

**HOUSE . . . . . No. 2865**

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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:

*Steven M. Walsh*

DISTRICT/ADDRESS:

*11th Essex*

**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**

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**In the Year Two Thousand Eleven**  
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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.

10 (2) Pyrrolidine and cyclohexanone.

11 (3) Morpholine and cyclohexanone.

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

15 state prison for 5 years:

16 (1) Phencyclidine (PCP).

17 (2) Any analog of PCP

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

20 1-piperidinocyclohexanecarbonitrile (PCC), or phenylmagnesium bromide (PMB) with  
21 the intent to manufacture phencyclidine, is guilty of a felony and shall be punished by  
22 imprisonment in the state prison for 5 years.

23 (d) Any person who possesses immediate precursors sufficient for the manufacture of  
24 piperidine, cyclohexanone, pyrrolidine, morpholine, or phenylmagnesium bromide (PMB) with  
25 the intent to manufacture phencyclidine, is guilty of a felony and shall be  
26 punished by imprisonment in the state prison for 5 years.

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

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

35 (b) (1) Any person who, with the intent to manufacture methamphetamine or any of its  
36 analogs, possesses ephedrine or pseudoephedrine, or any salts, isomers, or salts of isomers of  
37 ephedrine or pseudoephedrine, or who possesses a substance containing  
38 ephedrine or pseudoephedrine, or any salts, isomers, or salts of isomers of ephedrine or  
39 pseudoephedrine, or who possesses at the same time any of the following, or a combination  
40 product thereof, is guilty of a felony and shall be punished by

41 imprisonment in the state prison for 5 years:

42 (A) Ephedrine, pseudoephedrine, norpseudoephedrine,  
43 N-methylephedrine, N-ethylephedrine,  
44 N-methylpseudoephedrine, N-ethylpseudoephedrine, or  
45 phenylpropanolamine, plus hydriodic acid.

46 (B) Ephedrine, pseudoephedrine, norpseudoephedrine,  
47 N-methylephedrine, N-ethylephedrine,  
48 N-methylpseudoephedrine, N-ethylpseudoephedrine, or

49           phenylpropanolamine, thionyl chloride and hydrogen gas.

50           (C) Ephedrine, pseudoephedrine, norpseudoephedrine,

51           N-methylephedrine, N-ethylephedrine,

52           N-methylpseudoephedrine, N-ethylpseudoephedrine, or

53           phenylpropanolamine, plus phosphorus pentachloride and

54           hydrogen gas.

55           (D) Ephedrine, pseudoephedrine, norpseudoephedrine,

56           N-methylephedrine, N-ethylephedrine,

57           N-methylpseudoephedrine, N-ethylpseudoephedrine,

58           chloroephedrine and chlorpseudoephedrine, or

59           phenylpropanolamine, plus any reducing agent

60           (2) Any person who, with the intent to manufacture methamphetamine or any of its

61 analogs, possesses hydriodic acid or a reducing agent or any product containing hydriodic acid or

62 a reducing agent is guilty of a felony and shall be punished by imprisonment

63           in the state prison for 5 years.

64           (c) Any person who possesses the optical, positional, or geometric isomer of any of the

65 compounds listed in this section, with the intent to manufacture any of the following controlled

66 substances, is guilty of a felony and shall be punished by imprisonment in the state prison for 5

67 years:

68 (1) Methamphetamine.

69 (2) Any analog of methamphetamine

70 (3) N-ethylamphetamine.

71 (d) Any person who possesses immediate precursors sufficient for the manufacture of  
72 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

76 punished by imprisonment in 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:

107 (1) Phencyclidine (PCP).

108 (2) Any analog of PCP

109 (c) Any person who possesses any compound or mixture containing piperidine,  
110 cyclohexanone, pyrrolidine, morpholine, 1-phenylcyclohexylamine (PCA),  
111 1-piperidinocyclohexanecarbonitrile (PCC), or phenylmagnesium bromide (PMB) with  
112 the intent to sell, transfer, or otherwise furnish the compound or mixture to another person with  
113 the knowledge that it will be used to manufacture phencyclidine is guilty of a misdemeanor and  
114 shall be punished by imprisonment in the house of correction for up to 2 and 1/2 years.

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

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

124 SECTION 4. (a) Any person who possesses both methylamine and phenyl-2-propanone  
125 (phenylacetone) at the same time with the intent to sell, transfer, or otherwise furnish those  
126 chemicals to another person with the knowledge that they will be used to  
127 manufacture methamphetamine, or who possesses both ethylamine and phenyl-2-  
128 propanone (phenylacetone) at the same time with the intent to sell, transfer, or otherwise furnish  
129 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.