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S.F. No. 51 - Sales of Methamphetamine Precursor Drugs

Author: Senator Linda Berglin (KR)
Prepared by: Kenneth P. Backhus, Senate Counsel (651/296-4396)
Date: February 14, 2005

Overview

S. F. No. 51 regulates the sale of methamphetamine precursor drugs (i.e., drugs or products containing ephedrine or pseudoephedrine as an active ingredient) by placing limits on the amounts of these drugs that may be sold, restricting who may sell them, and the manner in which they may be sold.

Section 1 amends the current ephedrine statute to add a cross-reference to **section 2**.

Section 2 provides criminal penalties and requirements relating to the over-the-counter sales of methamphetamine precursor drugs. Places limitations on the way in which these drugs may be sold, and the amounts that may be sold in a single transaction or acquired within a 30-day period.

Requires stores that sell single-source methamphetamine precursor drugs (i.e., drugs or products containing ephedrine or pseudoephedrine as their *sole* active ingredient) to:

- ▶ ensure that all packages of the drugs are displayed behind a checkout counter where the public is not permitted;
- ▶ offer them for sale only by a licensed pharmacist or licensed pharmacy technician (however, does not require that a buyer have a prescription); and

- ▶ ensure that the person making the sale requires the buyer to:
 - provide photographic identification showing the buyer's date of birth; and
 - sign a written document detailing the date of the sale, the name of the buyer, and the amount of the drug sold.

Provides that no more than three packages or a total of nine grams of methamphetamine precursor drugs (note: this is a broader term that includes drugs or products containing ephedrine or pseudoephedrine as their *sole* active ingredient or as *one* of their active ingredients) may be sold in a single over-the-counter sale and requires the drugs or products to be in packages containing no more than three grams of ephedrine or pseudoephedrine base or in blister packs with each blister containing no more than two dosage units. Prohibits any person from acquiring more than nine grams of single-source methamphetamine precursor drugs within a 30-day period through over-the-counter sales.

Provides an exemption for methamphetamine precursor drugs that are manufactured in a manner that prevents the drug from being used to manufacture methamphetamine. Provides that a knowing violation of this section is a misdemeanor. Defines key terms.

KPB:ph

1 milligrams of ephedrine per dose, according to label
2 instructions; or is an anorectal preparation containing not more
3 than five percent ephedrine; and

4 (6) is sold in a manner that does not conflict with section
5 152.136.

6 (b) Subdivisions 1 and 3 shall not apply to products
7 containing ephedra or ma huang and lawfully marketed as dietary
8 supplements under federal law.

9 [EFFECTIVE DATE.] This section is effective August 1, 2005,
10 and applies to crimes committed on or after that date.

11 Sec. 2. [152.136] [SALES OF METHAMPHETAMINE PRECURSOR
12 DRUGS; CRIMINAL PENALTIES.]

13 Subdivision 1. [DEFINITIONS.] (a) As used in this section,
14 the following terms have the meanings given.

15 (b) "Methamphetamine precursor drug" includes single-source
16 methamphetamine precursor drugs and non-single-source
17 methamphetamine precursor drugs.

18 (c) "Non-single-source methamphetamine precursor drug"
19 means a combination drug or product containing as one of its
20 active ingredients ephedrine or pseudoephedrine. However, the
21 term does not include a single-source methamphetamine precursor
22 drug.

23 (d) "Over-the-counter sale" means a retail sale of a drug
24 or product but does not include the sale of a drug or product
25 pursuant to the terms of a valid prescription.

26 (e) "Single-source methamphetamine precursor drug" means a
27 drug or product containing as its sole active ingredient
28 ephedrine or pseudoephedrine.

29 Subd. 2. [PROHIBITED CONDUCT.] (a) No person may sell in a
30 single over-the-counter sale more than three packages of a
31 methamphetamine precursor drug or a combination of
32 methamphetamine precursor drugs or any combination of packages
33 exceeding a total weight of nine grams.

34 (b) Over-the-counter sales of methamphetamine precursor
35 drugs are limited to:

36 (1) packages containing not more than a total of three

1 grams of one or more methamphetamine precursor drugs, calculated
2 in terms of ephedrine base or pseudoephedrine base; or

3 (2) for nonliquid products, sales in blister packs, where
4 each blister contains not more than two dosage units, or, if the
5 use of blister packs is not technically feasible, sales in unit
6 dose packets or pouches.

7 (c) A business establishment that offers for sale
8 single-source methamphetamine precursor drugs in an
9 over-the-counter sale shall ensure that all packages of the
10 drugs are displayed behind a checkout counter where the public
11 is not permitted and are offered for sale only by a licensed
12 pharmacist or a licensed pharmacy technician. The establishment
13 shall ensure that the person making the sale requires the buyer:
14 (1) to provide photographic identification showing the buyer's
15 date of birth; and (2) to sign a written document detailing the
16 date of the sale, the name of the buyer, and the amount of the
17 drug sold. Nothing in this paragraph requires the buyer to
18 obtain a prescription for the drug's purchase.

19 (d) No person may acquire through over-the-counter sales
20 more than nine grams of single-source methamphetamine precursor
21 drugs within a 30-day period.

22 Subd. 3. [CRIMINAL PENALTY.] A person who knowingly
23 violates subdivision 2 is guilty of a misdemeanor and may be
24 sentenced to imprisonment for not more than 90 days, or to
25 payment of a fine of not more than \$1,000, or both.

26 Subd. 4. [EXCEPTION TO CRIMINAL PENALTY.] This section
27 does not apply to a methamphetamine precursor drug that is
28 manufactured in a manner that prevents the drug from being used
29 to manufacture methamphetamine.

30 [EFFECTIVE DATE.] This section is effective August 1, 2005,
31 and applies to crimes committed on or after that date.

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S.F. No. 51 - Delete-Everything Amendment (SCS0051A-3)

Author: Senator Linda Berglin

Prepared by: Kenneth P. Backhus, Senate Counsel (651/296-4396)

Date: February 15, 2005

KB

Overview

The delete-everything amendment (SCS0051A-3) to S.F. No. 51 regulates the sale of methamphetamine precursor drugs (i.e., drugs or products containing ephedrine or pseudoephedrine as an active ingredient) by classifying them as Schedule V controlled substances, placing limits on the amounts of these drugs that may be sold, restricting who may sell them, and the manner in which they may be sold.

Section 1 requires a written prescription from a veterinarian for drugs and products for any species of animal containing ephedrine or pseudoephedrine.

Section 2 classifies compounds, mixtures, or preparations containing ephedrine or pseudoephedrine as their *sole* active ingredient or as *one* of their active ingredients as Schedule V controlled substances.

Also provides criminal penalties and requirements relating to the over-the-counter sales of methamphetamine precursor drugs. Places limitations on the way in which these drugs may be sold, and the amounts that may be sold in a single transaction or acquired within a 30-day period.

Requires stores that sell methamphetamine precursor drugs to:

- ▶ ensure that all packages of the drugs are displayed behind a checkout counter where the public is not permitted;
- ▶ offer them for sale only by a licensed pharmacist or licensed pharmacy technician (however, does not require that a buyer have a prescription); and
- ▶ ensure that the person making the sale requires the buyer to:
 - provide photographic identification showing the buyer's date of birth; and
 - sign a written document detailing the date of the sale, the name of the buyer, and the amount of the drug sold.

Requires pharmacies to maintain the written documents for audit or examination by law enforcement officials for a two-year period.

Provides that no more than two packages or a total of six grams of methamphetamine precursor drugs may be sold in a single over-the-counter sale and requires the drug or product to be in packages containing no more than three grams of ephedrine or pseudoephedrine base or in blister packs with each blister containing no more than two dosage units. Prohibits any person from acquiring more than six grams of methamphetamine precursor drugs within a 30-day period through over-the-counter sales. Prohibits sales to persons under the age of 18 years.

Provides that a person who knowingly violates this section is guilty of a misdemeanor. Provides an affirmative defense for sales to a person under the age of 18 if the defendant reasonably and in good faith relied on specified proof of age.

Exempts from the retail restrictions: pediatric products labeled pursuant to federal regulation primarily intended for administration to children under 12 years of age; drugs or products that are certified by the Board of Pharmacy as being manufactured in a manner that prevents it from being used to manufacture methamphetamine; drugs or products in gel capsule or liquid form; and compounds, mixtures, or preparations in powder form where pseudoephedrine constitutes less than one percent of the total weight and is not the sole active ingredient. Requires the Board of Pharmacy to publish an annual listing of drugs and products that are manufactured in a manner that prevents them from being used to manufacture methamphetamine. Defines key terms.

Sections 3 and 4 amend the current criminal provisions relating to the sale and possession of Schedule V controlled substances to provide that these penalties do not apply to violations of **section 2**.

Section 5 amends the current ephedrine statute to add a cross-reference to **section 2**.

KPB:ph

1 Senator moves to amend S.F. No. 51 as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. [35.051] [RESTRICTION ON SALE OF EPHEDRINE AND
4 PSEUDOEPHEDRINE.]

5 Drugs and products for any species of animal that contain
6 ephedrine or pseudoephedrine require a written prescription from
7 a veterinarian to be sold or distributed for lay use.

8 [**EFFECTIVE DATE.**] This section is effective August 1, 2005,
9 and applies to crimes committed on or after that date.

10 Sec. 2. Minnesota Statutes 2004, section 152.02,
11 subdivision 6, is amended to read:

12 Subd. 6. [SCHEDULE V; RESTRICTIONS ON METHAMPHETAMINE
13 PRECURSOR DRUGS.] (a) As used in this subdivision, the following
14 terms have the meanings given:

15 (1) "methamphetamine precursor drug" means any compound,
16 mixture, or preparation intended for human consumption
17 containing ephedrine or pseudoephedrine as its sole active
18 ingredient or as one of its active ingredients; and

19 (2) "over-the-counter sale" means a retail sale of a drug
20 or product but does not include the sale of a drug or product
21 pursuant to the terms of a valid prescription.

22 (b) The following items are listed in Schedule V:

23 (1) any compound, mixture, or preparation containing any of
24 the following limited quantities of narcotic drugs, which shall
25 include one or more nonnarcotic active medicinal ingredients in
26 sufficient proportion to confer upon the compound, mixture or
27 preparation valuable medicinal qualities other than those
28 possessed by the narcotic drug alone†:

29 ~~(†)~~ (i) not more than 100 milligrams of dihydrocodeine per
30 100 milliliters or per 100 grams†;

31 ~~(†)~~ (ii) not more than 100 milligrams of ethylmorphine per
32 100 milliliters or per 100 grams†;

33 ~~(†)~~ (iii) not more than 2.5 milligrams of diphenoxylate and
34 not less than 25 micrograms of atropine sulfate per dosage
35 unit†; or

36 ~~(†)~~ (iv) not more than 15 milligrams of anhydrous morphine

1 per 100 milliliters or per 100 grams; and

2 (2) any compound, mixture, or preparation containing
3 ephedrine or pseudoephedrine as its sole active ingredient or as
4 one of its active ingredients.

5 (c) No person may sell in a single over-the-counter sale
6 more than two packages of a methamphetamine precursor drug or a
7 combination of methamphetamine precursor drugs or any
8 combination of packages exceeding a total weight of six grams.

9 (d) Over-the-counter sales of methamphetamine precursor
10 drugs are limited to:

11 (1) packages containing not more than a total of three
12 grams of one or more methamphetamine precursor drugs, calculated
13 in terms of ephedrine base or pseudoephedrine base; or

14 (2) for nonliquid products, sales in blister packs, where
15 each blister contains not more than two dosage units, or, if the
16 use of blister packs is not technically feasible, sales in unit
17 dose packets or pouches.

18 (e) A business establishment that offers for sale
19 methamphetamine precursor drugs in an over-the-counter sale
20 shall ensure that all packages of the drugs are displayed behind
21 a checkout counter where the public is not permitted and are
22 offered for sale only by a licensed pharmacist or a licensed
23 pharmacy technician. The establishment shall ensure that the
24 person making the sale requires the buyer:

25 (1) to provide photographic identification showing the
26 buyer's date of birth; and

27 (2) to sign a written document detailing the date of the
28 sale, the name of the buyer, and the amount of the drug sold.
29 The pharmacy shall maintain the written documents described in
30 clause (2) for audit or examination by law enforcement officials
31 for a period of two years from the date of the transaction and
32 shall provide the documents upon request by a law enforcement
33 official. Nothing in this paragraph requires the buyer to
34 obtain a prescription for the drug's purchase.

35 (f) No person may acquire through over-the-counter sales
36 more than six grams of methamphetamine precursor drugs within a

1 30-day period.

2 (g) No person may sell in an over-the-counter sale a
3 methamphetamine precursor drug to a person under the age of 18
4 years. It is an affirmative defense to a charge under this
5 paragraph if the defendant proves by a preponderance of the
6 evidence that the defendant reasonably and in good faith relied
7 on proof of age as described in section 340A.503, subdivision 6.

8 (h) A person who knowingly violates paragraph (c), (d),
9 (e), (f), or (g) is guilty of a misdemeanor and may be sentenced
10 to imprisonment for not more than 90 days, or to payment of a
11 fine of not more than \$1,000, or both.

12 (i) Paragraphs (c) to (h) do not apply to:

13 (1) pediatric products labeled pursuant to federal
14 regulation primarily intended for administration to children
15 under 12 years of age according to label instructions;

16 (2) methamphetamine precursor drugs that are certified by
17 the Board of Pharmacy as being manufactured in a manner that
18 prevents the drug from being used to manufacture
19 methamphetamine;

20 (3) methamphetamine precursor drugs in gel capsule or
21 liquid form; or

22 (4) compounds, mixtures, or preparations in powder form
23 where pseudoephedrine constitutes less than one percent of its
24 total weight and is not its sole active ingredient.

25 (j) The Board of Pharmacy shall certify methamphetamine
26 precursor drugs that meet the requirements of paragraph (i),
27 clause (2), and publish an annual listing of these drugs.

28 [EFFECTIVE DATE.] This section is effective August 1, 2005,
29 and applies to crimes committed on or after that date.

30 Sec. 3. Minnesota Statutes 2004, section 152.027,
31 subdivision 1, is amended to read:

32 Subdivision 1. [SALE OF SCHEDULE V CONTROLLED SUBSTANCE.]
33 Except as provided in section 152.02, subdivision 6, a person
34 who unlawfully sells one or more mixtures containing a
35 controlled substance classified in schedule V may be sentenced
36 to imprisonment for not more than one year or to payment of a

1 fine of not more than \$3,000, or both.

2 [EFFECTIVE DATE.] This section is effective August 1, 2005,
3 and applies to crimes committed on or after that date.

4 Sec. 4. Minnesota Statutes 2004, section 152.027,
5 subdivision 2, is amended to read:

6 Subd. 2. [POSSESSION OF SCHEDULE V CONTROLLED SUBSTANCE.]
7 Except as provided in section 152.02, subdivision 6, a person
8 who unlawfully possesses one or more mixtures containing a
9 controlled substance classified in schedule V may be sentenced
10 to imprisonment for not more than one year or to payment of a
11 fine of not more than \$3,000, or both. The court may order that
12 a person who is convicted under this subdivision and placed on
13 probation be required to take part in a drug education program
14 as specified by the court.

15 [EFFECTIVE DATE.] This section is effective August 1, 2005,
16 and applies to crimes committed on or after that date.

17 Sec. 5. Minnesota Statutes 2004, section 152.135,
18 subdivision 2, is amended to read:

19 Subd. 2. [EXCEPTIONS.] (a) A drug product containing
20 ephedrine, its salts, optical isomers, and salts of optical
21 isomers is exempt from subdivision 1 if the drug product:

22 (1) may be lawfully sold over the counter without a
23 prescription under the federal Food, Drug, and Cosmetic Act,
24 United States Code, title 21, section 321, et seq.;

25 (2) is labeled and marketed in a manner consistent with the
26 pertinent OTC Tentative Final or Final Monograph;

27 (3) is manufactured and distributed for legitimate
28 medicinal use in a manner that reduces or eliminates the
29 likelihood of abuse;

30 (4) is not marketed, advertised, or labeled for the
31 indication of stimulation, mental alertness, weight loss, muscle
32 enhancement, appetite control, or energy; and

33 (5) is in solid oral dosage forms, including soft gelatin
34 caplets, that combine 400 milligrams of guaifenesin and 25
35 milligrams of ephedrine per dose, according to label
36 instructions; or is an anorectal preparation containing not more

1 than five percent ephedrine; and

2 (6) is sold in a manner that does not conflict with section
3 152.02, subdivision 6.

4 (b) Subdivisions 1 and 3 shall not apply to products
5 containing ephedra or ma huang and lawfully marketed as dietary
6 supplements under federal law.

7 [EFFECTIVE DATE.] This section is effective August 1, 2005,
8 and applies to crimes committed on or after that date."

9 Delete the title and insert:

10 "A bill for an act relating to public safety; scheduling
11 ephedrine and pseudoephedrine products as Schedule V controlled
12 substances; regulating the sale of methamphetamine precursor
13 drugs; requiring prescriptions from veterinarians for products
14 for animals containing ephedrine or pseudoephedrine; providing
15 criminal penalties; amending Minnesota Statutes 2004, sections
16 152.02, subdivision 6; 152.027, subdivisions 1, 2; 152.135,
17 subdivision 2; proposing coding for new law in Minnesota
18 Statutes, chapters 35."

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S.F. No. 423 - Methamphetamine Provisions

Author: Senator Julie A. Rosen

Prepared by: Kenneth P. Backhus, Senate Counsel (651/296-4396)

Date: February 14, 2005

(KB)

Overview

S.F. No. 423 makes numerous changes to laws relating to methamphetamine including: regulating the sale of methamphetamine precursor drugs and classifying them as Schedule V controlled substances, increasing methamphetamine-related criminal penalties and creating new crimes, placing property restrictions on methamphetamine laboratory sites, and creating a methamphetamine laboratory cleanup revolving loan fund. In addition, it amends the definition of narcotic drug in the controlled substances chapter of law to include methamphetamine, requires that schools be notified when students have been taken into protective custody after being found at methamphetamine lab sites, and recodifies the possession of methamphetamine precursors with the intent to manufacture methamphetamine crime into a stand-alone section of law. Finally, it appropriates unspecified sums to the Commissioner of Corrections, the Board of Public Defense, the Commissioner of Human Services, the Commissioner of Employment and Economic Development, the Commissioner of Public Safety, the Commissioner of Health, and the Commissioner of Education for various methamphetamine-related initiatives.

Article 1

Methamphetamine Provisions

Section 1 amends the definition of "narcotic drug" in the controlled substance chapter of law to specifically include methamphetamine. Doing this ensures that

methamphetamine sales and possession crimes are treated the same as cocaine and heroin throughout the controlled substances laws. Currently, this occurs for the most part. However, because methamphetamine is not defined as a narcotic drug, the sale of a small amount of methamphetamine is a fourth-degree controlled substance crime. The sale of a small amount of a narcotic drug (including heroin or cocaine) is a third-degree controlled substance crime.

Section 2 classifies compounds, mixtures, or preparations containing ephedrine or pseudoephedrine as their *sole* active ingredient or as *one* of their active ingredients as Schedule V controlled substances.

Also provides criminal penalties and requirements relating to the over-the-counter sales of methamphetamine precursor drugs (i.e., drugs or products containing ephedrine or pseudoephedrine as their *sole* active ingredient or as *one* of their active ingredients). Places limitations on the way in which these drugs may be sold, and the amounts that may be sold in a single transaction or acquired within a 30-day period.

