

HOUSE No. 2865

The Commonwealth of Massachusetts

PRESENTED BY:

Steven M. Walsh

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act criminalizing the possession of ingredients for manufactured drugs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Steven M. Walsh</i>	<i>11th Essex</i>	<i>1/20/2011</i>

HOUSE No. 2865

By Mr. Walsh of Lynn, a petition (accompanied by bill, House, No. 2865) of Steven M. Walsh for legislation to prohibit the possession of ingredients used in manufacturing certain drugs. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1774 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act criminalizing the possession of ingredients for manufactured drugs.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 94C of the General Laws, as appearing in the 2008 Official
2 Edition, is hereby amended by adding the following section:-

3 Section 32L

4 Section 1. (a) Any person who possesses at the same time any of the following
5 combinations, a combination product thereof, or possesses any compound or mixture containing
6 the chemicals listed in the following combinations, with the intent to

7 manufacture phencyclidine (PCP) or any of its analogs is guilty of a felony and shall be
8 punished by imprisonment in the state prison for 5 years:

9 (1) Piperidine and cyclohexanone.

(2) Pyrrolidine and cyclohexanone.

(3) Morpholine and cyclohexanone.

(b) Any person who possesses the optical, positional, or geometric isomer of any of the compounds listed in this section, with the intent to manufacture these controlled substances is guilty of a felony and shall be punished by imprisonment in the

state prison for 5 years:

(1) Phencyclidine (PCP).

(2) Any analog of PCP

(c) Any person who possesses any compound or mixture containing piperidine, cyclohexanone, pyrrolidine, morpholine, 1-phenylcyclohexylamine (PCA),

1-piperidinocyclohexanecarbonitrile (PCC), or phenylmagnesium bromide (PMB) with the intent to manufacture phencyclidine, is guilty of a felony and shall be punished by imprisonment in the state prison for 5 years.

(d) Any person who possesses immediate precursors sufficient for the manufacture of piperidine, cyclohexanone, pyrrolidine, morpholine, or phenylmagnesium bromide (PMB) with the intent to manufacture phencyclidine, is guilty of a felony and shall be

punished by imprisonment in the state prison for 5 years.

(e) This section does not apply to drug manufacturers licensed by this state or persons authorized by regulation of the board of registration in pharmacy to possess those substances or combinations of substances.

SECTION 2. (a) Any person who possesses both methylamine and phenyl-2-propanone (phenylacetone) at the same time with the intent to manufacture methamphetamine, or who possesses both ethylamine and phenyl-2-propanone (phenylacetone) at the same time with the intent to manufacture N-ethylamphetamine, is guilty of a felony and shall be punished by imprisonment in the state prison for 5 years.

(b) (1) Any person who, with the intent to manufacture methamphetamine or any of its analogs, possesses ephedrine or pseudoephedrine, or any salts, isomers, or salts of isomers of ephedrine or pseudoephedrine, or who possesses a substance containing

ephedrine or pseudoephedrine, or any salts, isomers, or salts of isomers of ephedrine or pseudoephedrine, or who possesses at the same time any of the following, or a combination product thereof, is guilty of a felony and shall be punished by

imprisonment in the state prison for 5 years:

(A) Ephedrine, pseudoephedrine, norpseudoephedrine,

N-methylephedrine, N-ethylephedrine,

N-methylpseudoephedrine, N-ethylpseudoephedrine, or

phenylpropanolamine, plus hydriodic acid.

(B) Ephedrine, pseudoephedrine, norpseudoephedrine,

N-methylephedrine, N-ethylephedrine,

N-methylpseudoephedrine, N-ethylpseudoephedrine, or

phenylpropanolamine, thionyl chloride and hydrogen gas.

(C) Ephedrine, pseudoephedrine, norpseudoephedrine,

N-methylephedrine, N-ethylephedrine,

N-methylpseudoephedrine, N-ethylpseudoephedrine, or

phenylpropanolamine, plus phosphorus pentachloride and

hydrogen gas.

(D) Ephedrine, pseudoephedrine, norpseudoephedrine,

N-methylephedrine, N-ethylephedrine,

N-methylpseudoephedrine, N-ethylpseudoephedrine,

chloroephedrine and chloropseudoephedrine, or

phenylpropanolamine, plus any reducing agent

(2) Any person who, with the intent to manufacture methamphetamine or any of its analogs, possesses hydriodic acid or a reducing agent or any product containing hydriodic acid or a reducing agent is guilty of a felony and shall be punished by imprisonment in the state prison for 5 years.

