

HOUSE No. 1676

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>1/16/2013</i>

HOUSE No. 1676

By Mr. Walsh of Lynn, a petition (accompanied by bill, House, No. 1676) of Steven M. Walsh for legislation to prohibit the possession of ingredients used in the manufacturing of certain drugs. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2865 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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 32O

4 Section 1.

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

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

10 (1) Piperidine and cyclohexanone.

11 (2) Pyrrolidine and cyclohexanone.

12 (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
analogues, 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,

73 norpseudoephedrine, N-methylephedrine, N-ethylephedrine, phenylpropanolamine,
74 hydriodic acid or a reducing agent, thionyl chloride, or phosphorus pentachloride, with the intent
75 to manufacture methamphetamine, is guilty of a felony and shall be punished by imprisonment in
76 the state prison for 5 years.

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

80 (f) Any person who possesses any compound or mixture containing ephedrine,
81 pseudoephedrine, norpseudoephedrine, N-methylephedrine, N-ethylephedrine,
82 phenylpropanolamine, hydriodic acid or a reducing agent, thionyl chloride, or

83 phosphorus pentachloride, with the intent to manufacture methamphetamine, is guilty of
84 a felony and shall be punished by imprisonment in the state prison for 5 years.

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

88 from an organic compound.

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

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

99 (1) Piperidine and cyclohexanone.

100 (2) Pyrrolidine and cyclohexanone.

101 (3) Morpholine and cyclohexanone.

102 (b) Any person who possesses the optical, positional, or geometric isomer of any of the
103 compounds listed in this section with the intent to sell, transfer, or otherwise furnish the isomer
104 to another person with the knowledge that they will be used to manufacture these controlled
105 substances is guilty of a misdemeanor and shall be punished by imprisonment in the house of
106 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 methamphetamine is guilty of a misdemeanor and shall be punished by imprisonment in the house of correction for up to 2 and 1/2 years.

(b) (1) Any person who 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, with the intent to sell, transfer, or otherwise furnish those chemicals, substances, or products to another person with the knowledge that they will be used to manufacture methamphetamine 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 1/2 years:

(A) Ephedrine, pseudoephedrine, norpseudoephedrine,

N-methylephedrine, N-ethylephedrine,

N-methylpseudoephedrine, N-ethylpseudoephedrine, or

142 phenylpropanolamine, plus hydriodic acid.

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

147 (C) Ephedrine, pseudoephedrine, norpseudoephedrine,
148 N-methylephedrine, N-ethylephedrine,
149 N-methylpseudoephedrine, N-ethylpseudoephedrine, or
150 phenylpropanolamine, plus phosphorus pentachloride and
151 hydrogen gas.

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

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

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

167 (1) Methamphetamine.

168 (2) Any analog of methamphetamine

169 (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 sell, transfer, or otherwise furnish these substances to another person

with the knowledge that they will be used to manufacture methamphetamine is guilty of a misdemeanor and shall be punished by imprisonment in the house of correction for up to 2 and ½ years.

(e) Any person who possesses essential chemicals sufficient to manufacture hydriodic acid or a reducing agent 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 is guilty of a misdemeanor and shall be punished by imprisonment in the house of correction for up to 2 and ½ 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 sell, transfer, or otherwise furnish that compound or mixture to another person with the knowledge that they will be used to manufacture methamphetamine is guilty of a misdemeanor and shall be punished by imprisonment in the house of correction for up to 2 and ½ 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.