsor; Detective Shane Gardner, Clark/Skamania Drug Task Force; Sheriff Mike Whelan, Grays Harbor County; Sheriff John Didion, Pacific County; and Captain Jeff DeVere, Washington State Patrol.

Persons Signed In To Testify But Not Testifying: None.