(c) Any person who possesses the optical, positional, or geometric isomer of any of the compounds listed in this section, with the intent to manufacture any of the following controlled substances, is guilty of a felony and shall be punished by imprisonment in the state prison for 5 years:

(1) Methamphetamine.

(2) Any analog of methamphetamine

(3) N-ethylamphetamine.

(d) Any person who possesses immediate precursors sufficient for the manufacture of methylamine, ethylamine, phenyl-2-propanone, ephedrine, pseudoephedrine, norpseudoephedrine, N-methylephedrine, N-ethylephedrine, phenylpropanolamine, hydriodic acid or a reducing agent, thionyl chloride, or phosphorus pentachloride, with the intent to manufacture methamphetamine, is guilty of a felony and shall be punished by imprisonment in the state prison for 5 years.

(e) Any person who possesses essential chemicals sufficient to manufacture hydriodic acid or a reducing agent, with the intent to manufacture methamphetamine, is guilty of a felony and shall be punished by imprisonment in the state prison for 5 years.

(f) Any person who possesses any compound or mixture containing ephedrine, pseudoephedrine, norpseudoephedrine, N-methylephedrine, N-ethylephedrine, phenylpropanolamine, hydriodic acid or a reducing agent, thionyl chloride, or phosphorus pentachloride, with the intent to manufacture methamphetamine, is guilty of a felony and shall be punished by imprisonment in the state prison for 5 years.

(g) For purposes of this section, a “reducing agent” for the purposes of manufacturing methamphetamine means an agent that causes reduction to occur by either donating a hydrogen atom to an organic compound or by removing an oxygen atom

from an organic compound.

(h) This section does not apply to drug manufacturers licensed by this state or persons authorized by regulation of the board of registration in pharmacy to possess those substances or combinations of substances.

SECTION 3. (a) Any person who possesses at the same time any of the following combinations, a combination product thereof, or possesses any compound or mixture containing the chemicals listed in the following combinations, with the intent to sell, transfer, or otherwise furnish those chemicals, combinations, or mixtures to another person with the knowledge that they will be used to manufacture phencyclidine (PCP) or any of its analogs is guilty of a misdemeanor and shall be punished by imprisonment in the house of correction for up to 2 and ½ years:

(1) Piperidine and cyclohexanone.

(2) Pyrrolidine and cyclohexanone.

(3) Morpholine and cyclohexanone.

(b) Any person who possesses the optical, positional, or geometric isomer of any of the compounds listed in this section with the intent to sell, transfer, or otherwise furnish the isomer to another person with the knowledge that they will be used to manufacture these controlled substances is guilty of a misdemeanor and shall be punished by imprisonment in the house of correction for up to 2 and ½ years:

(1) Phencyclidine (PCP).

(2) Any analog of PCP

(c) Any person who possesses any compound or mixture containing piperidine, cyclohexanone, pyrrolidine, morpholine, 1-phenylcyclohexylamine (PCA), 1-piperidinocyclohexanecarbonitrile (PCC), or phenylmagnesium bromide (PMB) with the intent to sell, transfer, or otherwise furnish the compound or mixture to another person with the knowledge that it will be used to manufacture phencyclidine is guilty of a misdemeanor and shall be punished by imprisonment in the house of correction for up to 2 and 1/2 years.

(d) Any person who possesses immediate precursors sufficient for the manufacture of piperidine, cyclohexanone, pyrrolidine, morpholine, or phenylmagnesium bromide (PMB) with the intent to sell, transfer or otherwise furnish the immediate precursors to another person with the knowledge that they will be used to manufacture phencyclidine is guilty of a misdemeanor and shall be punished by imprisonment in the house of correction for up to 2 and 1/2 years.

(e) This section does not apply to drug manufacturers licensed by this state or persons authorized by regulation of the board of registration in pharmacy to possess those substances or combinations of substances.

SECTION 4. (a) Any person who possesses both methylamine and phenyl-2-propanone (phenylacetone) at the same time with the intent to sell, transfer, or otherwise furnish those chemicals to another person with the knowledge that they will be used to manufacture methamphetamine, or who possesses both ethylamine and phenyl-2-propanone (phenylacetone) at the same time with the intent to sell, transfer, or otherwise furnish those chemicals to another person with the knowledge that they will be used to manufacture

130 methamphetamine is guilty of a misdemeanor and shall be punished by imprisonment in the
131 house of correction for up to 2 and 1/2 years.

