

# SENATE BILL REPORT

## HB 2567

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As Reported By Senate Committee On:  
Judiciary, February 21, 2006

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

**Brief Description:** Providing provisions for methamphetamine precursors.

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

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

**Committee Activity:** Judiciary: 2/16/06, 2/21/06 [DPA].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass as amended.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, Hargrove and Rasmussen.

**Staff:** Aldo Melchiori (786-7439)

**Background:** Precursor drugs and substances are used to manufacture controlled substances. Anhydrous ammonia, ephedrine, pseudoephedrine, and phenylpropanolamine are common precursor items that are regulated to help prevent their use in the manufacture of methamphetamine.

Iodine is used legally for a variety of commercial and medical purposes. Iodine crystals may be purchased from a variety of businesses. Crystals 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 may also be used illegally to produce methamphetamine.

Methylsulfonylmethane (MSM) is commonly used as a nutritional supplement for horses and humans. Methamphetamine is commonly reduced in strength by mixing it with MSM.

**Summary of Amended Bill:** It is a gross misdemeanor offense (0 to 12 months in jail and/or a \$5,000 fine) 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 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 required record or failure to comply with a request for access to records is a misdemeanor offense (0 to 90 days in jail and/or a \$1000 fine).

**Amended Bill Compared to Original Bill:** This is a technical amendment providing separate subsections for each of the crimes created so that accurate crime statistics may be kept.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Methamphetamine cooks are now using iodine in concentrations 7 percent or higher. Household iodine is typically in a 1-2 percent concentration. MSM is used to dilute bulk imported methamphetamine in preparation for sale. Oregon already restricts iodine sales, so methamphetamine cooks are coming to Washington for supplies.

**Testimony Against:** None.

**Who Testified:** PRO: Representative Wallace, prime sponsor; Shane Gardner, Clark/Skamania Drug Task Force.