Requires stores that sell methamphetamine precursor drugs to:

- ▶ ensure that all packages of the drugs are displayed behind a checkout counter where the public is not permitted;
- ▶ offer them for sale only by a licensed pharmacist or licensed pharmacy technician (however, does not require that a buyer have a prescription); and
- ▶ ensure that the person making the sale requires the buyer to:
 - provide photographic identification showing the buyer's date of birth; and
 - sign a written document detailing the date of the sale, the name of the buyer, and the amount of the drug sold.

Provides that no more than two packages or a total of six grams of methamphetamine precursor drugs may be sold in a single over-the-counter sale and requires the drug or product to be in packages containing no more than three grams of ephedrine or pseudoephedrine base or in blister packs with each blister containing no more than two dosage units. Prohibits any person from acquiring more than six grams of methamphetamine precursor drugs within a 30-day period through over-the-counter sales. Prohibits sales to persons under the age of 18 years.

Provides that a person who knowingly violates this section is guilty of a misdemeanor. Provides an affirmative defense for sales to a person under the age of 18 if the defendant reasonably and in good faith relied on specified proof of age. Provides exceptions to the criminal penalties for owners and supervisors of business establishments in certain cases.

Requires reporting of suspicious transactions relating to methamphetamine precursor drug sales by clerks to management and authorizes managers to make similar reports to law enforcement. Provides civil immunity for good-faith reporting.

Exempts from the retail restrictions: pediatric products labeled pursuant to federal regulation primarily intended for administration to children under 12 years of age; drugs or products that are certified by the Board of Pharmacy as being manufactured in a manner that prevents it from being used to manufacture methamphetamine; and drugs or products in gel capsule or liquid form. Requires the Board of Pharmacy to publish an annual listing of these drugs and products. Defines key terms.

Section 3 amends the attempted manufacture of methamphetamine crime enacted in the 2003 First Special Session. Makes mostly technical changes to clarify that this crime is not an "attempt crime" as much as a "possession of certain substances with intent to manufacture methamphetamine crime." These changes are consistent with the intent of the 2003 legislation and essentially "clean up" some confusing language in the provision. Strikes the cross-referenced definition of "anhydrous ammonia." Provides that the list of chemical reagents and precursors is not exclusive.

Section 4 increases the maximum criminal penalty for a violation of **article 1, section 3**, from a three-year/\$5,000 felony to a ten-year/\$20,000 felony and for a repeat offense from a four-year/\$5,000 felony to a 15-year/\$30,000 felony.

Sections 5 and 6 amend the current criminal provisions relating to the sale and possession of Schedule V controlled substances to provide that these penalties do not apply to violations of **article 1, section 2**.

Section 7 requires courts to order persons convicted of manufacturing/attempting to manufacture controlled substances or of illegal activities involving precursor substances where the response to the crime involved an emergency response to pay restitution to public entities that participated in the response. Also requires courts to order these persons to pay restitution to property owners who incurred removal or remediation costs because of the crime. Courts may reduce the amount of restitution if the convicted person is indigent or if payment would create undue hardship for the convicted person's immediate family.

Requires peace officers who arrest persons at clandestine lab sites to notify the appropriate county or local health department and other entities of the arrest and the location of the site. Requires county or local health departments or sheriffs to prohibit all property that has been found to be a methamphetamine-contaminated clandestine lab site from being occupied, rented, sold, or used until it has been assessed and remediated. Specifies the process for remediation, including the circumstances under which the applicable authority must vacate its property use restriction order.

Requires that if a motor vehicle has been contaminated by methamphetamine production, and if the applicable authority is able to obtain its certificate of title, the authority shall notify the registrar of motor vehicles of this fact and forward the certificate of title to the registrar, so that a notation can

be made on the title (see **article 1, section 11**). Requires that if the applicable authority has issued a property use restriction order, the authority shall record an affidavit containing a legal description of the property disclosing that it was the site of a clandestine lab and other specified information. Requires that if the applicable authority vacates its order, the authority must record an affidavit noting this. Provides that unless an affidavit has already been filed by the applicable authority, before any transfer of property ownership where the owner knew or should have known the property had been used as a clandestine lab site and contaminated by methamphetamine manufacturing, the owner shall record an affidavit noting this (failing to do so is a petty misdemeanor). Authorizes an interested party to record an affidavit indicating that proper removal and remediation has occurred. Requires the county recorder or registrar of titles to record any affidavits under this section in a manner that assures their disclosure in the ordinary course of a title search on the property.

Requires the Commissioner of Health to post on the Internet contact information for each local community health services administrator. Requires each of these administrators to maintain specified information related to property within the administrator's jurisdiction that is currently or was previously subject to a property use restriction order. Requires the administrator to make this information available to the public either upon request or by other means. Defines key terms.

Section 8 amends the current ephedrine statute to add a cross-reference to **article 1, section 2**.

Section 9 recodifies the prohibited fertilizer activities currently codified at sections 18C.201 and 18D.331. (These provisions are repealed in **article 1, section 16**.) In addition, adds two new crimes: stealing or unlawfully taking or carrying away any amount of anhydrous ammonia; and purchasing/possessing/transferring/distributing any amount of anhydrous ammonia, knowing or having reason to know that it will be used to unlawfully manufacture a controlled substance. Violation of either provision is a five-year/\$50,000 felony.

Section 10 criminalizes various methamphetamine-related activities that may impact children or vulnerable adults. The prohibited activities include manufacturing or attempting to manufacture methamphetamine, storing chemical substances, storing methamphetamine waste products, and storing methamphetamine paraphernalia. A person may not engage in these activities in the presence of a child or vulnerable adult; in the residence of a child or vulnerable adult; in a building, structure, conveyance, or outdoor location where a child or vulnerable adult might reasonably be expected to be present; in a room offered to the public for overnight accommodation; or in any multiple unit residential building. Also prohibits persons from knowingly causing or permitting a child or vulnerable adult to inhale, be exposed to, have contact with, or ingest methamphetamine, a chemical substance, or methamphetamine paraphernalia. Violation of these provisions is a five-year/\$10,000 felony. Provides that a prosecution for or conviction under this section is not a bar to conviction or punishment for any other crime committed by the defendant as part of the same conduct. Authorizes peace officers to take into protective custody children present in areas where prohibited activities under this section are occurring. Provides for health screening both for children taken into protective custody and for those who were not but who are known to have been exposed to methamphetamine. Requires peace officers to make reports of suspected maltreatment of vulnerable adults in certain situations involving methamphetamine exposure. Defines key terms.

Section 11 requires the Registrar of Motor Vehicles to include the term “hazardous waste contaminated vehicle” on a motor vehicle’s title if the Registrar has received the notice and the vehicle’s title as required in **article 1, section 7**.

Section 12 requires that if a child who is enrolled in school is taken into protective custody after being found in an area where methamphetamine was being manufactured or where chemical substances, methamphetamine paraphernalia, or methamphetamine waste products were stored, the officer who took the child into custody must notify the chief administrative officer of the child’s school of this fact. Defines key terms.

Section 13 requires the Public Facilities Authority to establish a methamphetamine laboratory cleanup revolving fund. The purpose of the fund is to provide low-interest loans to counties and cities to remediate clandestine lab sites. Specifies the criteria for awarding loans, the loan application process, the eligibility requirements for loans, the loan conditions and terms, etc. Defines key terms.

Section 14 expands the definition of “violent crime” in the criminal code’s sentencing provision for certain dangerous and repeat felony offenders to include within it **article 1, section 10**.

Section 15 directs the Revisor to recodify the possession of methamphetamine precursors with the intent to manufacture methamphetamine crime enacted in the 2003 First Special Session (as amended by **article 1, sections 3 and 4**) into a new stand-alone section of law.

Section 16 repeals statutory provisions in chapters 18C and 18D, relating to anhydrous ammonia that are recodified by this bill in chapter 152 (see **article 1, section 9**).

Article 2 Methamphetamine Appropriations

Section 1 specifies the following regarding the article’s appropriations: the fiscal years that they are for, the fund from which they are made, and a summary of their amounts.

Section 2 appropriates unspecified sums to the Commissioner of Corrections for the increased prison population caused by this act.

Section 3 appropriates unspecified sums to the Board of Public Defense for a methamphetamine trial team.

Section 4 appropriates unspecified sums to the Commissioner of Human Services to fund programs providing specialized chemical dependency treatment for pregnant women and women with children who are or may be abusing methamphetamine.

Section 5 appropriates unspecified sums to the Commissioner of Employment and Economic Development for the methamphetamine laboratory cleanup revolving fund (see **article 1, section 13**).

Section 6 appropriates unspecified sums to the Commissioner of Public Safety for ten new Bureau of Criminal Apprehension agents to be assigned exclusively to methamphetamine enforcement, including the investigation of manufacturing and distributing methamphetamine and related violence.

Section 7 appropriates unspecified sums to the Commissioner of Health to provide technical assistance on methamphetamine lab remediation.

Section 8 appropriates unspecified sums to the Commissioner of Education to develop and distribute to school districts materials addressing the dangers of methamphetamine.

KPB:ph

Senators Rosen, Foley, Ranum, Neuville and Kleis introduced--

S.F. No. 423: Referred to the Committee on Crime Prevention and Public Safety.

1 A bill for an act

2 relating to public safety; scheduling ephedrine and
3 pseudoephedrine products as Schedule V controlled
4 substances; regulating the sale of methamphetamine
5 precursor drugs; authorizing reporting of suspicious
6 transactions involving these drugs and providing civil
7 immunity for so doing; further regulating while
8 recodifying activities involving anhydrous ammonia;
9 requiring courts to order restitution in certain
10 situations involving controlled substances; imposing
11 property restrictions in certain situations involving
12 controlled substances; increasing the criminal
13 penalties for possessing certain substances with the
14 intent to manufacture methamphetamine and recodifying
15 this crime; establishing new methamphetamine-related
16 crimes; clarifying the definition of "narcotic drug";
17 expanding the definition of "violent crime" for
18 mandatory sentencing purposes; requiring that vehicles
19 and other property used to manufacture methamphetamine
20 indicate this in the title or by an affidavit;
21 requiring notice to schools when children are taken
22 into protective custody after being found at a
23 methamphetamine laboratory; establishing a
24 methamphetamine laboratory cleanup revolving fund and
25 authorizing loans to assist counties and cities in
26 conducting methamphetamine cleanup; imposing criminal
27 penalties; providing for ten new Bureau of Criminal
28 Apprehension agents dedicated to methamphetamine
29 enforcement; appropriating money; amending Minnesota
30 Statutes 2004, sections 152.01, subdivision 10;
31 152.02, subdivision 6; 152.021, subdivisions 2a, 3;
32 152.027, subdivisions 1, 2; 152.135, subdivision 2;
33 168A.05, subdivision 3; 260B.171, by adding a
34 subdivision; 609.1095, subdivision 1; proposing coding
35 for new law in Minnesota Statutes, chapters 152; 446A;
36 repealing Minnesota Statutes 2004, sections 18C.005,
37 subdivisions 1a, 35a; 18C.201, subdivisions 6, 7;
38 18D.331, subdivision 5.

39 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

40 ARTICLE 1

41 METHAMPHETAMINE PROVISIONS

42 Section 1. Minnesota Statutes 2004, section 152.01,

1 subdivision 10, is amended to read:

2 Subd. 10. [NARCOTIC DRUG.] "Narcotic drug" means any of
3 the following, whether produced directly or indirectly by
4 extraction from substances of vegetable origin, or independently
5 by means of chemical synthesis, or by a combination of
6 extraction and chemical synthesis:

7 (1) Opium, coca leaves, and opiates, and methamphetamine;

8 (2) A compound, manufacture, salt, derivative, or
9 preparation of opium, coca leaves, or
10 methamphetamine;

11 (3) A substance, and any compound, manufacture, salt,
12 derivative, or preparation thereof, which is chemically
13 identical with any of the substances referred to in clauses (1)
14 and (2), except that the words "narcotic drug" as used in this
15 chapter shall not include decocainized coca leaves or extracts
16 of coca leaves, which extracts do not contain cocaine or
17 ecgonine.

18 [EFFECTIVE DATE.] This section is effective August 1, 2005,
19 and applies to crimes committed on or after that date.

20 Sec. 2. Minnesota Statutes 2004, section 152.02,
21 subdivision 6, is amended to read:

22 Subd. 6. [SCHEDULE V; RESTRICTIONS ON METHAMPHETAMINE
23 PRECURSOR DRUGS.] (a) As used in this subdivision, the following
24 terms have the meanings given:

25 (1) "methamphetamine precursor drug" means any compound,
26 mixture, or preparation containing ephedrine or pseudoephedrine
27 as its sole active ingredient or as one of its active
28 ingredients;

29 (2) "over-the-counter sale" means a retail sale of a drug
30 or product but does not include the sale of a drug or product
31 pursuant to the terms of a valid prescription or by a licensed
32 veterinarian; and

33 (3) "suspicious transaction" means the sale, distribution,
34 delivery, or other transfer of a substance under circumstances
35 that would lead a reasonable person to believe that the
36 substance is likely to be used to illegally manufacture a

1 controlled substance based on factors such as the amount of the
2 substance involved in the transaction, the method of payment,
3 the method of delivery, and any past dealings with any
4 participant in the transaction.

5 (b) The following items are listed in Schedule V:

6 (1) any compound, mixture, or preparation containing any of
7 the following limited quantities of narcotic drugs, which shall
8 include one or more nonnarcotic active medicinal ingredients in
9 sufficient proportion to confer upon the compound, mixture or
10 preparation valuable medicinal qualities other than those
11 possessed by the narcotic drug alone;

12 ~~(1)~~ (i) not more than 100 milligrams of dihydrocodeine per
13 100 milliliters or per 100 grams;

14 ~~(2)~~ (ii) not more than 100 milligrams of ethylmorphine per
15 100 milliliters or per 100 grams;

16 ~~(3)~~ (iii) not more than 2.5 milligrams of diphenoxylate and
17 not less than 25 micrograms of atropine sulfate per dosage
18 unit; or

19 ~~(4)~~ (iv) not more than 15 milligrams of anhydrous morphine
20 per 100 milliliters or per 100 grams; and

21 (2) any compound, mixture, or preparation containing
22 ephedrine or pseudoephedrine as its sole active ingredient or as
23 one of its active ingredients.

24 (c) No person may sell in a single over-the-counter sale
25 more than two packages of a methamphetamine precursor drug or a
26 combination of methamphetamine precursor drugs or any
27 combination of packages exceeding a total weight of six grams.

28 (d) Over-the-counter sales of methamphetamine precursor
29 drugs are limited to:

30 (1) packages containing not more than a total of three
31 grams of one or more methamphetamine precursor drugs, calculated
32 in terms of ephedrine base or pseudoephedrine base; or

33 (2) for nonliquid products, sales in blister packs, where
34 each blister contains not more than two dosage units, or, if the
35 use of blister packs is not technically feasible, sales in unit
36 dose packets or pouches.

1 (e) A business establishment that offers for sale
2 methamphetamine precursor drugs in an over-the-counter sale
3 shall ensure that all packages of the drugs are displayed behind
4 a checkout counter where the public is not permitted and are
5 offered for sale only by a licensed pharmacist or a licensed
6 pharmacy technician. The establishment shall ensure that the
7 person making the sale requires the buyer:

8 (1) to provide photographic identification showing the
9 buyer's date of birth; and

10 (2) to sign a written document detailing the date of the
11 sale, the name of the buyer, and the amount of the drug sold.
12 Nothing in this paragraph requires the buyer to obtain a
13 prescription for the drug's purchase.

14 (f) No person may acquire through over-the-counter sales
15 more than six grams of methamphetamine precursor drugs within a
16 30-day period.

17 (g) No person may sell in an over-the-counter sale a
18 methamphetamine precursor drug to a person under the age of 18
19 years. It is an affirmative defense to a charge under this
20 paragraph if the defendant proves by a preponderance of the
21 evidence that the defendant reasonably and in good faith relied
22 on proof of age as described in section 340A.503, subdivision 6.

23 (h) A person who knowingly violates paragraph (c), (d),
24 (e), (f), or (g) is guilty of a misdemeanor and may be sentenced
25 to imprisonment for not more than 90 days, or to payment of a
26 fine of not more than \$1,000, or both.

27 (i) An owner, operator, supervisor, or manager of a
28 business establishment that offers for sale methamphetamine
29 precursor drugs whose employee or agent is convicted of or
30 charged with violating paragraph (c), (d), (e), (f), or (g) is
31 not subject to the criminal penalties for violating any of those
32 paragraphs if the person:

33 (1) did not have prior knowledge of, participate in, or
34 direct the employee or agent to commit the violation; and

35 (2) documents that an employee training program was in
36 place to provide the employee or agent with information on the

1 state and federal laws and regulations regarding methamphetamine
 2 precursor drugs.

3 (j) Any person employed by a business establishment that
 4 offers for sale methamphetamine precursor drugs who sells such a
 5 drug to any person in a suspicious transaction shall report the
 6 transaction to the owner, supervisor, or manager of the
 7 establishment. The owner, supervisor, or manager may report the
 8 transaction to local law enforcement. A person who reports
 9 information under this subdivision in good faith is immune from
 10 civil liability relating to the report.

11 (k) Paragraphs (c) to (j) do not apply to:

12 (1) pediatric products labeled pursuant to federal
 13 regulation primarily intended for administration to children
 14 under 12 years of age according to label instructions;

15 (2) methamphetamine precursor drugs that are certified by
 16 the Board of Pharmacy as being manufactured in a manner that
 17 prevents the drug from being used to manufacture
 18 methamphetamine; or

19 (3) methamphetamine precursor drugs in gel capsule or
 20 liquid form.

21 (1) The Board of Pharmacy shall certify methamphetamine
 22 precursor drugs that meet the requirements of paragraph (k),
 23 clause (2), and publish an annual listing of these drugs.

24 [EFFECTIVE DATE.] This section is effective August 1, 2005,
 25 and applies to crimes committed on or after that date.

26 Sec. 3. Minnesota Statutes 2004, section 152.021,
 27 subdivision 2a, is amended to read:

28 Subd. 2a. [METHAMPHETAMINE MANUFACTURE CRIMES CRIME;
 29 POSSESSION OF SUBSTANCES WITH INTENT TO MANUFACTURE
 30 METHAMPHETAMINE CRIME.] (a) Notwithstanding subdivision 1,
 31 sections 152.022, subdivision 1, 152.023, subdivision 1, and
 32 152.024, subdivision 1, a person is guilty of controlled
 33 substance crime in the first degree if the person manufactures
 34 any amount of methamphetamine.

35 (b) Notwithstanding-paragraph-(a)-and-section-609-17, A
 36 person is guilty of attempted-manufacture-of-methamphetamine a

1 crime if the person possesses any chemical reagents or
2 precursors with the intent to manufacture methamphetamine. As
3 used in this section, "chemical reagents or precursors" refers
4 to-one-or-more include, but are not limited to, any of the
5 following substances, or their salts, isomers, and salts of
6 isomers:

- 7 (1) ephedrine;
- 8 (2) pseudoephedrine;
- 9 (3) phenyl-2-propanone;
- 10 (4) phenylacetone;
- 11 (5) anhydrous ammonia~~7-as-defined-in-section-18C-0057~~
12 ~~subdivision-1a;~~
- 13 (6) organic solvents;
- 14 (7) hydrochloric acid;
- 15 (8) lithium metal;
- 16 (9) sodium metal;
- 17 (10) ether;
- 18 (11) sulfuric acid;
- 19 (12) red phosphorus;
- 20 (13) iodine;
- 21 (14) sodium hydroxide;
- 22 (15) benzaldehyde;
- 23 (16) benzyl methyl ketone;
- 24 (17) benzyl cyanide;
- 25 (18) nitroethane;
- 26 (19) methylamine;
- 27 (20) phenylacetic acid;
- 28 (21) hydriodic acid; or
- 29 (22) hydriotic acid.