132 (b) (1) Any person who possesses ephedrine or pseudoephedrine, or any salts, isomers, or
133 salts of isomers of ephedrine or pseudoephedrine, or who possesses a substance containing
134 ephedrine or pseudoephedrine, or any salts, isomers, or salts of isomers of ephedrine or
135 pseudoephedrine, or who possesses at the same time any of the following, or a combination
136 product thereof, with the intent to sell, transfer, or otherwise furnish those chemicals, substances,
137 or products to another person with the knowledge that they will be used to manufacture
138 methamphetamine or any of its analogs is guilty of a misdemeanor and shall be punished by
139 imprisonment in the house of correction for up to 2 and 1/2 years:

140 (A) Ephedrine, pseudoephedrine, norpseudoephedrine,
141 N-methylephedrine, N-ethylephedrine,
142 N-methylpseudoephedrine, N-ethylpseudoephedrine, or
143 phenylpropanolamine, plus hydriodic acid.

144 (B) Ephedrine, pseudoephedrine, norpseudoephedrine,
145 N-methylephedrine, N-ethylephedrine,
146 N-methylpseudoephedrine, N-ethylpseudoephedrine, or
147 phenylpropanolamine, thionyl chloride and hydrogen gas.

148 (C) Ephedrine, pseudoephedrine, norpseudoephedrine,

149 N-methylephedrine, N-ethylephedrine,
150 N-methylpseudoephedrine, N-ethylpseudoephedrine, or
151 phenylpropanolamine, plus phosphorus pentachloride and
152 hydrogen gas.

153 (D) Ephedrine, pseudoephedrine, norpseudoephedrine,
154 N-methylephedrine, N-ethylephedrine,
155 N-methylpseudoephedrine, N-ethylpseudoephedrine,
156 chloroephedrine and chloropseudoephedrine, or
157 phenylpropanolamine, plus any reducing agent.

158 (2) Any person who possesses hydriodic acid or a reducing agent or any product
159 containing hydriodic acid or a reducing agent with the intent to sell, transfer, or otherwise furnish
160 that chemical, product, or substance to another person with the knowledge that they will be used
161 to manufacture methamphetamine or any of its analogs is guilty of a misdemeanor and shall be
162 punished by imprisonment in the house of correction for up to 2 and ½ years.

163 (c) Any person who possesses the optical, positional, or geometric isomer of any of the
164 compounds listed in this section with the intent to sell, transfer, or otherwise furnish any of the
165 compounds to another person with the knowledge that they will be used to manufacture these
166 controlled substances is guilty of a misdemeanor and shall be punished by imprisonment in the
167 house of correction for up to 2 and ½ years:

168 (1) Methamphetamine.

169 (2) Any analog of methamphetamine

170 (3) N-ethylamphetamine.

171 (d) Any person who possesses immediate precursors sufficient for the manufacture of

172 methylamine, ethylamine, phenyl-2-propanone, ephedrine, pseudoephedrine,

173 norpseudoephedrine, N-methylephedrine, N-ethylephedrine, phenylpropanolamine,

174 hydriodic acid or a reducing agent, thionyl chloride, or phosphorus pentachloride, with the intent

175 to sell, transfer, or otherwise furnish these substances to another person

176 with the knowledge that they will be used to manufacture methamphetamine is guilty of a

177 misdemeanor and shall be punished by imprisonment in the house of correction for up to 2 and ½

178 years.

179 (e) Any person who possesses essential chemicals sufficient to manufacture hydriodic

180 acid or a reducing agent with the intent to sell, transfer, or otherwise furnish those chemicals to

181 another person with the knowledge that they will be used to manufacture

182 methamphetamine is guilty of a misdemeanor and shall be punished by

183 imprisonment in the house of correction for up to 2 and ½ years.

184 (f) Any person who possesses any compound or mixture containing ephedrine,

185 pseudoephedrine, norpseudoephedrine, N-methylephedrine, N-ethylephedrine,

186 phenylpropanolamine, hydriodic acid or a reducing agent, thionyl chloride, or

187 phosphorus pentachloride, with the intent to sell, transfer, or otherwise furnish that
188 compound or mixture to another person with the knowledge that they will be used to
189 manufacture methamphetamine is guilty of a misdemeanor and shall be punished by
190 imprisonment in the house of correction for up to 2 and ½ years.

191 (g) For purposes of this section, a “reducing agent” for the purposes of manufacturing
192 methamphetamine means an agent that causes reduction to occur by either donating a hydrogen
193 atom to an organic compound or by removing an oxygen atom from an organic compound.

194 (h) This section does not apply to drug manufacturers licensed by this state or persons
195 authorized by regulation of the board of registration in pharmacy to possess those substances or
196 combinations of substances.