30 [EFFECTIVE DATE.] This section is effective August 1, 2005,
31 and applies to crimes committed on or after that date.

32 Sec. 4. Minnesota Statutes 2004, section 152.021,
33 subdivision 3, is amended to read:

34 Subd. 3. [PENALTY.] (a) A person convicted under
35 subdivisions 1 to 2a, paragraph (a), may be sentenced to
36 imprisonment for not more than 30 years or to payment of a fine

1 of not more than \$1,000,000, or both; a person convicted under
2 subdivision 2a, paragraph (b), may be sentenced to imprisonment
3 for not more than ~~three~~ ten years or to payment of a fine of not
4 more than ~~\$5,000~~ \$20,000, or both.

5 (b) If the conviction is a subsequent controlled substance
6 conviction, a person convicted under subdivisions 1 to 2a,
7 paragraph (a), shall be committed to the commissioner of
8 corrections for not less than four years nor more than 40 years
9 and, in addition, may be sentenced to payment of a fine of not
10 more than \$1,000,000; a person convicted under subdivision 2a,
11 paragraph (b), may be sentenced to imprisonment for not more
12 than ~~four~~ 15 years or to payment of a fine of not more than
13 ~~\$5,000~~ \$30,000, or both.

14 (c) In a prosecution under subdivision 1 involving sales by
15 the same person in two or more counties within a 90-day period,
16 the person may be prosecuted for all of the sales in any county
17 in which one of the sales occurred.

18 [EFFECTIVE DATE.] This section is effective August 1, 2005,
19 and applies to crimes committed on or after that date.

20 Sec. 5. Minnesota Statutes 2004, section 152.027,
21 subdivision 1, is amended to read:

22 Subdivision 1. [SALE OF SCHEDULE V CONTROLLED SUBSTANCE.]
23 Except as provided in section 152.02, subdivision 6, a person
24 who unlawfully sells one or more mixtures containing a
25 controlled substance classified in schedule V may be sentenced
26 to imprisonment for not more than one year or to payment of a
27 fine of not more than \$3,000, or both.

28 [EFFECTIVE DATE.] This section is effective August 1, 2005,
29 and applies to crimes committed on or after that date.

30 Sec. 6. Minnesota Statutes 2004, section 152.027,
31 subdivision 2, is amended to read:

32 Subd. 2. [POSSESSION OF SCHEDULE V CONTROLLED SUBSTANCE.]
33 Except as provided in section 152.02, subdivision 6, a person
34 who unlawfully possesses one or more mixtures containing a
35 controlled substance classified in schedule V may be sentenced
36 to imprisonment for not more than one year or to payment of a

1 fine of not more than \$3,000, or both. The court may order that
2 a person who is convicted under this subdivision and placed on
3 probation be required to take part in a drug education program
4 as specified by the court.

5 [EFFECTIVE DATE.] This section is effective August 1, 2005,
6 and applies to crimes committed on or after that date.

7 Sec. 7. [152.0275] [CERTAIN CONTROLLED SUBSTANCE OFFENSES;
8 RESTITUTION; PROHIBITIONS ON PROPERTY USE; NOTICE PROVISIONS.]

9 Subdivision 1. [RESTITUTION.] (a) As used in this
10 subdivision:

11 (1) "clandestine lab site" means any structure or
12 conveyance or outdoor location occupied or affected by
13 conditions or chemicals typically associated with the
14 manufacturing of methamphetamine;

15 (2) "emergency response" includes, but is not limited to,
16 removing and collecting evidence, securing the site, removal,
17 remediation, and hazardous chemical assessment or inspection of
18 the site where the relevant offense or offenses took place,
19 regardless of whether these actions are performed by the public
20 entities themselves or by private contractors paid by the public
21 entities, or the property owner;

22 (3) "remediation" means proper cleanup, treatment, or
23 containment of hazardous substances or methamphetamine at or in
24 a clandestine lab site, and may include demolition or disposal
25 of structures or other property when an assessment so indicates;
26 and

27 (4) "removal" means the removal from the clandestine lab
28 site of precursor or waste chemicals, chemical containers, or
29 equipment associated with the manufacture, packaging, or storage
30 of illegal drugs.

31 (b) A court shall require a person convicted of
32 manufacturing or attempting to manufacture a controlled
33 substance or of an illegal activity involving a precursor
34 substance, where the response to the crime involved an emergency
35 response, to pay restitution to all public entities that
36 participated in the response. The restitution ordered must

1 cover the reasonable costs of their participation in the
2 response.

3 (c) In addition to the restitution required in paragraph
4 (b), a court shall require a person convicted of manufacturing
5 or attempting to manufacture a controlled substance or of
6 illegal activity involving a precursor substance to pay
7 restitution to a property owner who incurred removal or
8 remediation costs because of the crime.

9 (d) Notwithstanding paragraphs (b) and (c), if the court
10 finds that the convicted person is indigent or that payment of
11 the restitution would create undue hardship for the convicted
12 person's immediate family, the court may reduce the amount of
13 restitution to an appropriate level.

14 Subd. 2. [PROPERTY-RELATED PROHIBITIONS; NOTICE; WEB
15 SITE.] (a) As used in this subdivision:

16 (1) "clandestine lab site" has the meaning given in
17 subdivision 1, paragraph (a);

18 (2) "property" includes buildings and other structures, and
19 motor vehicles as defined in section 609.487, subdivision 2a.
20 Property also includes real property whether publicly or
21 privately owned and public waters and rights-of-way;

22 (3) "remediation" has the meaning given in subdivision 1,
23 paragraph (a); and

24 (4) "removal" has the meaning given in subdivision 1,
25 paragraph (a).

26 (b) A peace officer who arrests a person at a clandestine
27 lab site shall notify the appropriate county or local health
28 department, state duty officer, and child protection services of
29 the arrest and the location of the site.

30 (c) A county or local health department or sheriff shall
31 order that all property that has been found to be a clandestine
32 lab site and contaminated by substances, chemicals, or items of
33 any kind used in the manufacture of methamphetamine or any part
34 of the manufacturing process, or the by-products or degradates
35 of manufacturing methamphetamine be prohibited from being
36 occupied, rented, sold, or used until it has been assessed and

1 remediated as provided in the Department of Health's clandestine
2 drug labs general cleanup guidelines.

3 (d) Unless clearly inapplicable, the procedures specified
4 in chapter 145A and any related rules adopted under that chapter
5 addressing the enforcement of public health laws, the removal
6 and abatement of public health nuisances, and the remedies
7 available to property owners or occupants apply to this
8 subdivision.

9 (e) Upon the proper removal and remediation of any property
10 used as a clandestine lab site, the contractor shall verify to
11 the applicable authority that issued the order under paragraph
12 (c) that the work was completed according to the Department of
13 Health's clandestine drug labs general cleanup guidelines and
14 best practices and that levels of contamination have been
15 reduced to levels set forth in the guidelines. Following this,
16 the applicable authority shall vacate its order.

17 (f) If the applicable authority determines under paragraph
18 (c) that a motor vehicle has been contaminated by substances,
19 chemicals, or items of any kind used in the manufacture of
20 methamphetamine or any part of the manufacturing process, or the
21 by-products or degradates of manufacturing methamphetamine and
22 if the authority is able to obtain the certificate of title for
23 the motor vehicle, the authority shall notify the registrar of
24 motor vehicles of this fact and in addition, forward the
25 certificate of title to the registrar. The authority shall also
26 notify the registrar when it vacates its order under paragraph
27 (e).

28 (g) The applicable authority issuing an order under
29 paragraph (c) shall record with the county recorder or registrar
30 of titles of the county where the clandestine lab is located an
31 affidavit containing a legal description of the property where
32 the clandestine lab was located that discloses to any potential
33 transferee:

34 (1) that the land was the site of a clandestine lab;

35 (2) the location, condition, and circumstances of the
36 clandestine lab, to the full extent known or reasonably

1 ascertainable; and

2 (3) that the use of the property or some portion of it may
3 be restricted as provided by paragraph (c).

4 If the authority vacates its order under paragraph (e), the
5 authority shall record an affidavit noting this fact.

6 (h) Unless an affidavit has already been filed under
7 paragraph (g), before any transfer of ownership of any property
8 that the owner knew or should have known had been used as a
9 clandestine lab site and contaminated by substances, chemicals,
10 or items of any kind used in the manufacture of methamphetamine
11 or any part of the manufacturing process, or the by-products or
12 degradates of manufacturing methamphetamine, regardless of when
13 this occurred or whether an order under paragraph (c) had been
14 issued, the owner shall record with the county recorder or
15 registrar of titles of the county in which the property is
16 located an affidavit containing the information required under
17 paragraph (g), clauses (1) and (2). Any person who violates
18 this paragraph is guilty of a petty misdemeanor.

19 (i) If proper removal and remediation has occurred on the
20 property, an interested party may record an affidavit indicating
21 that this has occurred. Failure to record such an affidavit
22 does not affect or prevent any transfer of ownership of the
23 property.

24 (j) The county recorder or registrar of titles must record
25 all affidavits presented under paragraph (g), (h), or (i) in a
26 manner that assures their disclosure in the ordinary course of a
27 title search of the subject property.

28 (k) The commissioner of health shall post on the Internet
29 contact information for each local community health services
30 administrator.

31 (l) Each local community health services administrator
32 shall maintain information related to property within the
33 administrator's jurisdiction that is currently or was previously
34 subject to an order issued under paragraph (c). The information
35 maintained must include the location of the property, the extent
36 of the contamination, the status of the removal and remediation

1 work on the property, and whether the order has been vacated.
2 The administrator shall make this information available to the
3 public either upon request or by other means.

4 [EFFECTIVE DATE.] This section is effective August 1, 2005,
5 and applies to crimes committed on or after that date.

6 Sec. 8. Minnesota Statutes 2004, section 152.135,
7 subdivision 2, is amended to read:

8 Subd. 2. [EXCEPTIONS.] (a) A drug product containing
9 ephedrine, its salts, optical isomers, and salts of optical
10 isomers is exempt from subdivision 1 if the drug product:

11 (1) may be lawfully sold over the counter without a
12 prescription under the federal Food, Drug, and Cosmetic Act,
13 United States Code, title 21, section 321, et seq.;

14 (2) is labeled and marketed in a manner consistent with the
15 pertinent OTC Tentative Final or Final Monograph;

16 (3) is manufactured and distributed for legitimate
17 medicinal use in a manner that reduces or eliminates the
18 likelihood of abuse;

19 (4) is not marketed, advertised, or labeled for the
20 indication of stimulation, mental alertness, weight loss, muscle
21 enhancement, appetite control, or energy; and

22 (5) is in solid oral dosage forms, including soft gelatin
23 caplets, that combine 400 milligrams of guaifenesin and 25
24 milligrams of ephedrine per dose, according to label
25 instructions; or is an anorectal preparation containing not more
26 than five percent ephedrine; and

27 (6) is sold in a manner that does not conflict with section
28 152.02, subdivision 6.

29 (b) Subdivisions 1 and 3 shall not apply to products
30 containing ephedra or ma huang and lawfully marketed as dietary
31 supplements under federal law.

32 [EFFECTIVE DATE.] This section is effective August 1, 2005,
33 and applies to crimes committed on or after that date.

34 Sec. 9. [152.136] [ANHYDROUS AMMONIA; PROHIBITED CONDUCT;
35 CRIMINAL PENALTIES; CIVIL LIABILITY.]

36 Subdivision 1. [DEFINITIONS.] As used in this section,

1 "tamper" means action taken by a person not authorized to take
2 that action by law or by the owner or authorized custodian of an
3 anhydrous ammonia container or of equipment where anhydrous
4 ammonia is used, stored, distributed, or transported.

5 Subd. 2. [PROHIBITED CONDUCT.] (a) A person may not:

6 (1) steal or unlawfully take or carry away any amount of
7 anhydrous ammonia;

8 (2) purchase, possess, transfer, or distribute any amount
9 of anhydrous ammonia, knowing, or having reason to know, that it
10 will be used to unlawfully manufacture a controlled substance;

11 (3) place, have placed, or possess anhydrous ammonia in a
12 container that is not designed, constructed, maintained, and
13 authorized to contain or transport anhydrous ammonia;

14 (4) transport anhydrous ammonia in a container that is not
15 designed, constructed, maintained, and authorized to transport
16 anhydrous ammonia;

17 (5) use, deliver, receive, sell, or transport a container
18 designed and constructed to contain anhydrous ammonia without
19 the express consent of the owner or authorized custodian of the
20 container; or

21 (6) tamper with any equipment or facility used to contain,
22 store, or transport anhydrous ammonia.

23 (b) For the purposes of this subdivision, containers
24 designed and constructed for the storage and transport of
25 anhydrous ammonia are described in rules adopted under section
26 18C.121, subdivision 1, or in Code of Federal Regulations, title
27 49.

28 Subd. 3. [NO CAUSE OF ACTION.] (a) Except as provided in
29 paragraph (b), a person tampering with anhydrous ammonia
30 containers or equipment under subdivision 2 shall have no cause
31 of action for damages arising out of the tampering against:

32 (1) the owner or lawful custodian of the container or
33 equipment;

34 (2) a person responsible for the installation or
35 maintenance of the container or equipment; or

36 (3) a person lawfully selling or offering for sale the

1 anhydrous ammonia.

2 (b) Paragraph (a) does not apply to a cause of action
3 against a person who unlawfully obtained the anhydrous ammonia
4 or anhydrous ammonia container or who possesses the anhydrous
5 ammonia or anhydrous ammonia container for any unlawful purpose.

6 Subd. 4. [CRIMINAL PENALTY.] A person who knowingly
7 violates subdivision 2 is guilty of a felony and may be
8 sentenced to imprisonment for not more than five years or to
9 payment of a fine of not more than \$50,000, or both.

10 [EFFECTIVE DATE.] This section is effective August 1, 2005,
11 and applies to crimes committed on or after that date.

12 Sec. 10. [152.137] [METHAMPHETAMINE-RELATED CRIMES
13 INVOLVING CHILDREN AND VULNERABLE ADULTS.]

14 Subdivision 1. [DEFINITIONS.] (a) As used in this section,
15 the following terms have the meanings given.

16 (b) "Chemical substance" means a substance intended to be
17 used as a precursor in the manufacture of methamphetamine or any
18 other chemical intended to be used in the manufacture of
19 methamphetamine.

20 (c) "Child" means any person under the age of 18 years.

21 (d) "Methamphetamine paraphernalia" means all equipment,
22 products, and materials of any kind that are used, intended for
23 use, or designed for use in manufacturing, injecting, ingesting,
24 inhaling, or otherwise introducing methamphetamine into the
25 human body.

26 (e) "Methamphetamine waste products" means substances,
27 chemicals, or items of any kind used in the manufacture of
28 methamphetamine or any part of the manufacturing process, or the
29 by-products or degradates of manufacturing methamphetamine.

30 (f) "Vulnerable adult" has the meaning given in section
31 609.232, subdivision 11.

32 Subd. 2. [PROHIBITED CONDUCT.] (a) No person may knowingly
33 engage in any of the following activities in the presence of a
34 child or vulnerable adult; in the residence of a child or a
35 vulnerable adult; in a building, structure, conveyance, or
36 outdoor location where a child or vulnerable adult might

1 reasonably be expected to be present; in a room offered to the
2 public for overnight accommodation; or in any multiple unit
3 residential building:

4 (1) manufacturing or attempting to manufacture
5 methamphetamine;

6 (2) storing any chemical substance;

7 (3) storing any methamphetamine waste products; or

8 (4) storing any methamphetamine paraphernalia.

9 (b) No person may knowingly cause or permit a child or
10 vulnerable adult to inhale, be exposed to, have contact with, or
11 ingest methamphetamine, a chemical substance, or methamphetamine
12 paraphernalia.

13 Subd. 3. [CRIMINAL PENALTY.] A person who violates
14 subdivision 2 is guilty of a felony and may be sentenced to
15 imprisonment for not more than five years or to payment of a
16 fine of not more than \$10,000, or both.

17 Subd. 4. [MULTIPLE SENTENCES.] Notwithstanding sections
18 609.035 and 609.04, a prosecution for or conviction under this
19 section is not a bar to conviction of or punishment for any
20 other crime committed by the defendant as part of the same
21 conduct.

22 Subd. 5. [PROTECTIVE CUSTODY.] A peace officer may take
23 any child present in an area where any of the activities
24 described in subdivision 2, paragraph (a), clauses (1) to (4),
25 are taking place into protective custody in accordance with
26 section 260C.175, subdivision 1, paragraph (b), clause (2). A
27 child taken into protective custody under this subdivision shall
28 be provided health screening to assess potential health concerns
29 related to methamphetamine as provided in section 260C.188. A
30 child not taken into protective custody under this subdivision
31 but who is known to have been exposed to methamphetamine shall
32 be offered health screening for potential health concerns
33 related to methamphetamine as provided in section 260C.188.

34 Subd. 6. [REPORTING MALTREATMENT OF VULNERABLE ADULT.] (a)
35 A peace officer shall make a report of suspected maltreatment of
36 a vulnerable adult if the vulnerable adult is present in an area

1 where any of the activities described in subdivision 2,
2 paragraph (a), clauses (1) to (4), are taking place, and the
3 peace officer has reason to believe the vulnerable adult
4 inhaled, was exposed to, had contact with, or ingested
5 methamphetamine, a chemical substance, or methamphetamine
6 paraphernalia. The peace officer shall immediately report to
7 the county common entry point as described in section 626.557,
8 subdivision 9b.

9 (b) As required in section 626.557, subdivision 9b, law
10 enforcement is the primary agency to conduct investigations of
11 any incident when there is reason to believe a crime has been
12 committed. Law enforcement shall initiate a response
13 immediately. If the common entry point notified a county agency
14 for adult protective services, law enforcement shall cooperate
15 with that county agency when both agencies are involved and
16 shall exchange data to the extent authorized in section 626.557,
17 subdivision 12b, paragraph (g). County adult protection shall
18 initiate a response immediately.

19 (c) The county social services agency shall immediately
20 respond as required in section 626.557, subdivision 10, upon
21 receipt of a report from the common entry point staff.

22 [EFFECTIVE DATE.] This section is effective August 1, 2005,
23 and applies to crimes committed on or after that date.

24 Sec. 11. Minnesota Statutes 2004, section 168A.05,
25 subdivision 3, is amended to read:

26 Subd. 3. [CONTENT OF CERTIFICATE.] Each certificate of
27 title issued by the department shall contain:

28 (1) the date issued;

29 (2) the first, middle, and last names, the dates of birth,
30 and addresses of all owners who are natural persons, the full
31 names and addresses of all other owners;

32 (3) the names and addresses of any secured parties in the
33 order of priority as shown on the application, or if the
34 application is based on a certificate of title, as shown on the
35 certificate, or as otherwise determined by the department;

36 (4) any liens filed pursuant to a court order or by a

1 public agency responsible for child support enforcement against
2 the owner;

3 (5) the title number assigned to the vehicle;

4 (6) a description of the vehicle including, so far as the
5 following data exists, its make, model, year, identifying
6 number, type of body, whether new or used, and if a new vehicle,
7 the date of the first sale of the vehicle for use;

8 (7) with respect to motor vehicles subject to the
9 provisions of section 325E.15, the true cumulative mileage
10 registered on the odometer or that the actual mileage is unknown
11 if the odometer reading is known by the owner to be different
12 from the true mileage;

13 (8) with respect to vehicles subject to sections 325F.6641
14 and 325F.6642, the appropriate term "flood damaged," "rebuilt,"
15 "prior salvage," or "reconstructed"; and

16 (9) with respect to a vehicle contaminated by
17 methamphetamine production, if the registrar has received the
18 certificate of title and notice described in section 152.0275,
19 subdivision 2, paragraph (f), the term "hazardous waste
20 contaminated vehicle"; and

21 (10) any other data the department prescribes.

22 [EFFECTIVE DATE.] This section is effective August 1, 2005.

23 Sec. 12. Minnesota Statutes 2004, section 260B.171, is
24 amended by adding a subdivision to read:

25 Subd. 9. [NOTICE TO SCHOOL.] (a) As used in this
26 subdivision, the following terms have the meanings given.
27 "Chemical substance," "methamphetamine paraphernalia," and
28 "methamphetamine waste products" have the meanings given in
29 section 152.137, subdivision 1. "School" means a charter school
30 or a school as defined in section 120A.22, subdivision 4, except
31 a home school.

32 (b) If a child has been taken into protective custody after
33 being found in an area where methamphetamine was being
34 manufactured or attempted to be manufactured or where any
35 chemical substances, methamphetamine paraphernalia, or
36 methamphetamine waste products were stored, and the child is

1 enrolled in school, the officer who took the child into custody
2 shall notify the chief administrative officer of the child's
3 school of this fact.

4 [EFFECTIVE DATE.] This section is effective August 1, 2005,
5 and applies to acts occurring on or after that date.

6 Sec. 13. [446A.083] [METHAMPHETAMINE LABORATORY CLEANUP
7 REVOLVING FUND.]

8 Subdivision 1. [DEFINITIONS.] As used in this section:

9 (1) "clandestine lab site" has the meaning given in section
10 152.0275, subdivision 1, paragraph (a);

11 (2) "property" has the meaning given in section 152.0275,
12 subdivision 2, paragraph (a), but does not include motor
13 vehicles; and

14 (3) "remediate" has the meaning given to remediation in
15 section 152.0275, subdivision 1, paragraph (a).

16 Subd. 2. [FUND ESTABLISHED.] The authority shall establish
17 a methamphetamine laboratory cleanup revolving fund to provide
18 loans to counties and cities to remediate clandestine lab
19 sites. The fund must be credited with repayments.

20 Subd. 3. [APPLICATIONS.] Applications by a county or city
21 for a loan from the fund must be made to the authority on the
22 forms prescribed by the authority. The application must
23 include, but is not limited to:

24 (1) the amount of the loan requested and the proposed use
25 of the loan proceeds;

26 (2) the source of revenues to repay the loan; and

27 (3) certification by the county or city that it meets the
28 loan eligibility requirements of subdivision 4.

29 Subd. 4. [LOAN ELIGIBILITY.] A county or city is eligible
30 for a loan under this section if the county or city:

31 (1) identifies a site or sites designated by a local public
32 health department or law enforcement as a clandestine lab site;

33 (2) has required the site's property owner to remediate the
34 site at cost, under chapter 145A or a local public health
35 nuisance ordinance that addresses clandestine lab remediation;

36 (3) certifies that the property owner cannot pay for the

1 remediation immediately;

2 (4) certifies that the property owner has not properly
3 remediated the site; and

4 (5) issues a revenue bond payable to the authority to
5 secure the loan.

6 Subd. 5. [USE OF LOAN PROCEEDS; REIMBURSEMENT BY PROPERTY
7 OWNER.] (a) A loan recipient shall use the loan to remediate the
8 clandestine lab site or if this has already been done to
9 reimburse the applicable county or city fund for costs paid by
10 the recipient to remediate the clandestine lab site.

11 (b) A loan recipient shall seek reimbursement from the
12 owner of the property containing the clandestine lab site for
13 the costs of the remediation. In addition to other lawful means
14 of seeking reimbursement, the loan recipient may recover its
15 costs through a property tax assessment by following the
16 procedures specified in section 145A.08, subdivision 2,
17 paragraph (c).

18 Subd. 6. [AWARD AND DISBURSEMENT OF FUNDS.] The authority
19 shall award loans to recipients on a first-come, first-served
20 basis, provided that the recipient is able to comply with the
21 terms and conditions of the authority loan, which must be in
22 conformance with this section. The authority shall make a
23 single disbursement of the loan upon receipt of a payment
24 request that includes a list of remediation expenses and
25 evidence that a second-party sampling was undertaken to ensure
26 that the remediation work was successful or a guarantee that
27 such a sampling will be undertaken.

28 Subd. 7. [LOAN CONDITIONS AND TERMS.] (a) When making
29 loans from the revolving fund, the authority shall comply with
30 the criteria in paragraphs (b) to (e).

31 (b) Loans must be made at a two percent per annum interest
32 rate for terms not to exceed ten years unless the recipient
33 requests a 20-year term due to financial hardship.

34 (c) The annual principal and interest payments must begin
35 no later than one year after completion of the clean up. Loans
36 must be amortized no later than 20 years after completion of the

1 clean up.

2 (d) A loan recipient must identify and establish a source
 3 of revenue for repayment of the loan and must undertake whatever
 4 steps are necessary to collect payments within one year of
 5 receipt of funds from the authority.

6 (e) The fund must be credited with all payments of
 7 principal and interest on all loans, except the costs as
 8 permitted under section 446A.04, subdivision 5, paragraph (a).

9 (f) Loans must be made only to recipients with clandestine
 10 lab ordinances that address remediation.

11 Subd. 8. [AUTHORITY TO INCUR DEBT.] Counties and cities
 12 may incur debt under this section by resolution of the board or
 13 council authorizing issuance of a revenue bond to the authority.

14 [EFFECTIVE DATE.] This section is effective July 1, 2005.

15 Sec. 14. Minnesota Statutes 2004, section 609.1095,
 16 subdivision 1, is amended to read:

17 Subdivision 1. [DEFINITIONS.] (a) As used in this section,
 18 the following terms have the meanings given.

19 (b) "Conviction" means any of the following accepted and
 20 recorded by the court: a plea of guilty, a verdict of guilty by
 21 a jury, or a finding of guilty by the court. The term includes
 22 a conviction by any court in Minnesota or another jurisdiction.

23 (c) "Prior conviction" means a conviction that occurred
 24 before the offender committed the next felony resulting in a
 25 conviction and before the offense for which the offender is
 26 being sentenced under this section.

27 (d) "Violent crime" means a violation of or an attempt or
 28 conspiracy to violate any of the following laws of this state or
 29 any similar laws of the United States or any other state:

30 ~~section~~ sections 152.137; 609.165; 609.185; 609.19; 609.195;
 31 609.20; 609.205; 609.21; 609.221; 609.222; 609.223; 609.228;
 32 609.235; 609.24; 609.245; 609.25; 609.255; 609.2661; 609.2662;
 33 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268;
 34 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1;
 35 609.561; 609.562; 609.582, subdivision 1; 609.66, subdivision
 36 le; 609.687; and 609.855, subdivision 5; any provision of

1 sections 609.229; 609.377; 609.378; 609.749; and 624.713 that is
2 punishable by a felony penalty; or any provision of chapter 152
3 that is punishable by a maximum sentence of 15 years or more.

4 [EFFECTIVE DATE.] This section is effective August 1, 2005,
5 and applies to crimes committed on or after that date.

6 Sec. 15. [REVISOR'S INSTRUCTION.]

7 The revisor of statutes shall recodify the provisions of
8 Minnesota Statutes, section 152.021, subdivision 2a, paragraph
9 (b), and subdivision 3, as amended by this act, that relate to
10 the possession of chemical reagents or precursors with the
11 intent to manufacture methamphetamine and the penalties for
12 doing this into a new section of law codified as Minnesota
13 Statutes, section 152.0262. The revisor shall make any
14 necessary technical changes, including, but not limited to,
15 changes to statutory cross-references, to Minnesota Statutes,
16 section 152.021, and any other statutory sections to accomplish
17 this.

18 Sec. 16. [REPEALER.]

19 Minnesota Statutes 2004, sections 18C.005, subdivisions 1a
20 and 35a; 18C.201, subdivisions 6 and 7; and 18D.331, subdivision
21 5, are repealed.

22 [EFFECTIVE DATE.] This section is effective August 1, 2005,
23 and applies to crimes committed on or after that date.

24 ARTICLE 2

25 METHAMPHETAMINE APPROPRIATIONS

26 Section 1. [TOTAL APPROPRIATIONS.]

27 The dollar amounts in the columns under "APPROPRIATIONS"
28 are appropriated to the specified agencies for the purposes
29 specified. The appropriations are from the general fund and are
30 available for the fiscal years indicated for each purpose. The
31 figures "2006" and "2007" used in this article mean that the
32 addition to or subtraction from the appropriations listed under
33 the figure is for the fiscal years ending June 30, 2006, and
34 June 30, 2007, respectively.

35 SUMMARY

36	2006	2007	TOTAL
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1 GENERAL \$..... \$..... \$.....

2 APPROPRIATIONS
3 Available for the Year
4 Ending June 30
5 2006 2007

6 Sec. 2. CORRECTIONS

7 For the increased prison
8 population based on this act. \$ \$

9 Sec. 3. BOARD OF PUBLIC DEFENSE

10 For a methamphetamine trial team.

11 Sec. 4. HUMAN SERVICES

12 To fund programs providing specialized
13 chemical dependency treatment for
14 pregnant women and women with children
15 who are or may be abusing
16 methamphetamine. The programs must
17 provide or coordinate the provision of
18 necessary prenatal care, child care,
19 housing assistance, and other services
20 needed to ensure treatment completion.

21 Sec. 5. EMPLOYMENT AND
22 ECONOMIC DEVELOPMENT

23 To carry out the public facilities
24 authority's duties involving the
25 methamphetamine laboratory cleanup
26 revolving fund under Minnesota
27 Statutes, section 446A.083.

28 Sec. 6. PUBLIC SAFETY

29 For ten Bureau of Criminal Apprehension
30 agents to be assigned exclusively to
31 methamphetamine enforcement, including
32 the investigation of manufacturing and
33 distributing methamphetamine and
34 related violence. These appropriations
35 are intended to increase the current
36 allocation of Bureau of Criminal
37 Apprehension resources dedicated to
38 methamphetamine enforcement. Positions
39 funded by these appropriations may not
40 supplant existing agent assignments or
41 positions.

42 Sec. 7. HEALTH

43 To provide technical assistance on
44 methamphetamine lab remediation.

45 Sec. 8. EDUCATION

46 To develop and distribute to school
47 districts materials addressing the
48 dangers of methamphetamine.

Article 1 METHAMPHETAMINE PROVISIONS..... page 1
Article 2 METHAMPHETAMINE APPROPRIATIONS..... page 21

APPENDIX
Repealed Minnesota Statutes for 05-1374

18C.005 DEFINITIONS.

Subd. 1a. **Anhydrous ammonia.** "Anhydrous ammonia" means a compound formed by the chemical combination of the elements nitrogen and hydrogen in the molar proportion of one part nitrogen to three parts hydrogen. This relationship is shown by the chemical formula, NH_3 . On a weight basis, the ratio is 14 parts nitrogen to three parts hydrogen or approximately 82 percent nitrogen to 18 percent hydrogen. Anhydrous ammonia may exist in either a gaseous or a liquid state.

Subd. 35a. **Tamper.** "Tamper" means action taken by a person not authorized to take that action by law or by the owner or authorized custodian of an anhydrous ammonia container or of equipment where anhydrous ammonia is used, stored, distributed, or transported.

18C.201 PROHIBITED FERTILIZER ACTIVITIES.

Subd. 6. **Anhydrous ammonia.** (a) A person may not:

- (1) place, have placed, or possess anhydrous ammonia in a container that is not designed, constructed, maintained, and authorized to contain or transport anhydrous ammonia;
- (2) transport anhydrous ammonia in a container that is not designed, constructed, maintained, and authorized to transport anhydrous ammonia;
- (3) use, deliver, receive, sell, or transport a container designed and constructed to contain anhydrous ammonia without the express consent of the owner or authorized custodian of the container; or
- (4) tamper with any equipment or facility used to contain, store, or transport anhydrous ammonia.

(b) For the purposes of this subdivision, containers designed and constructed for the storage and transport of anhydrous ammonia are described in rules adopted under section 18C.121, subdivision 1, or in Code of Federal Regulations, title 49.

Subd. 7. **No cause of action.** (a) Except as provided in paragraph (b), a person tampering with anhydrous ammonia containers or equipment under subdivision 6 shall have no cause of action for damages arising out of the tampering against (1) the owner or lawful custodian of the container or equipment; (2) a person responsible for the installation or maintenance of the container or equipment; or (3) a person lawfully selling or offering for sale the anhydrous ammonia.

(b) Paragraph (a) does not apply to a cause of action against a person who unlawfully obtained the anhydrous ammonia or anhydrous ammonia container or who possesses the anhydrous ammonia or anhydrous ammonia container for any unlawful purpose.

18D.331 CRIMINAL PENALTIES.

Subd. 5. **Anhydrous ammonia containment, tampering, theft, transport.** A person who knowingly violates section 18C.201, subdivision 6, is guilty of a felony and may be sentenced to imprisonment for not more than five years, or to payment of a fine of not more than \$50,000, or both.

**Overview of Methamphetamine Bills
(policy provisions only)¹**

Methamphetamine Provisions passed by Senate in the 2004 Session (UEH2028-2, Art. 18)	S.F. No. 423 (Rosen), as introduced	S.F. No. 901 (Skoglund), as introduced	S.F. No. 51 (Berglin), as amended by SCS0051A-3
<p>Section 1 adds a new provision to the controlled substances chapter of law stating that Gamma-butyrolactone (GBL) and 1,4-Butanediol (BDO) are not controlled substances and are exempted from regulation under the controlled substances chapter when intended for industrial use and not for human consumption or when occurring in a natural concentration and not the result of deliberate addition.</p>	No comparable provision.	No comparable provision.	No comparable provision.
<p>Section 2 requires courts to impose a \$50 surcharge on offenders convicted of violations of chapter 152 (controlled substances). Requires the money to be credited to the methamphetamine awareness and educational account (see section 10).</p>	No comparable provision.	No comparable provision.	No comparable provision.
<p>Section 3 amends the attempted manufacture of methamphetamine crime enacted in the 2003 First Special Session. Makes mostly technical changes to clarify that this crime is not an “attempt crime” as much as a “possession of certain substances with intent to manufacture methamphetamine crime.” These changes are consistent with the intent of the 2003 legislation and essentially “clean up” some confusing language in the provision. Strikes the cross-referenced definition of “anhydrous ammonia.”</p>	<p>Section 3 is identical, except provides that the list of chemical reagents and precursors is not exclusive.</p>	<p>Section 2 is identical, except provides that the list of chemical reagents and precursors is not exclusive but includes similar substances to those listed that can be used to manufacture methamphetamine.</p>	No comparable provision.
<p>Section 4 increases the maximum criminal penalty for a violation of section 3 from a three-year/\$5,000 felony to a ten-year/\$20,000 felony and for a repeat offense from a four-year/\$5,000 felony to a 15-year/\$30,000 felony.</p>	<p>Section 4 is identical.</p>	<p>Section 3 is identical.</p>	No comparable provision.

¹Unless otherwise noted, S.F. Nos. 423, 901, and 51 are compared to the 2004 Senate methamphetamine legislation.

Methamphetamine Provisions passed by Senate in the 2004 Session (UEH2028-2, Art. 18)	S.F. No. 423 (Rosen), as introduced	S.F. No. 901 (Skoglund), as introduced	S.F. No. 51 (Berglin), as amended by SCS0051A-3
<p>Section 5 requires courts to order persons convicted of manufacturing/attempting to manufacture controlled substances or of illegal activities involving precursor substances where the response to the crime involved an emergency response to pay restitution to public entities that participated in the response. Also requires courts to order these persons to pay restitution to property owners who incurred removal or remediation costs because of the crime. Courts may reduce the amount of restitution if the convicted person is indigent or if payment would create undue hardship for the convicted person's immediate family.</p> <p>Requires peace officers who arrest persons at clandestine lab sites to notify the appropriate county or local health department and other entities of the arrest and the location of the site. Requires county or local health departments or sheriffs to prohibit all property that has been found to be a methamphetamine-contaminated clandestine lab site from being occupied, rented, sold, or used until it has been assessed and remediated. Specifies the process for remediation, including the circumstances under which the applicable authority must vacate its property use restriction order. Requires that if a motor vehicle has been contaminated by methamphetamine production, and if the applicable authority is able to obtain its certificate of title, the authority shall notify the registrar of motor vehicles of this fact and forward the certificate of title to the registrar, so that a notation can be made on the title (see section 11).</p> <p>Requires the Department of Health to create and maintain an Internet Web site containing contact information for each local community health services administrator.</p>	<p>Section 7 is very similar.</p> <p>Requires that if the applicable authority has issued a property use restriction order, the authority shall record an affidavit containing a legal description of the property disclosing that it was the site of a clandestine lab and other specified information. Requires that if the applicable authority vacates its order, the authority must record an affidavit noting this. Provides that unless an affidavit has already been filed by the applicable authority, before any transfer of property ownership where the owner knew or should have known the property had been used as a clandestine lab site and contaminated by methamphetamine manufacturing, the owner shall record an affidavit noting this (failure to do so is a petty misdemeanor). Authorizes an interested party to record an affidavit indicating that proper removal and remediation has occurred. Requires the county recorder or registrar of titles to record any affidavits under this section in a manner that assures their disclosure in the ordinary course of a title search on the property.</p> <p>Requires the Commissioner of Health to <i>post on the Internet</i> the specified information (as opposed to <i>creating and maintaining</i> an Internet Web site).</p>	<p>Section 4 is very similar.</p> <p>Requires that if the applicable authority determines that property subject to a deed was contaminated, the authority must notify the party responsible for maintaining the information on the deed. That party must make a notation on the deed that the property is a hazardous waste contaminated site. Requires the authority to notify the party maintaining the information on the deed when it vacates its property use restriction order. When the party is notified of this, it must update the deed's notation to reflect the cleanup, remediation, and reduced levels of contamination.</p>	<p>No comparable provision.</p>

Methamphetamine Provisions passed by Senate in the 2004 Session (UEH2028-2, Art. 18)	S.F. No. 423 (Rosen), as introduced	S.F. No. 901 (Skoglund), as introduced	S.F. No. 51 (Berglin), as amended by SCS0051A-3
<p>Requires each of these administrators to maintain specified information related to property within the administrator's jurisdiction that is currently or was previously subject to an order. Requires the administrator to make this information available to the public either upon request or by other means.</p> <p>Defines key terms used in this section.</p>			
<p>Section 6 amends the current ephedrine statute to add a cross-reference to section 7.</p>	<p>Section 8 is identical, except the cross-referenced section is codified in a different statutory section.</p>	<p>Section 5 is identical.</p>	<p>Section 5 is identical, except the cross-referenced section is codified in a different statutory section.</p>
<p>Section 7 provides criminal penalties and requirements relating to over-the-counter sales of methamphetamine precursor drugs. Places limitations on the way in which these drugs may be sold and the amounts that may be sold in a single transaction.</p>	<p>Section 2 is similar.</p>	<p>Section 6 is similar. However, in general, it is structured and worded differently than the others (i.e., does not refer to methamphetamine precursor drugs, refers to dispensing, selling, and distributing rather than just to selling, etc.).</p>	<p>Section 2 is similar.</p>
<p>No comparable provision.</p>	<p>Classifies compounds, mixtures, or preparations containing ephedrine or pseudoephedrine as their sole active ingredient or as one of their active ingredients as Schedule V controlled substances.</p>	<p>No comparable provision.</p>	<p>Identical to S.F. No. 423.</p>

Methamphetamine Provisions passed by Senate in the 2004 Session (UEH2028-2, Art. 18)	S.F. No. 423 (Rosen), as introduced	S.F. No. 901 (Skoglund), as introduced	S.F. No. 51 (Berglin), as amended by SCS0051A-3
Requires that stores selling single-source methamphetamine precursor drugs do <u>one</u> of the following: ensure that the drugs are displayed and offered for sale only behind a checkout counter where the public is not permitted, inside a locked display case, or within ten feet of an unobstructed view of an attended checkout counter; utilize an electronic antitheft system; or prohibit sales of the drugs to persons under the age of 18 years.	Does not offer stores options for retail restrictions as the 2004 Senate bill did. Instead, requires stores that sell methamphetamine precursor drugs to: <ul style="list-style-type: none"> ▶ ensure that all packages of the drugs are displayed behind a checkout counter where the public is not permitted; ▶ offer them for sale only by a licensed pharmacist or a licensed pharmacy technician; and ▶ ensure that the person making the sale requires the buyer to: <ul style="list-style-type: none"> • provide photographic identification showing the buyer's date of birth; and • sign a written document detailing the date of the sale, the name of the buyer, and the amount of the drug sold. 	Very similar to the restrictions imposed in S.F. No. 423. Authorizes sales by pharmacy clerks and requires the buyer to sign a certification that the buyer has not purchased more than nine grams of these products in the last 30 days. Requires the pharmacy to maintain records of the transactions for examination by law enforcement officials for a two-year period.	Imposes identical restrictions as S.F. No. 423, except requires the pharmacy to maintain records of the transactions for examination by law enforcement officials for a two-year period.
Does not require this. However, gives retailers this option (see above).	Prohibits over-the-counter sales of methamphetamine precursor drugs to individuals under 18 years old.	No comparable provision.	Identical to S.F. No. 423.
Provides that no more than three packages or a total of nine grams of methamphetamine precursor drugs may be sold in a single over-the-counter sale and requires the drug or product to be in packages containing no more than three grams of ephedrine or pseudoephedrine base or in blister packs with each blister containing no more than two dosage units.	Identical, except limits the sales to no more than <i>two</i> packages and no more than <i>six</i> grams in total weight.	Substantively similar to the 2004 Senate bill.	Identical to S.F. No. 423.
No comparable provision.	Prohibits any person from acquiring more than six grams of methamphetamine precursor drugs within a 30-day period through over-the-counter sales.	Similar to S.F. No. 423, except the limit is nine grams rather than six grams.	Identical to S.F. No. 423.
Does not specifically address.	Does not specifically address.	Specifically addresses pseudoephedrine or ephedrine products intended for animal consumption. Places similar restrictions on these products as was placed on products for human consumption (see above).	Does not specifically address. (However, see section 1 requiring a veterinarian's prescription for animal products.)

Methamphetamine Provisions passed by Senate in the 2004 Session (UEH2028-2, Art. 18)	S.F. No. 423 (Rosen), as introduced	S.F. No. 901 (Skoglund), as introduced	S.F. No. 51 (Berglin), as amended by SCS0051A-3
Provides exceptions to the criminal penalties for owners and supervisors of business establishments in certain cases.	Identical.	No comparable provision.	No comparable provision.
Specifies that the prohibited conduct and criminal penalty provisions do not apply to methamphetamine precursor drugs that are manufactured in a manner that prevents the drug from being used to manufacture methamphetamine. Specifies that this section does not apply to pediatric products labeled pursuant to federal regulation primarily intended for administration to children under 12 years of age.	Similar. Requires that methamphetamine precursor drugs that are manufactured in a manner preventing them from being used to manufacture methamphetamine, must be certified as such by the Board of Pharmacy to be exempted. Also, exempts drugs in gel capsule or liquid form.	Similar to S.F. No. 423, except exempts <i>single-source</i> methamphetamine precursor drugs in liquid capsule or liquid-filled capsule form and does not exempt pediatric products.	Identical to S.F. No. 423, except it also exempts certain multisource products in powdered form containing small amounts of pseudoephedrine.
Requires reporting of suspicious transactions relating to methamphetamine precursor drug sales by clerks to management and authorizes managers to make similar reports to law enforcement. Provides civil immunity for good faith reporting.	Identical.	No comparable provision.	No comparable provision.
Preempts all local ordinances or regulations governing the sale by retail distributors of over-the-counter products containing ephedrine or pseudoephedrine.	No comparable provision.	No comparable provision.	No comparable provision.
A knowing violation of this section is a misdemeanor.	Identical.	Identical.	Identical.
Distinguishes between single-source and multisource methamphetamine precursor drugs (i.e., applies some restrictions/regulations only to single-source methamphetamine precursor drugs and others to both single-source and multisource methamphetamine precursor drugs.	Applies all restrictions/regulations to single-source and multisource methamphetamine precursor drugs.	Applies all restrictions/regulations to single-source and multisource methamphetamine precursor drugs.	Applies all restrictions/regulations to single-source and multisource methamphetamine precursor drugs.
Section 8 recodifies the prohibited fertilizer activities currently codified at sections 18C.201 and 18D.331. (These provisions are repealed in section 15 .) In addition, adds two new crimes: stealing or unlawfully taking or carrying away any amount of anhydrous ammonia; and purchasing/possessing/transferring/distributing any amount of anhydrous ammonia, knowing or having reason to know that it will be used to unlawfully manufacture a controlled substance. Violation of either provision is a five-year/\$50,000 felony.	Section 9 is identical.	Section 7 is identical, except it also: (1) requires persons who own or operate containers in which anhydrous ammonia is stored to ensure that if the container is left unattended, it is equipped with a properly installed and functioning locking device approved by the Commissioner of Agriculture; and (2) requires the commissioner to publish a list of approved locking devices.	No comparable provision.

Methamphetamine Provisions passed by Senate in the 2004 Session (UEH2028-2, Art. 18)	S.F. No. 423 (Rosen), as introduced	S.F. No. 901 (Skoglund), as introduced	S.F. No. 51 (Berglin), as amended by SCS0051A-3
<p>Section 9 criminalizes various methamphetamine-related activities that may impact children or vulnerable adults. The prohibited activities include manufacturing or attempting to manufacture methamphetamine, storing chemical substances, storing methamphetamine waste products, and storing methamphetamine paraphernalia. A person may not engage in these activities in the presence of a child or vulnerable adult; in the residence of a child or vulnerable adult; in a building, structure, conveyance, or outdoor location where a child or vulnerable adult might reasonably be expected to be present; in a room offered to the public for overnight accommodation; or in any multiple unit residential building. Also prohibits persons from knowingly causing or permitting a child or vulnerable adult to inhale, be exposed to, have contact with, or ingest methamphetamine, a chemical substance, or methamphetamine paraphernalia. Violation of these provisions is a five-year/\$10,000 felony. Provides that a prosecution for or conviction under this section is not a bar to conviction or punishment for any other crime committed by the defendant as part of the same conduct. Authorizes peace officers to take into protective custody children present in areas where prohibited activities under this section are occurring. Provides for health screening both for children taken into protective custody and for those who were not but who are known to have been exposed to methamphetamine. Requires peace officers to make reports of suspected maltreatment of vulnerable adults in certain situations involving methamphetamine exposure. Defines key terms used in this section.</p>	<p>Section 10 is identical.</p>	<p>Section 8 is identical, except it also authorizes courts to impose a sentence for a violation of this section that runs consecutively to any sentence imposed for the intended criminal act. Such a sentence is not a departure from the Sentencing Guidelines.</p>	<p>No comparable provision.</p>

Methamphetamine Provisions passed by Senate in the 2004 Session (UEH2028-2, Art. 18)	S.F. No. 423 (Rosen), as introduced	S.F. No. 901 (Skoglund), as introduced	S.F. No. 51 (Berglin), as amended by SCS0051A-3
<p>Section 10 creates a methamphetamine awareness and educational account as a special revenue account in the State Treasury. Money collected from the \$50 surcharge established in section 2 is to be deposited into this account. The state is authorized to accept contributions, gifts, grants, and bequests for deposit into the fund. Appropriates money in the account to the Commissioner of Public Safety to support projects related to educating retailers and the public on the dangers of methamphetamines and specifically requires an educational initiative entitled Minnesota meth watch. Caps the amount of money that may be deposited into this account from the surcharge established under section 2 at \$40,000 per year. Any money collected from the surcharge in excess of \$40,000 must be deposited into the general fund.</p>	No comparable provision.	<p>Section 10 is identical, except that since S.F. No. 901 does not create the surcharge on controlled substance crimes, none of this money is deposited into this account.</p>	No comparable provision.
<p>Section 11 requires the Registrar of Motor Vehicles to include the term “hazardous waste contaminated vehicle” on a motor vehicle’s title if the Registrar has received the notice and the vehicle’s title as required in section 5.</p>	Section 11 is identical.	Section 11 is identical.	No comparable provision.
<p>Section 12 requires the Public Facilities Authority to establish a methamphetamine laboratory cleanup revolving fund. The purpose of the fund is to provide low-interest loans to counties and cities to remediate clandestine lab sites. Specifies the criteria for awarding loans, the loan application process, the eligibility requirements for loans, the loan conditions and terms, etc. Defines key terms used in this section.</p>	Section 13 is identical.	Section 12 is identical.	No comparable provision.
<p>Section 13 expands the definition of “violent crime” in the criminal code’s sentencing provision for certain dangerous and repeat felony offenders to include within it section 9.</p>	Section 14 is identical.	Section 13 is identical.	No comparable provision.
<p>Section 14 requests the Legislative Audit Commission to direct the legislative auditor to conduct a study related to the efficacy of controlled substance treatment programs for criminal offenders. If the commission directs the auditor to conduct the study, requires a report to the Legislature by February 1, 2005.</p>	No comparable provision.	<p>Section 17 is identical (except for the updated due date for the report).</p>	No comparable provision.

Methamphetamine Provisions passed by Senate in the 2004 Session (UEH2028-2, Art. 18)	S.F. No. 423 (Rosen), as introduced	S.F. No. 901 (Skoglund), as introduced	S.F. No. 51 (Berglin), as amended by SCS0051A-3
Section 15 repeals statutory provisions in chapters 18C and 18D, relating to anhydrous ammonia that are recodified by this bill in chapter 152 (see section 8).	Section 16 is identical.	Section 20 is identical.	No comparable provision.
No comparable provision.	Section 1 amends the definition of "narcotic drug" in the controlled substances chapter of law to specifically include methamphetamine. Doing this ensures that sales and possession crimes involving methamphetamine are treated the same as those involving cocaine and heroin throughout the controlled substances laws. Currently, this occurs for the most part. However, because methamphetamine is not defined as a narcotic drug, the sale of a small amount of methamphetamine is a fourth-degree controlled substance crime. The sale of a small amount of a narcotic drug (including heroin or cocaine) is a third-degree controlled substance crime.	No comparable provision.	No comparable provision.
No comparable provisions.	Sections 5 and 6 amend the current criminal provisions relating to the sale and possession of Schedule V controlled substances to provide that these penalties do not apply to violations of section 2.	No comparable provisions.	Sections 3 and 4 are identical.
No comparable provision.	Section 12 requires that if a child who is enrolled in school is taken into protective custody after being found in an area where methamphetamine was being manufactured or where chemical substances, methamphetamine paraphernalia, or methamphetamine waste products were stored, the officer who took the child into custody must notify the chief administrative officer of the child's school of this fact. Defines key terms.	No comparable provision.	No comparable provision.

Methamphetamine Provisions passed by Senate in the 2004 Session (UEH2028-2, Art. 18)	S.F. No. 423 (Rosen), as introduced	S.F. No. 901 (Skoglund), as introduced	S.F. No. 51 (Berglin), as amended by SCS0051A-3
No comparable provision.	Section 15 directs the Revisor to recodify the possession of methamphetamine precursors with the intent to manufacture methamphetamine crime enacted in the 2003 First Special Session (as amended by sections 3 and 4) into a new stand-alone section of law.	No comparable provision.	No comparable provision.
No comparable provision.	No comparable provision.	Section 1 requires the Department of Health to maintain and publicize a toll-free telephone number to enable citizens to report suspected methamphetamine crimes.	No comparable provision.
No comparable provision.	No comparable provision.	Section 9 creates a new crime for disposing or abandoning methamphetamine waste products or chemical substances. A knowing violation is a five-year/\$50,000 felony, but if it places another person in imminent danger of death, great bodily harm, or substantial bodily harm, it is a ten-year/\$100,000 felony. Defines key terms.	No comparable provision.
No comparable provisions.	No comparable provisions.	Sections 14 to 16 amend the nuisance law to allow a public nuisance involving the manufacture of methamphetamine to be established upon a showing of a single methamphetamine manufacturing incident within the building in the previous 12 months. The nuisance law generally requires two incidents to have occurred in a 12-month period.	No comparable provisions.
No comparable provision.	No comparable provision.	Section 18 requires the Minnesota Board of Veterinary Medicine to study and issue a report to the Legislature by February 1, 2006, on animal products that may be used in the manufacture of methamphetamine.	No comparable provisions..
No comparable provision.	No comparable provision.	No comparable provision.	Section 1 requires a written prescription from a veterinarian for drugs and products for any species of animal containing ephedrine or pseudoephedrine.

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S.F. No. 901 - Methamphetamine Provisions

Author: Senator Wes Skoglund

Prepared by: Kenneth P. Backhus, Senate Counsel (651/296-4396) KB

Date: February 14, 2005

Overview

S.F. No. 901 makes numerous changes to laws relating to methamphetamine including: regulating the sale of methamphetamine precursor drugs, increasing methamphetamine-related criminal penalties and creating new crimes, placing property restrictions on methamphetamine laboratory sites, creating a methamphetamine laboratory cleanup revolving loan fund, and authorizing an educational program. In addition, it establishes a toll-free telephone number for citizen tips regarding suspected methamphetamine crimes, creates a crime for disposing or abandoning methamphetamine waste products, amends the nuisance law to make it easier to establish nuisances involving methamphetamine manufacturing, requests a report from the Legislative Auditor, and requires other reports. Finally, it appropriates unspecified sums to the Commissioner of Corrections, the Board of Public Defense, the State Court Administrator, the Commissioner of Human Services, and the Commissioner of Employment and Economic Development for various methamphetamine-related initiatives.

Section 1 requires the Department of Health to maintain and publicize a toll-free telephone number to enable citizens to report suspected methamphetamine crimes.

Section 2 amends the attempted manufacture of methamphetamine crime enacted in the 2003 First Special Session. Makes mostly technical changes to clarify that this crime is not an "attempt crime" as much as a "possession of certain substances with intent to manufacture methamphetamine crime." These changes are consistent with

the intent of the 2003 legislation and essentially “clean up” some confusing language in the provision. Strikes the cross-referenced definition of “anhydrous ammonia.” Provides that the list of chemical reagents and precursors is not exclusive.

Section 3 increases the maximum criminal penalty for a violation of **section 2** from a three-year/\$5,000 felony to a ten-year/\$20,000 felony and for a repeat offense from a four-year/\$5,000 felony to a 15-year/\$30,000 felony.

Section 4 requires courts to order persons convicted of manufacturing/attempting to manufacture controlled substances or of illegal activities involving precursor substances where the response to the crime involved an emergency response to pay restitution to public entities that participated in the response. Also requires courts to order these persons to pay restitution to property owners who incurred removal or remediation costs because of the crime. Courts may reduce the amount of restitution if the convicted person is indigent or if payment would create undue hardship for the convicted person’s immediate family.

Requires peace officers who arrest persons at clandestine lab sites to notify the appropriate county or local health department and other entities of the arrest and the location of the site. Requires county or local health departments or sheriffs to prohibit all property that has been found to be a methamphetamine-contaminated clandestine lab site from being occupied, rented, sold, or used until it has been assessed and remediated. Specifies the process for remediation, including the circumstances under which the applicable authority must vacate its property use restriction order.

Requires that if a motor vehicle has been contaminated by methamphetamine production, and if the applicable authority is able to obtain its certificate of title, the authority shall notify the registrar of motor vehicles of this fact and forward the certificate of title to the registrar, so that a notation can be made on the title (see **section 11**). Requires that if the applicable authority determines that property subject to a deed was contaminated, the authority must notify the party responsible for maintaining the information on the deed. That party must make a notation on the deed that the property is a hazardous waste contaminated site. Requires the authority to notify the party maintaining the information on the deed when it vacates its property use restriction order. When the party is notified of this, it must update the deed’s notation to reflect the cleanup, remediation, and reduced levels of contamination.

Requires the Department of Health to create and maintain an Internet Web site containing contact information for each local community health services administrator. Requires each of these administrators to maintain specified information related to property within the administrator’s jurisdiction that is currently or was previously subject to an order. Requires the administrator to make this information available to the public either upon request or by other means. Defines key terms used in this section.

Section 5 amends the current ephedrine statute to add a cross-reference to **section 6**.

Section 6, subdivision 1, provides that any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine or ephedrine and intended for human consumption may only

be sold, dispensed, or distributed in a pharmacy by a pharmacist, a registered pharmacy technician, or a pharmacy clerk. Prohibits a person from selling in a single sale more than three packages of any of these products. Requires that these packages contain no more than a total of three grams of ephedrine or pseudoephedrine. Requires nonliquid products to be packaged in blister packs where each blister pack contains no more than two dosage units. If this is not technically feasible, it must be packaged in unit dose packets or pouches.

Requires any person purchasing, receiving, or otherwise acquiring any of these products to:

- ▶ produce a photographic identification showing the date of birth of the person;
- ▶ sign a written log or receipt showing:
 - the date of the transaction;
 - the name and date of birth of the person; and
 - the amount of the product received; and
- ▶ sign a certification that the person has not purchased more than nine grams of these products within the previous 30 days.

Requires the pharmacy to maintain records of the written log or receipts and certifications for examination by law enforcement officials for a two-year period.

Prohibits a person from purchasing, receiving, or otherwise acquiring (except through a prescription) more than nine grams of any of these products within a 30-day period. Requires these products to be displayed behind a checkout counter where the public is not permitted.

Provides that the restrictions in this section do not apply to products in liquid, liquid capsule, or liquid-filled gel capsule form if neither pseudoephedrine nor ephedrine is the only active ingredient.

Authorizes the Executive Director of the Minnesota Board of Pharmacy to exempt products from the restrictions of this subdivision if the director determines that the product is formulated in a way to effectively prevent its conversion into methamphetamine. Drug manufacturers may apply to the director for removal of drugs from the restrictions of this subdivision. Requires the executive director, at least annually, to publish a list of products exempted.

Subdivision 2 provides that any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine or ephedrine and intended for animal consumption may only be dispensed, sold, or distributed by a veterinarian or a certified veterinary technician at the veterinarian's office or by a veterinarian on call at another location in accordance with the commercially marketed purpose of the drug. Requires that when these drugs are dispensed by a veterinarian or a certified veterinarian technician at the veterinarian's office, the products not be displayed within view of the general public. Provides the same requirements for persons purchasing

these drugs as provided in **subdivision 1** (i.e., producing photographic identification; signing written log or receipt, etc.). Similar to **subdivision 1**, authorizes the Minnesota Board of Veterinary Medicine to exempt products formulated in a way that effectively prevent their conversion to methamphetamine, authorizes manufacturers to apply to the Board's executive director for a drug's removal from the restrictions of this subdivision, and requires the executive director, at least annually, to publish a list of products exempted.

Subdivision 3 provides that a knowing violation of this section is a misdemeanor.

Section 7 recodifies the prohibited fertilizer activities currently codified at sections 18C.201 and 18D.331. (These provisions are repealed in **section 20**.) In addition, adds two new crimes: stealing or unlawfully taking or carrying away any amount of anhydrous ammonia; and purchasing/possessing/transferring/distributing any amount of anhydrous ammonia, knowing or having reason to know that it will be used to unlawfully manufacture a controlled substance. Violation of either provision is a five-year/\$50,000 felony. Requires persons who own or operate containers in which anhydrous ammonia is stored to ensure that if the container is left unattended, it is equipped with a properly installed and functioning locking device approved by the Commissioner of Agriculture. Requires the Commissioner of Agriculture to publish a list of approved locking devices.

Section 8 criminalizes various methamphetamine-related activities that may impact children or vulnerable adults. The prohibited activities include manufacturing or attempting to manufacture methamphetamine, storing chemical substances, storing methamphetamine waste products, and storing methamphetamine paraphernalia. A person may not engage in these activities in the presence of a child or vulnerable adult; in the residence of a child or vulnerable adult; in a building, structure, conveyance, or outdoor location where a child or vulnerable adult might reasonably be expected to be present; in a room offered to the public for overnight accommodation; or in any multiple unit residential building. Also prohibits persons from knowingly causing or permitting a child or vulnerable adult to inhale, be exposed to, have contact with, or ingest methamphetamine, a chemical substance, or methamphetamine paraphernalia. Violation of these provisions is a five-year/\$10,000 felony. Provides that a prosecution for or conviction under this section is not a bar to conviction or punishment for any other crime committed by the defendant as part of the same conduct. Authorizes courts to impose a sentence for a violation of this section that runs consecutively to any sentence imposed for the intended criminal act. Such a sentence is not a departure from the Sentencing Guidelines. Authorizes peace officers to take into protective custody children present in areas where prohibited activities under this section are occurring. Provides for health screening both for children taken into protective custody and for those who were not but who are known to have been exposed to methamphetamine. Requires peace officers to make reports of suspected maltreatment of vulnerable adults in certain situations involving methamphetamine exposure. Defines key terms used in this section.

Section 9 creates a new crime for disposing or abandoning methamphetamine waste products or chemical substances. A knowing violation is a five year/\$50,000 felony, but if it places another person in imminent danger of death, great bodily harm, or substantial bodily harm, it is a ten-year/\$100,000 felony. Defines key terms.

Section 10 creates a methamphetamine awareness and educational account as a special revenue account in the State Treasury. The state is authorized to accept contributions, gifts, grants, and bequests for deposit into the fund. Appropriates money in the account to the Commissioner of Public Safety to support projects related to educating retailers and the public on the dangers of methamphetamine, including an educational initiative entitled Minnesota meth watch.

Section 11 requires the Registrar of Motor Vehicles to include the term "hazardous waste contaminated vehicle" on a motor vehicle's title if the Registrar has received the notice and the vehicle's title as required in **section 4**.

Section 12 requires the Public Facilities Authority to establish a methamphetamine laboratory cleanup revolving fund. The purpose of the fund is to provide low-interest loans to counties and cities to remediate clandestine lab sites. Specifies the criteria for awarding loans, the loan application process, the eligibility requirements for loans, the loan conditions and terms, etc. Defines key terms used in this section.

Section 13 expands the definition of "violent crime" in the criminal code's sentencing provision for certain dangerous and repeat felony offenders to include within it **section 8**.

Section 14 amends the nuisance law to allow a public nuisance involving the manufacture of methamphetamine to be established upon a showing of a single methamphetamine manufacturing incident within the building in the previous 12 months. The nuisance law generally requires two incidents to have occurred in a 12-month period.

Sections 15 and 16 are technical changes related to **section 14**.

Section 17 requests the Legislative Audit Commission to direct the legislative auditor to conduct a study related to the efficacy of controlled substance treatment programs for criminal offenders. If the commission directs the auditor to conduct the study, requires a report to the Legislature by February 1, 2006.

Section 18 requires the Minnesota Board of Veterinary Medicine to study and issue a report to the Legislature by February 1, 2006, on animal products that may be used in the manufacture of methamphetamine.

Section 19 makes unspecified appropriations from the general fund for each year of the next fiscal biennium for the following methamphetamine-related purposes:

- to the Commissioner of Corrections for increased costs associated with this act;
- to the Board of Public Defense for increased methamphetamine caseloads and for a methamphetamine trial team;
- to the State Court Administrator for increased costs associated with this act;

- to the Commissioner of Human Services for grants to counties or groups of counties to fund three pilot project methamphetamine treatment programs; and
- to the Commissioner of Employment and Economic Development for the methamphetamine laboratory cleanup revolving fund (see **section 12**).

Also requires reports to the Legislature from the Commissioner of Corrections on specified methamphetamine-related issues and the Commissioner of Human Services on the grants for methamphetamine treatment programs funded under this section.

Section 20 repeals statutory provisions in chapters 18C and 18D, relating to anhydrous ammonia that are recodified by this bill in chapter 152 (see **section 7**).

KPB:vs

Senator Skoglund introduced--

S.F. No. 901: Referred to the Committee on Crime Prevention and Public Safety.

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A bill for an act

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relating to crimes; regulating the sale of methamphetamine precursor drugs containing ephedrine or pseudoephedrine; further regulating while recodifying activities involving anhydrous ammonia; requiring courts to order restitution in certain situations involving controlled substances; imposing property restrictions in certain situations involving controlled substances; increasing the criminal penalties for possessing certain substances with the intent to manufacture methamphetamine; establishing new methamphetamine-related crimes; expanding the definition of "violent crime" for mandatory sentencing purposes; requiring that property contaminated by methamphetamine manufacturing indicate this in the title or deed; establishing a methamphetamine laboratory cleanup revolving fund and authorizing loans to assist counties and cities in conducting methamphetamine cleanup; providing for the establishment of civil nuisances involving methamphetamine manufacture; requiring that anhydrous ammonia storage tanks be locked when unattended; requiring a toll-free number for citizen reports of methamphetamine laboratories; providing for reports; imposing criminal penalties; appropriating money; amending Minnesota Statutes 2004, sections 152.021, subdivisions 2a, 3; 152.135, subdivision 2; 168A.05, subdivision 3; 609.1095, subdivision 1; 617.81, subdivision 4, by adding a subdivision; 617.85; proposing coding for new law in Minnesota Statutes, chapters 144; 152; 446A; repealing Minnesota Statutes 2004, sections 18C.005, subdivisions 1a, 35a; 18C.201, subdivisions 6, 7; 18D.331, subdivision 5.

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
Section 1. [144.4188] [CITIZEN REPORTS OF METHAMPHETAMINE VIOLATIONS.]

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39

The Department of Health shall maintain and publicize a toll-free telephone number to enable citizens to report information about potential methamphetamine violations,

1 including, but not limited to, illicit methamphetamine
 2 laboratories. The department shall take appropriate steps after
 3 receiving a citizen report after considering the nature and
 4 trustworthiness of the information reported, including, but not
 5 limited to, contacting the appropriate law enforcement agency.

6 [EFFECTIVE DATE.] This section is effective July 1, 2005.

7 Sec. 2. Minnesota Statutes 2004, section 152.021,
 8 subdivision 2a, is amended to read:

9 Subd. 2a. [METHAMPHETAMINE MANUFACTURE CRIMES CRIME;
 10 POSSESSION OF SUBSTANCES WITH INTENT TO MANUFACTURE
 11 METHAMPHETAMINE CRIME.] (a) Notwithstanding subdivision 1,
 12 sections 152.022, subdivision 17; 152.023, subdivision 17; and
 13 152.024, subdivision 1, a person is guilty of controlled
 14 substance crime in the first degree if the person manufactures
 15 any amount of methamphetamine.

16 ~~(b) Notwithstanding paragraph (a) and section 609.177~~ A
 17 person is guilty of ~~attempted manufacture of methamphetamine a~~
 18 crime if the person possesses any chemical reagents or
 19 precursors with the intent to manufacture methamphetamine. As
 20 used in this section, "chemical reagents or precursors" ~~refers~~
 21 to one or more includes any of the following substances, or any
 22 similar substances that can be used to manufacture
 23 methamphetamine, or their the salts, isomers, and salts of
 24 isomers of a listed or similar substance:

- 25 (1) ephedrine;
 26 (2) pseudoephedrine;
 27 (3) phenyl-2-propanone;
 28 (4) phenylacetone;
 29 (5) anhydrous ammonia~~7-as-defined-in-section-18C.0057~~
 30 ~~subdivision-1a;~~
 31 (6) organic solvents;
 32 (7) hydrochloric acid;
 33 (8) lithium metal;
 34 (9) sodium metal;
 35 (10) ether;
 36 (11) sulfuric acid;

- 1 (12) red phosphorus;
2 (13) iodine;
3 (14) sodium hydroxide;
4 (15) benzaldehyde;
5 (16) benzyl methyl ketone;
6 (17) benzyl cyanide;
7 (18) nitroethane;
8 (19) methylamine;
9 (20) phenylacetic acid;
10 (21) hydriodic acid; or
11 (22) hydriotic acid.

12 [EFFECTIVE DATE.] This section is effective August 1, 2005,
13 and applies to crimes committed on or after that date.

14 Sec. 3. Minnesota Statutes 2004, section 152.021,
15 subdivision 3, is amended to read:

16 Subd. 3. [PENALTY.] (a) A person convicted under
17 subdivisions 1 to 2a, paragraph (a), may be sentenced to
18 imprisonment for not more than 30 years or to payment of a fine
19 of not more than \$1,000,000, or both; a person convicted under
20 subdivision 2a, paragraph (b), may be sentenced to imprisonment
21 for not more than ~~three~~ ten years or to payment of a fine of not
22 more than ~~\$57,000~~ \$20,000, or both.

23 (b) If the conviction is a subsequent controlled substance
24 conviction, a person convicted under subdivisions 1 to 2a,
25 paragraph (a), shall be committed to the commissioner of
26 corrections for not less than four years nor more than 40 years
27 and, in addition, may be sentenced to payment of a fine of not
28 more than \$1,000,000; a person convicted under subdivision 2a,
29 paragraph (b), may be sentenced to imprisonment for not more
30 than ~~four~~ 15 years or to payment of a fine of not more than
31 ~~\$57,000~~ \$30,000, or both.

32 (c) In a prosecution under subdivision 1 involving sales by
33 the same person in two or more counties within a 90-day period,
34 the person may be prosecuted for all of the sales in any county
35 in which one of the sales occurred.

36 [EFFECTIVE DATE.] This section is effective August 1, 2005,

1 and applies to crimes committed on or after that date.

2 Sec. 4. [152.0275] [CERTAIN CONTROLLED SUBSTANCE OFFENSES;
3 RESTITUTION; PROHIBITIONS ON PROPERTY USE.]

4 Subdivision 1. [RESTITUTION.] (a) As used in this
5 subdivision:

6 (1) "clandestine lab site" means any structure or
7 conveyance or outdoor location occupied or affected by
8 conditions or chemicals, typically associated with the
9 manufacture of methamphetamine;

10 (2) "emergency response" includes, but is not limited to,
11 removing and collecting evidence, securing the site, removal,
12 remediation, and hazardous chemical assessment or inspection of
13 the site where the relevant offense or offenses took place,
14 regardless of whether these actions are performed by the public
15 entities themselves or by private contractors paid by the public
16 entities, or the property owner;

17 (3) "remediation" means proper cleanup, treatment, or
18 containment of hazardous substances or methamphetamine at or in
19 a clandestine lab site, and may include demolition or disposal
20 of structures or other property when an assessment so indicates;
21 and

22 (4) "removal" means the removal from the clandestine lab
23 site of precursor or waste chemicals, chemical containers, or
24 equipment associated with the manufacture, packaging, or storage
25 of illegal drugs.

26 (b) A court shall require a person convicted of
27 manufacturing or attempting to manufacture a controlled
28 substance or of an illegal activity involving a precursor
29 substance, where the response to the crime involved an emergency
30 response, to pay restitution to all public entities that
31 participated in the response. The restitution ordered must
32 cover the reasonable costs of their participation in the
33 response.

34 (c) In addition to the restitution required in paragraph
35 (b), a court shall require a person convicted of manufacturing
36 or attempting to manufacture a controlled substance or of

1 illegal activity involving a precursor substance to pay
2 restitution to a property owner who incurred removal or
3 remediation costs because of the crime.

4 (d) Notwithstanding paragraphs (b) and (c), if the court
5 finds that the convicted person is indigent or that payment of
6 the restitution would create undue hardship for the convicted
7 person's immediate family, the court may reduce the amount of
8 restitution to an appropriate level.

9 Subd. 2. [PROPERTY-RELATED PROHIBITIONS; WEB SITE.] (a) As
10 used in this subdivision:

11 (1) "clandestine lab site" has the meaning given in
12 subdivision 1, paragraph (a);

13 (2) "property" includes buildings and other structures, and
14 motor vehicles as defined in section 609.487, subdivision 2a.
15 Property also includes real property, whether publicly or
16 privately owned, and public waters and rights-of-way;

17 (3) "remediation" has the meaning given in subdivision 1,
18 paragraph (a); and

19 (4) "removal" has the meaning given in subdivision 1,
20 paragraph (a).

21 (b) A peace officer who responds to a clandestine lab site
22 shall notify the appropriate county or local health department,
23 state duty officer, and child protection services of the
4 clandestine lab and the location of the site.

25 (c) A county or local health department or sheriff shall
26 order that all property that has been found to be a clandestine
27 lab site and contaminated by substances, chemicals, or items of
28 any kind used in the manufacture or attempted manufacture of
29 methamphetamine or any part of the manufacturing process, or by
30 the by-products or degradates of manufacturing or attempting to
31 manufacture methamphetamine be prohibited from being occupied,
32 rented, sold, or used until it has been assessed and remediated
33 as provided in the Department of Health's clandestine drug labs
4 general cleanup guidelines.

35 (d) Unless clearly inapplicable, the procedures specified
36 in chapter 145A and any related rules adopted under that chapter

1 addressing the enforcement of public health laws, the removal
2 and abatement of public health nuisances, and the remedies
3 available to property owners or occupants apply to this
4 subdivision.

5 (e) Upon the proper removal and remediation of any property
6 used as a clandestine lab site, the contractor shall verify to
7 the applicable authority that issued the order under paragraph
8 (c) that the work was completed according to the Department of
9 Health's clandestine drug labs general cleanup guidelines and
10 best practices and that levels of contamination have been
11 reduced to levels set forth in the guidelines. Following this,
12 the applicable authority shall vacate its order.

13 (f) If the applicable authority determines under paragraph
14 (c) that a motor vehicle has been contaminated by substances,
15 chemicals, or items of any kind used in the manufacture or
16 attempted manufacture of methamphetamine or any part of the
17 manufacturing process, or the by-products or degradates of
18 manufacturing or attempting to manufacture methamphetamine, and
19 if the authority is able to obtain the certificate of title for
20 the motor vehicle, the authority shall notify the registrar of
21 motor vehicles of this fact and forward the certificate of title
22 to the registrar. The authority shall also notify the registrar
23 when it vacates its order under paragraph (e).

24 (g) If the applicable authority determines under paragraph
25 (c) that the property was contaminated by substances, chemicals,
26 or items of any kind used in the manufacture or attempted
27 manufacture of methamphetamine or any part of the manufacturing
28 process, or the by-products or degradates of manufacturing or
29 attempting to manufacture methamphetamine, and that the property
30 is subject to a deed, the authority shall notify the party
31 responsible for maintaining the information on the deed of this
32 fact. That party shall make a notation on the deed that the
33 property is a hazardous waste contaminated site. The authority
34 shall also notify the party maintaining the information on the
35 deed when it vacates its order under paragraph (e). When so
36 notified, the party shall update the deed's notation to reflect

1 the cleanup, remediation, and reduced levels of contamination
2 completed according to the cleaning guidelines.

3 (h) The commissioner of health shall create and maintain an
4 Internet Web site and post on the Web site contact information
5 for each local community health services administrator.

6 (i) Each local community health services administrator
7 shall maintain information related to property within the
8 administrator's jurisdiction that is currently or was previously
9 subject to an order issued under paragraph (c). The information
10 maintained must include the location of the property, the extent
11 of the contamination, the status of the removal and remediation
12 work on the property, and whether the order has been vacated.
13 The administrator shall make this information available to the
14 public upon request.

15 [EFFECTIVE DATE.] This section is effective August 1, 2005,
16 and applies to crimes committed on or after that date.

17 Sec. 5. Minnesota Statutes 2004, section 152.135,
18 subdivision 2, is amended to read:

19 Subd. 2. [EXCEPTIONS.] (a) A drug product containing
20 ephedrine, its salts, optical isomers, and salts of optical
21 isomers is exempt from subdivision 1 if the drug product:

22 (1) may be lawfully sold over the counter without a
23 prescription under the federal Food, Drug, and Cosmetic Act,
24 United States Code, title 21, section 321, et seq.;

25 (2) is labeled and marketed in a manner consistent with the
26 pertinent OTC Tentative Final or Final Monograph;

27 (3) is manufactured and distributed for legitimate
28 medicinal use in a manner that reduces or eliminates the
29 likelihood of abuse;

30 (4) is not marketed, advertised, or labeled for the
31 indication of stimulation, mental alertness, weight loss, muscle
32 enhancement, appetite control, or energy; and

33 (5) is in solid oral dosage forms, including soft gelatin
34 caplets, that combine 400 milligrams of guaifenesin and 25
35 milligrams of ephedrine per dose, according to label
36 instructions; or is an anorectal preparation containing not more

1 than five percent ephedrine; and

2 (6) is sold in a manner that does not conflict with section
3 152.136.

4 (b) Subdivisions 1 and 3 shall not apply to products
5 containing ephedra or ma huang and lawfully marketed as dietary
6 supplements under federal law.

7 [EFFECTIVE DATE.] This section is effective August 1, 2005,
8 and applies to crimes committed on or after that date.

9 Sec. 6. [152.136] [SALES OF METHAMPHETAMINE PRECURSOR
10 DRUGS; CRIMINAL PENALTIES.]

11 Subdivision 1. [PSEUDOEPHEDRINE AND EPHEDRINE, HUMAN
12 PRODUCTS.] (a) Any compound, mixture, or preparation containing
13 any detectable quantity of pseudoephedrine, its salts or optical
14 isomers, or salts of optical isomers, and intended for human
15 consumption shall only be sold, dispensed, or distributed in a
16 pharmacy by a pharmacist, a registered pharmacy technician, or a
17 pharmacy clerk. Any compound, mixture, or preparation
18 containing any detectable quantity of ephedrine, its salts or
19 optical isomers, or salts of optical isomers, and intended for
20 human consumption shall only be sold in a pharmacy and shall
21 only be dispensed, sold, or distributed by a pharmacist, a
22 registered pharmacy technician, or a pharmacy clerk.

23 (b) No person may sell in a single sale more than three
24 packages of any compound, mixture, or preparation identified in
25 this subdivision or any combination of such compounds, mixtures,
26 or preparations identified in this subdivision. The packages
27 shall contain no more than a total of three grams of ephedrine
28 or pseudoephedrine, their salts or optical isomers, or their
29 salts of optical isomers. Nonliquid products must be packaged
30 in blister packs, where each blister pack contains not more than
31 two dosage units. If packaging in blister packs is not
32 technically feasible, packaging must be in unit dose packets or
33 pouches.

34 (c) Any person purchasing, receiving, or otherwise
35 acquiring any compound, mixture, or preparation identified in
36 this subdivision shall:

1 (1) produce a photo identification showing the date of
2 birth of the person;

3 (2) sign a written log or receipt showing:

4 (i) the date of the transaction;

5 (ii) the name and date of birth of the person; and

6 (iii) the amount of the compound, mixture, or preparation
7 received; and

8 (3) sign a certification that the person has not purchased
9 more than nine grams of any compound, mixture, or preparation
10 identified in this subdivision or any combination of compounds,
11 mixtures, or preparations identified in this subdivision within
12 the 30-day period prior to the transaction.

13 The pharmacy shall maintain records of the written log or
14 receipts, and certifications, for audit or examination by law
15 enforcement officials for a period of two years from the date of
16 the transaction and shall provide those records upon request by
17 law enforcement.

18 (d) No person shall purchase, receive, or otherwise acquire
19 more than nine grams of any compound, mixture, or preparation
20 identified in this subdivision or any combination of compounds,
21 mixtures, or preparations identified in this subdivision within
22 any 30-day period. This limit shall not apply to any quantity
23 of such compounds, mixtures, or preparations dispensed pursuant
24 to a valid prescription.

25 (e) A compound, mixture, or preparation identified in this
26 subdivision shall only be displayed behind a checkout counter
27 where the public is not permitted.

28 (f) The restrictions identified in this subdivision shall
29 not apply to any compounds, mixtures, or preparations which are
30 in liquid, liquid capsule, or liquid-filled gel capsule form if
31 neither pseudoephedrine nor ephedrine is the only active
32 ingredient.

33 (g) The executive director of the Minnesota Board of
34 Pharmacy may exempt other products from the restrictions
35 identified in this subdivision if the executive director finds
36 that the product is formulated in a way to effectively prevent

1 the conversion of the active ingredient into methamphetamine. A
2 manufacturer of a drug product may apply to the executive
3 director for removal of a product from the restrictions of this
4 subdivision if the product is formulated in a way to effectively
5 prevent the conversion of the active ingredient into
6 methamphetamine. At least annually, the executive director
7 shall publish a list of products exempted from the restrictions
8 of this subdivision.

9 Subd. 2. [PSEUDOEPHEDRINE AND EPHEDRINE, ANIMAL
10 PRODUCTS.] (a) Any compound, mixture, or preparation containing
11 any detectable quantity of pseudoephedrine, its salts or optical
12 isomers, or salts of optical isomers, and intended for animal
13 consumption shall only be dispensed, sold, or distributed by a
14 veterinarian or a certified veterinary technician at the
15 veterinarian's office or by a veterinarian on call at another
16 location in accordance with the commercially marketed purpose of
17 the compound, mixture, or preparation. Any compound, mixture,
18 or preparation containing any detectable quantity of ephedrine,
19 its salts or optical isomers, or salts of optical isomers, and
20 intended for animal consumption shall only be dispensed, sold,
21 or distributed by a veterinarian or a certified veterinary
22 technician at the veterinarian's office or by a veterinarian on
23 call at another location in accordance with the commercially
24 marketed purpose of the compound, mixture, or preparation. When
25 dispensed, sold, or distributed by a veterinarian or a certified
26 veterinary technician at the veterinarian's office, the product
27 or products shall not be displayed within view of the general
28 public.

29 (b) Any person purchasing, receiving, or otherwise
30 acquiring any compound, mixture, or preparation identified in
31 this subdivision shall:

32 (1) produce a photo identification showing the date of
33 birth of the person;

34 (2) sign a written log or receipt showing:

35 (i) the date of the transaction;

36 (ii) the name and date of birth of the person; and

1 (iii) the amount of the compound, mixture, or preparation
2 received; and

3 (3) sign a certification that the item will only be used as
4 directed on the product packaging.

5 The veterinarian shall maintain records of the written log or
6 receipts, and certifications, for audit or examination by law
7 enforcement officials for a period of two years from the date of
8 the transaction and shall provide those records upon request by
9 law enforcement.

10 (c) The Minnesota Board of Veterinary Medicine may exempt
11 other products from the restrictions identified in this
12 subdivision if the executive director finds that the product is
13 formulated in a way to effectively prevent the conversion of the
14 active ingredient into methamphetamine. A manufacturer of the
15 animal product may apply to the executive director for removal
16 of a product from the restrictions of this subdivision if the
17 product is formulated in a way to effectively prevent the
18 conversion of the active ingredient into methamphetamine. At
19 least annually, the executive director shall publish a list of
20 products exempted from the restrictions of this subdivision.

21 Subd. 3. [CRIMINAL PENALTY.] A person who knowingly
22 violates subdivision 1 or 2 is guilty of a misdemeanor.

23 [EFFECTIVE DATE.] This section is effective August 1, 2005,
4 and applies to crimes committed on or after that date.

25 Sec. 7. [152.137] [ANHYDROUS AMMONIA; PROHIBITED CONDUCT;
26 CRIMINAL PENALTIES; CIVIL LIABILITY.]

27 Subdivision 1. [DEFINITIONS.] As used in this section,
28 "tamper" means action taken by a person not authorized to take
29 that action by law or by the owner or authorized custodian of an
30 anhydrous ammonia container or of equipment where anhydrous
31 ammonia is used, stored, distributed, or transported.

32 Subd. 2. [PROHIBITED CONDUCT.] (a) A person may not:

33 (1) steal or unlawfully take or carry away any amount of
4 anhydrous ammonia;

35 (2) purchase, possess, transfer, or distribute any amount
36 of anhydrous ammonia, knowing, or having reason to know, that it

1 will be used to unlawfully manufacture or attempt to manufacture
2 a controlled substance;

3 (3) place, have placed, or possess anhydrous ammonia in a
4 container that is not designed, constructed, maintained, or
5 authorized to contain or transport anhydrous ammonia;

6 (4) transport anhydrous ammonia in a container that is not
7 designed, constructed, maintained, or authorized to transport
8 anhydrous ammonia;

9 (5) use, deliver, receive, sell, or transport a container
10 designed and constructed to contain anhydrous ammonia without
11 the express consent of the owner or authorized custodian of the
12 container; or

13 (6) tamper with any equipment or facility used to contain,
14 store, or transport anhydrous ammonia.

15 (b) For the purposes of this subdivision, containers
16 designed and constructed for the storage and transport of
17 anhydrous ammonia are described in rules adopted under section
18 18C.121, subdivision 1, or Code of Federal Regulations, title 49.

19 Subd. 3. [NO CAUSE OF ACTION.] (a) Except as provided in
20 paragraph (b), a person tampering with anhydrous ammonia
21 containers or equipment under subdivision 2 shall have no cause
22 of action for damages arising out of the tampering against:

23 (1) the owner or lawful custodian of the container or
24 equipment;

25 (2) a person responsible for the installation or
26 maintenance of the container or equipment; or

27 (3) a person lawfully selling or offering for sale the
28 anhydrous ammonia.

29 (b) Paragraph (a) does not apply to a cause of action
30 against a person who unlawfully obtained the anhydrous ammonia
31 or anhydrous ammonia container or who possesses the anhydrous
32 ammonia or anhydrous ammonia container for any unlawful purpose.

33 Subd. 4. [LOCKING DEVICE.] (a) A person who owns or
34 operates a container in which anhydrous ammonia is stored shall
35 ensure that whenever the container is left unattended, it is
36 equipped with a functioning locking device approved by the

1 commissioner of agriculture that is properly installed to
2 prevent any unauthorized access to the container.

3 (b) By August 1, 2005, the commissioner of agriculture
4 shall publish a list of locking devices that may be used to
5 comply with paragraph (a).

6 Subd. 5. [CRIMINAL PENALTY.] A person who violates
7 subdivision 2 is guilty of a felony and may be sentenced to
8 imprisonment for not more than five years or to payment of a
9 fine of not more than \$50,000, or both.

10 [EFFECTIVE DATE.] This section is effective August 1, 2005,
11 and applies to crimes committed on or after that date.

12 Sec. 8. [152.138] [METHAMPHETAMINE-RELATED CRIMES
13 INVOLVING CHILDREN AND VULNERABLE ADULTS.]

14 Subdivision 1. [DEFINITIONS.] (a) As used in this section,
15 the following terms have the meanings given.

16 (b) "Chemical substance" means a substance intended to be
17 used as a precursor in the manufacture of methamphetamine or any
18 other chemical intended to be used in the manufacture of
19 methamphetamine.

20 (c) "Child" means any person under the age of 18 years.

21 (d) "Methamphetamine paraphernalia" means all equipment,
22 products, and materials of any kind that are used, intended for
23 use, or designed for use in manufacturing, injecting, ingesting,
4 inhaling, or otherwise introducing methamphetamine into the
25 human body.

26 (e) "Methamphetamine waste products" means substances,
27 chemicals, or items of any kind used in the manufacture or
28 attempted manufacture of methamphetamine or any part of the
29 manufacturing process, or the by-products or degradates of
30 manufacturing or attempting to manufacture methamphetamine.

31 (f) "Vulnerable adult" has the meaning given in section
32 609.232, subdivision 11.

33 Subd. 2. [PROHIBITED CONDUCT.] (a) No person may knowingly
4 engage in any of the following activities in the presence of a
35 child or vulnerable adult; in the residence of a child or a
36 vulnerable adult; in a building, structure, conveyance, or

1 outdoor location where a child or vulnerable adult might
2 reasonably be expected to be present; in a room offered to the
3 public for overnight accommodation; or in any multiple unit
4 residential building;

5 (1) manufacturing or attempting to manufacture
6 methamphetamine;

7 (2) storing any chemical substance;

8 (3) storing any methamphetamine waste products; or

9 (4) storing any methamphetamine paraphernalia.

10 (b) No person may knowingly cause or permit a child or
11 vulnerable adult to inhale, be exposed to, have contact with, or
12 ingest methamphetamine, a chemical substance, or methamphetamine
13 paraphernalia.

14 Subd. 3. [CRIMINAL PENALTY.] A person who violates
15 subdivision 2 is guilty of a felony and may be sentenced to
16 imprisonment for not more than five years or to payment of a
17 fine of not more than \$10,000, or both.

18 Subd. 4. [MULTIPLE SENTENCES; CONSECUTIVE
19 SENTENCES.] Notwithstanding sections 609.035 and 609.04, a
20 prosecution for or conviction under this section is not a bar to
21 conviction of or punishment for any other crime committed by the
22 defendant as part of the same conduct. Notwithstanding any
23 provision of the sentencing guidelines, the court may provide
24 that a sentence imposed for a violation of this section shall
25 run consecutively to any sentence imposed for the intended
26 criminal act. A decision of the court to impose consecutive
27 sentences under this subdivision is not a departure from the
28 sentencing guidelines.

29 Subd. 5. [PROTECTIVE CUSTODY.] A peace officer may take
30 any child present in an area where any of the activities
31 described in subdivision 2, paragraph (a), clauses (1) to (4),
32 are taking place into protective custody under section 260C.175,
33 subdivision 1, paragraph (b), clause (2). A child taken into
34 protective custody under this subdivision shall be provided
35 health screening to assess potential health concerns related to
36 methamphetamine, its manufacture, or its attempted manufacture

1 as provided in section 260C.188. A child not taken into
2 protective custody under this subdivision, but who is known to
3 have been exposed to methamphetamine, its manufacture, or its
4 attempted manufacture, shall be offered health screening for
5 potential health concerns related to methamphetamine, its
6 manufacture, or its attempted manufacture as provided in section
7 260C.188.

8 Subd. 6. [REPORTING MALTREATMENT OF VULNERABLE ADULTS.](a)
9 A peace officer shall make a report of suspected maltreatment of
10 a vulnerable adult if the vulnerable adult is present in an area
11 where any of the activities described in subdivision 2,
12 paragraph (a), clauses (1) to (4), are taking place, and the
13 peace officer has reason to believe the vulnerable adult
14 inhaled, was exposed to, had contact with, or ingested
15 methamphetamine, a chemical substance, or methamphetamine
16 paraphernalia. The peace officer shall immediately report to
17 the county common entry point as described in section 626.557,
18 subdivision 9b.

19 (b) As required in section 626.557, subdivision 9b, law
20 enforcement is the primary agency to conduct investigations of
21 any incident when there is reason to believe a crime has been
22 committed. Law enforcement shall initiate a response
23 immediately. If the common entry point notified a county agency
24 for adult protective services, law enforcement shall cooperate
25 with that county agency when both agencies are involved and
26 shall exchange data to the extent authorized in section 626.557,
27 subdivision 12b, paragraph (g). County adult protection shall
28 initiate a response immediately.

29 (c) The county social services agency shall immediately
30 respond as required in section 626.557, subdivision 10, upon
31 receipt of a report from the common entry point staff.

32 [EFFECTIVE DATE.] This section is effective August 1, 2005,
33 and applies to crimes committed on or after that date.

34 Sec. 9. [152.139] [DISPOSING OF METHAMPHETAMINE WASTE
35 PRODUCTS; CRIME.]

36 Subdivision 1. [DEFINITIONS.] As used in this section,

1 "methamphetamine waste product" and "chemical substance" have
2 the meanings given in section 152.138, subdivision 1.

3 Subd. 2. [CRIMES DESCRIBED; PENALTIES.] (a) Except as
4 provided in paragraph (b), a person who knowingly disposes of or
5 abandons any methamphetamine waste product or chemical substance
6 is guilty of a felony and may be sentenced to imprisonment for
7 not more than five years or to payment of a fine of not more
8 than \$50,000, or both.

9 (b) A person who knowingly disposes of or abandons any
10 methamphetamine waste product or chemical substance in a manner
11 that places another person in imminent danger of death, great
12 bodily harm, or substantial bodily harm, is guilty of a felony
13 and may be sentenced to imprisonment for not more than ten years
14 or to payment of a fine of not more than \$100,000, or both.

15 [EFFECTIVE DATE.] This section is effective August 1, 2005,
16 and applies to crimes committed on or after that date.

17 Sec. 10. [152.185] [METHAMPHETAMINE AWARENESS AND
18 EDUCATIONAL ACCOUNT; MINNESOTA METH WATCH.]

19 Subdivision 1. [ACCOUNT ESTABLISHED; EDUCATIONAL PROGRAM.]
20 The methamphetamine awareness and educational account is a
21 special revenue account in the state treasury. Money in the
22 account is appropriated to the commissioner of public safety to
23 be used to support projects relating to educating retailers and
24 the public on the dangers of methamphetamine and methamphetamine
25 precursor drugs and the laws and regulations governing their
26 use, including an educational initiative entitled "Minnesota
27 meth watch" addressing methamphetamine, its use and manufacture,
28 and the impact of methamphetamine-related activities on
29 children, the environment, and the state's quality of life.

30 Subd. 2. [CONTRIBUTIONS.] The state may accept
31 contributions, gifts, grants, and bequests for deposit into the
32 fund.

33 [EFFECTIVE DATE.] This section is effective July 1, 2005.

34 Sec. 11. Minnesota Statutes 2004, section 168A.05,
35 subdivision 3, is amended to read:

36 Subd. 3. [CONTENT OF CERTIFICATE.] Each certificate of

1 title issued by the department shall contain:

2 (1) the date issued;

3 (2) the first, middle, and last names, the dates of birth,
4 and addresses of all owners who are natural persons, the full
5 names and addresses of all other owners;

6 (3) the names and addresses of any secured parties in the
7 order of priority as shown on the application, or if the
8 application is based on a certificate of title, as shown on the
9 certificate, or as otherwise determined by the department;

10 (4) any liens filed pursuant to a court order or by a
11 public agency responsible for child support enforcement against
12 the owner;

13 (5) the title number assigned to the vehicle;

14 (6) a description of the vehicle including, so far as the
15 following data exists, its make, model, year, identifying
16 number, type of body, whether new or used, and if a new vehicle,
17 the date of the first sale of the vehicle for use;

18 (7) with respect to motor vehicles subject to the
19 provisions of section 325E.15, the true cumulative mileage
20 registered on the odometer or that the actual mileage is unknown
21 if the odometer reading is known by the owner to be different
22 from the true mileage;

23 (8) with respect to vehicles subject to sections 325F.6641
24 and 325F.6642, the appropriate term "flood damaged," "rebuilt,"
25 "prior salvage," or "reconstructed"; and

26 (9) with respect to a vehicle contaminated by
27 methamphetamine production or attempted methamphetamine
28 production, if the registrar had received the certificate of
29 title and notice described in section 152.0275, subdivision 2,
30 paragraph (f), the term "hazardous waste contaminated vehicle";
31 and

32 (10) any other data the department prescribes.

33 [EFFECTIVE DATE.] This section is effective July 1, 2005.

4 Sec. 12. [446A.083] [METHAMPHETAMINE LABORATORY CLEANUP
35 REVOLVING FUND.]

36 Subdivision 1. [DEFINITIONS.] As used in this section:

1 (1) "clandestine lab site" has the meaning given in section
2 152.0275, subdivision 1, paragraph (a);

3 (2) "property" has the meaning given in section 152.0275,
4 subdivision 2, paragraph (a), but does not include motor
5 vehicles; and

6 (3) "remediate" has the meaning given to remediation in
7 section 152.0275, subdivision 1, paragraph (a).

8 Subd. 2. [FUND ESTABLISHED.] The authority shall establish
9 a methamphetamine laboratory cleanup revolving fund to provide
10 loans to counties and cities to remediate clandestine lab
11 sites. The fund must be credited with repayments.

12 Subd. 3. [APPLICATIONS.] Applications by a county or city
13 for a loan from the fund must be made to the authority on the
14 forms prescribed by the authority. The application must
15 include, but is not limited to:

16 (1) the amount of the loan requested and the proposed use
17 of the loan proceeds;

18 (2) the source of revenues to repay the loan; and

19 (3) certifications by the county or city that it meets the
20 loan eligibility requirements of subdivision 4.

21 Subd. 4. [LOAN ELIGIBILITY.] A county or city is eligible
22 for a loan under this section if the county or city:

23 (1) identifies a site or sites designated by a local public
24 health department or law enforcement as a clandestine lab site;

25 (2) has required the site's property owner to remediate the
26 site at cost, under chapter 145A or a local public health
27 nuisance ordinance that addresses clandestine lab remediation;

28 (3) certifies that the property owner cannot pay for the
29 remediation immediately;

30 (4) certifies that the property owner has not properly
31 remediated the site; and

32 (5) issues a revenue bond payable to the authority to
33 secure the loan.

34 Subd. 5. [USE OF LOAN PROCEEDS; REIMBURSEMENT BY PROPERTY
35 OWNER.] (a) A loan recipient shall use the loan to remediate the
36 clandestine lab site, or, if this has already been done, to

1 reimburse the applicable county or city fund for costs paid by
2 the recipient to remediate the clandestine lab site.

3 (b) A loan recipient shall seek reimbursement from the
4 owner of the property containing the clandestine lab site for
5 the costs of the remediation. In addition to other lawful means
6 of seeking reimbursement, the loan recipient may recover its
7 costs through a property tax assessment by following the
8 procedure specified in section 145A.08, subdivision 2, paragraph
9 (c).

10 Subd. 6. [AWARD AND DISBURSEMENT OF FUNDS.] The authority
11 shall award loans to recipients on a first-come, first-served
12 basis, provided that the recipient is able to comply with the
13 terms and conditions of the authority loan, which must be in
14 conformance with this section. The authority shall make a
15 single disbursement of the loan upon receipt of a payment
16 request that includes a list of remediation expenses and
17 evidence that a second-party sampling was undertaken to ensure
18 that the remediation work was successful or a guarantee that
19 such a sampling will be undertaken.

20 Subd. 7. [LOAN CONDITIONS AND TERMS.] (a) When making
21 loans from the revolving fund, the authority shall comply with
22 the criteria in paragraphs (b) to (e).

23 (b) Loans must be made at a two percent per annum interest
24 rate for terms not to exceed ten years unless the recipient
25 requests a 20-year term due to financial hardship.

26 (c) The annual principal and interest payments must begin
27 no later than one year after completion of the cleanup. Loans
28 must be amortized no later than 20 years after completion of the
29 cleanup.

30 (d) The fund must be credited with all payments of
31 principal and interest on all loans, except the costs as
32 permitted under section 446A.04, subdivision 5, paragraph (a).

33 (e) Loans must be made only to recipients with clandestine
34 lab ordinances that address remediation.

35 Subd. 8. [AUTHORITY TO INCUR DEBT.] Counties and cities
36 may incur debt under this section by resolution of the board or

1 council authorizing issuance of a revenue bond to the authority.

2 [EFFECTIVE DATE.] This section is effective July 1, 2005.

3 Sec. 13. Minnesota Statutes 2004, section 609.1095,
4 subdivision 1, is amended to read:

5 Subdivision 1. [DEFINITIONS.] (a) As used in this section,
6 the following terms have the meanings given.

7 (b) "Conviction" means any of the following accepted and
8 recorded by the court: a plea of guilty, a verdict of guilty by
9 a jury, or a finding of guilty by the court. The term includes
10 a conviction by any court in Minnesota or another jurisdiction.

11 (c) "Prior conviction" means a conviction that occurred
12 before the offender committed the next felony resulting in a
13 conviction and before the offense for which the offender is
14 being sentenced under this section.

15 (d) "Violent crime" means a violation of or an attempt or
16 conspiracy to violate any of the following laws of this state or
17 any similar laws of the United States or any other state:

18 ~~section~~ sections 152.138; 609.165; 609.185; 609.19; 609.195;
19 609.20; 609.205; 609.21; 609.221; 609.222; 609.223; 609.228;
20 609.235; 609.24; 609.245; 609.25; 609.255; 609.2661; 609.2662;
21 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268;
22 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1;
23 609.561; 609.562; 609.582, subdivision 1; 609.66, subdivision
24 1e; 609.687; 609.855, subdivision 5; any provision of sections
25 609.229; 609.377; 609.378; 609.749; and 624.713 that is
26 punishable by a felony penalty; or any provision of chapter 152
27 that is punishable by a maximum sentence of 15 years or more.

28 [EFFECTIVE DATE.] This section is effective August 1, 2005,
29 and applies to crimes committed on or after that date.

30 Sec. 14. Minnesota Statutes 2004, section 617.81, is
31 amended by adding a subdivision to read:

32 Subd. 2b. [EXCEPTION; NUISANCES INVOLVING METHAMPHETAMINE
33 MANUFACTURE.] Notwithstanding subdivision 2, for purposes of
34 sections 617.80 to 617.87, a public nuisance exists upon proof
35 of one or more behavioral incidents involving the manufacturing
36 or attempted manufacture of methamphetamine in the previous 12

1 months within the building. The requirement of two or more
2 behavioral incidents in subdivision 2, paragraph (b), does not
3 apply to incidents involving the manufacturing or attempted
4 manufacture of methamphetamine.

5 [EFFECTIVE DATE.] This section is effective August 1, 2005,
6 and applies to acts committed on or after that date.

7 Sec. 15. Minnesota Statutes 2004, section 617.81,
8 subdivision 4, is amended to read:

9 Subd. 4. [NOTICE.] (a) If a prosecuting attorney has
10 reason to believe that a nuisance is maintained or permitted in
11 the jurisdiction the prosecuting attorney serves, and intends to
12 seek abatement of the nuisance, the prosecuting attorney shall
13 provide the written notice described in paragraph (b), by
14 personal service or certified mail, return receipt requested, to
15 the owner and all interested parties known to the prosecuting
16 attorney.

17 (b) The written notice must:

18 (1) state that a nuisance as defined in subdivision 2 is
19 maintained or permitted in the building and must specify the
20 kind or kinds of nuisance being maintained or permitted;

21 (2) summarize the evidence that a nuisance is maintained or
22 permitted in the building, including the date or dates on which
23 nuisance-related activity or activities are alleged to have
24 occurred;

25 (3) inform the recipient that failure to abate the conduct
26 constituting the nuisance or to otherwise resolve the matter
27 with the prosecuting attorney within 30 days of service of the
28 notice may result in the filing of a complaint for relief in
29 district court that could, among other remedies, result in
30 enjoining the use of the building for any purpose for one year
31 or, in the case of a tenant, could result in cancellation of the
32 lease; and

33 (4) inform the owner of the options available under section
34 617.85.

35 [EFFECTIVE DATE.] This section is effective August 1, 2005,
36 and applies to acts committed on or after that date.

1 Sec. 16. Minnesota Statutes 2004, section 617.85, is
2 amended to read:

3 617.85 [NUISANCE; MOTION TO CANCEL LEASE.]

4 Where notice is provided under section 617.81, subdivision
5 4, that an abatement of a nuisance is sought and the
6 circumstances that are the basis for the requested abatement
7 involved the acts of a commercial or residential tenant or
8 lessee of part or all of a building, the owner of the building
9 that is subject to the abatement proceeding may file before the
10 court that has jurisdiction over the abatement proceeding a
11 motion to cancel the lease or otherwise secure restitution of
12 the premises from the tenant or lessee who has maintained or
13 conducted the nuisance. The owner may assign to the prosecuting
14 attorney the right to file this motion. In addition to the
15 grounds provided in chapter 566, the maintaining or conducting
16 of a nuisance as defined in section 617.81, subdivision 2, by a
17 tenant or lessee, is an additional ground authorized by law for
18 seeking the cancellation of a lease or the restitution of the
19 premises. Service of motion brought under this section must be
20 served in a manner that is sufficient under the Rules of Civil
21 Procedure and chapter 566.

22 It is no defense to a motion under this section by the
23 owner or the prosecuting attorney that the lease or other
24 agreement controlling the tenancy or leasehold does not provide
25 for eviction or cancellation of the lease upon the ground
26 provided in this section.

27 Upon a finding by the court that the tenant or lessee has
28 maintained or conducted a nuisance in any portion of the
29 building, the court shall order cancellation of the lease or
30 tenancy and grant restitution of the premises to the owner. The
31 court must not order abatement of the premises if the court:

32 (a) cancels a lease or tenancy and grants restitution of
33 that portion of the premises to the owner; and

34 (b) further finds that the act or acts constituting the
35 nuisance as defined in section 617.81, subdivision 2, were
36 committed by the tenant or lessee whose lease or tenancy has

1 been canceled pursuant to this section and the tenant or lessee
2 was not committing the act or acts in conjunction with or under
3 the control of the owner.

4 [EFFECTIVE DATE.] This section is effective August 1, 2005,
5 and applies to acts committed on or after that date.

6 Sec. 17. [REQUESTED LEGISLATIVE AUDITOR'S REPORT; DRUG
7 TREATMENT.]

8 (a) The Legislative Audit Commission is requested to direct
9 the legislative auditor to study and issue a report on the
10 efficacy of controlled substance treatment programs for criminal
11 offenders in Minnesota. The report must include programs
12 offered in state and local correctional facilities and
13 community-based programs. The auditor shall study the programs
14 offered for each type of controlled substance addiction. The
15 report must compare the costs of the programs and their success
16 rates. The report must also address funding sources for these
17 programs, including, but not limited to, rule 25 funding. To
18 the degree feasible, the auditor shall investigate treatment
19 programs offered in other states for controlled substance
20 offenders and compare the breadth and comprehensiveness of the
21 treatment options available in Minnesota, their costs, and their
22 success rates to those in other states.

23 (b) If the Legislative Audit Commission directs the
24 legislative auditor to conduct the study described in paragraph
25 (a), the auditor shall report its findings to the legislature by
26 February 1, 2006.

27 [EFFECTIVE DATE.] This section is effective July 1, 2005.

28 Sec. 18. [BOARD OF VETERINARY MEDICINE REPORT, PRECURSOR
29 ANIMAL PRODUCTS.]

30 The Minnesota Board of Veterinary Medicine shall study and
31 issue a report on animal products that may be used in the
32 manufacture of methamphetamine. The report must include
33 proposals for restricting access to such products only to
34 legitimate users, specifically addressing the manufacturing,
35 wholesaling, distributing, and retailing of precursor veterinary
36 products. The board shall report its findings to the chairs and

1 ranking minority members of the senate and house committees
2 having jurisdiction over criminal justice and veterinary policy
3 by February 1, 2006.

4 [EFFECTIVE DATE.] This section is effective the day
5 following final enactment.

6 Sec. 19. [APPROPRIATIONS.]

7 Subdivision 1. [CORRECTIONS.] (a) \$..... is appropriated
8 from the general fund for the fiscal year ending June 30, 2006,
9 and \$..... is appropriated from the general fund for the
10 fiscal year ending June 30, 2007, to the commissioner of
11 corrections. Of this amount, \$..... the first year is for the
12 report described in paragraph (b), and \$..... the second year
13 is for increased costs associated with this act.

14 (b) By March 15, 2006, the commissioner shall report to the
15 chairs and ranking minority members of the senate and house
16 committees or divisions having jurisdiction over criminal
17 justice policy and funding on issues related to
18 methamphetamine. The report must include, but is not limited
19 to, an analysis of the current number of state correctional
20 inmates incarcerated on a methamphetamine-related crime,
21 information on how that number compares to that of recent years,
22 a projection of the number of future state correctional inmates
23 incarcerated on a methamphetamine-related charge, recidivism
24 information for released methamphetamine offenders, the types of
25 treatment offered to methamphetamine offenders in prison and the
26 costs of this treatment, and to the degree possible, the same
27 information described in this section for methamphetamine
28 offenders at the local level.

29 Subd. 2. [PUBLIC DEFENSE.] \$..... is appropriated from
30 the general fund for the fiscal year ending June 30, 2006, and
31 \$..... is appropriated from the general fund for the fiscal
32 year ending June 30, 2007, to the Board of Public Defense. Of
33 this amount, \$..... the first year and \$..... the second
34 year are for an increased methamphetamine caseload, and \$.....
35 the first year and \$..... the second year are for a
36 methamphetamine trial team.

1 Subd. 3. [COURTS.] \$..... is appropriated from the
 2 general fund for the fiscal year ending June 30, 2006, and
 3 \$..... is appropriated from the general fund for the fiscal
 4 year ending June 30, 2007, to the state court administrator for
 5 increased costs associated with this act.

6 Subd. 4. [HUMAN SERVICES.] (a) \$..... is appropriated
 7 from the general fund for the fiscal year ending June 30, 2006,
 8 and \$..... is appropriated from the general fund for the
 9 fiscal year ending June 30, 2007, to the commissioner of human
 10 services for grants to counties or groups of counties to fund
 11 three pilot project methamphetamine treatment programs for
 12 offenders convicted of methamphetamine-related crimes.

13 (b) The commissioner shall report items listed in clauses
 14 (1) and (2) relating to the grants described in paragraph (a) to
 15 the chairs and ranking minority members of the senate and house
 16 committees or divisions having jurisdiction over human services
 17 and criminal justice funding:

18 (1) by February 15, 2006, the commissioner shall report the
 19 amount of each grant, who the grant recipient was, and specific
 20 information about the treatment program funded, including, but
 21 not limited to, the nature of the treatment offered, the
 22 structure of the program, and initial information about the
 23 completion rate of offenders who entered the program; and

4 (2) by February 15, 2008, the commissioner shall report
 25 information on the success of the pilot programs funded,
 26 including recidivism data on offenders who entered the program.

27 Subd. 5. [EMPLOYMENT AND ECONOMIC DEVELOPMENT.] \$.....
 28 is appropriated from the general fund for the fiscal year ending
 29 June 30, 2006, and \$..... is appropriated from the general
 30 fund for the fiscal year ending June 30, 2007, to the
 31 commissioner of employment and economic development to carry out
 32 the Public Facilities Authority's duties involving the
 33 methamphetamine laboratory cleanup revolving fund under
 4 Minnesota Statutes, section 446A.083.

35 [EFFECTIVE DATE.] This section is effective July 1, 2005.

36 Sec. 20. [REPEALER.]

1 Minnesota Statutes 2004, sections 18C.005, subdivisions 1a
2 and 35a; 18C.201, subdivisions 6 and 7; and 18D.331, subdivision
3 5, are repealed.

4 [EFFECTIVE DATE.] This section is effective August 1, 2005,
5 and applies to crimes committed on or after that date.

APPENDIX
Repealed Minnesota Statutes for 05-2438

18C.005 DEFINITIONS.

Subd. 1a. **Anhydrous ammonia.** "Anhydrous ammonia" means a compound formed by the chemical combination of the elements nitrogen and hydrogen in the molar proportion of one part nitrogen to three parts hydrogen. This relationship is shown by the chemical formula, NH_3 . On a weight basis, the ratio is 14 parts nitrogen to three parts hydrogen or approximately 82 percent nitrogen to 18 percent hydrogen. Anhydrous ammonia may exist in either a gaseous or a liquid state.

Subd. 35a. **Tamper.** "Tamper" means action taken by a person not authorized to take that action by law or by the owner or authorized custodian of an anhydrous ammonia container or of equipment where anhydrous ammonia is used, stored, distributed, or transported.

18C.201 PROHIBITED FERTILIZER ACTIVITIES.

Subd. 6. **Anhydrous ammonia.** (a) A person may not:

(1) place, have placed, or possess anhydrous ammonia in a container that is not designed, constructed, maintained, and authorized to contain or transport anhydrous ammonia;

(2) transport anhydrous ammonia in a container that is not designed, constructed, maintained, and authorized to transport anhydrous ammonia;

(3) use, deliver, receive, sell, or transport a container designed and constructed to contain anhydrous ammonia without the express consent of the owner or authorized custodian of the container; or

(4) tamper with any equipment or facility used to contain, store, or transport anhydrous ammonia.

(b) For the purposes of this subdivision, containers designed and constructed for the storage and transport of anhydrous ammonia are described in rules adopted under section 18C.121, subdivision 1, or in Code of Federal Regulations, title 49.

Subd. 7. **No cause of action.** (a) Except as provided in paragraph (b), a person tampering with anhydrous ammonia containers or equipment under subdivision 6 shall have no cause of action for damages arising out of the tampering against (1) the owner or lawful custodian of the container or equipment; (2) a person responsible for the installation or maintenance of the container or equipment; or (3) a person lawfully selling or offering for sale the anhydrous ammonia.

(b) Paragraph (a) does not apply to a cause of action against a person who unlawfully obtained the anhydrous ammonia or anhydrous ammonia container or who possesses the anhydrous ammonia or anhydrous ammonia container for any unlawful purpose.

18D.331 CRIMINAL PENALTIES.

Subd. 5. **Anhydrous ammonia containment, tampering, theft, transport.** A person who knowingly violates section 18C.201, subdivision 6, is guilty of a felony and may be sentenced to imprisonment for not more than five years, or to payment of a fine of not more than \$50,000, or both.

1 the opportunity to object to the closure before a closure order.
2 The judge shall specify the reasons for closure in an order
3 closing all or part of the trial. Upon closure the judge shall
4 only admit persons who have a direct interest in the case.

5 [EFFECTIVE DATE.] This section is effective August 1, 2004,
6 and applies to crimes committed on or after that date.

7 Sec. 14. [REVISOR INSTRUCTION.]

8 (a) The revisor of statutes shall renumber Minnesota
9 Statutes, section 609.3452, as Minnesota Statutes, section
10 609.3457, and correct cross-references. In addition, the
11 revisor shall delete the reference in Minnesota Statutes,
12 section 13.871, subdivision 3, paragraph (d), to Minnesota
13 Statutes, section 609.3452, and insert a reference to Minnesota
14 Statutes, section 609.3457. The revisor shall include a
15 notation in Minnesota Statutes to inform readers of the statutes
16 of the renumbering of section 609.3457.

17 (b) In addition to the specific changes described in
18 paragraph (a), the revisor of statutes shall make other
19 technical changes necessitated by this act.

20 ARTICLE 18

21 METHAMPHETAMINE PROVISIONS

22 Section 1. [152.015] [GBL AND BDO.]

23 Gamma-butyrolactone (GBL) and 1,4-Butanediol (BDO) are not
24 controlled substances and are exempted from regulation under
25 this chapter when:

26 (1) intended for industrial use and not for human
27 consumption; or

28 (2) occurring in a natural concentration and not the result
29 of deliberate addition.

30 [EFFECTIVE DATE.] This section is effective July 1, 2004.

31 Sec. 2. [152.016] [SURCHARGE ON VIOLATIONS OF THIS
32 CHAPTER.]

33 Subdivision 1. [WHEN REQUIRED.] (a) When a court sentences
34 a person convicted of an offense under this chapter, it shall
35 impose a surcharge of \$50. This section applies when the
36 sentence is executed, stayed, or suspended. The court may not

1 waive payment or authorize payment of the surcharge in
2 installments unless it makes written findings on the record that
3 the convicted person is indigent or that the surcharge would
4 create undue hardship for the convicted person or that person's
5 immediate family.

6 (b) The surcharge required under this section is in
7 addition to the surcharge required by section 357.021,
8 subdivision 6 (surcharges on criminal and traffic offenders).

9 Subd. 2. [DISTRIBUTION OF MONEY.] The county shall collect
10 and forward the surcharge to the commissioner of finance within
11 60 days after sentencing or explain to the commissioner in
12 writing why the money was not forwarded within this time
13 period. The commissioner shall credit the money to the
14 methamphetamine awareness and educational account under section
15 152.185.

16 [EFFECTIVE DATE.] This section is effective July 1, 2004,
17 and applies to crimes committed on or after that date.

18 Sec. 3. Minnesota Statutes 2003 Supplement, section
19 152.021, subdivision 2a, is amended to read:

20 Subd. 2a. [METHAMPHETAMINE MANUFACTURE CRIMES CRIME;
21 POSSESSION OF SUBSTANCES WITH INTENT TO MANUFACTURE
22 METHAMPHETAMINE CRIME.] (a) Notwithstanding subdivision 1,
23 sections 152.022, subdivision 1, 152.023, subdivision 1, and
24 152.024, subdivision 1, a person is guilty of controlled
25 substance crime in the first degree if the person manufactures
26 any amount of methamphetamine.

27 (b) Notwithstanding-paragraph-(a)-and-section-609-17, A
28 person is guilty of attempted-manufacture-of-methamphetamine a
29 crime if the person possesses any chemical reagents or
30 precursors with the intent to manufacture methamphetamine. As
31 used in this section, "chemical reagents or precursors" refers
32 to one or more of the following substances, or their salts,
33 isomers, and salts of isomers:

- 34 (1) ephedrine;
- 35 (2) pseudoephedrine;
- 36 (3) phenyl-2-propanone;

- 1 (4) phenylacetone;
- 2 (5) anhydrous ammonia~~7-as-defined-in-section-18C-0057~~
- 3 ~~subdivision-1a;~~
- 4 (6) organic solvents;
- 5 (7) hydrochloric acid;
- 6 (8) lithium metal;
- 7 (9) sodium metal;
- 8 (10) ether;
- 9 (11) sulfuric acid;
- 10 (12) red phosphorus;
- 11 (13) iodine;
- 12 (14) sodium hydroxide;
- 13 (15) benzaldehyde;
- 14 (16) benzyl methyl ketone;
- 15 (17) benzyl cyanide;
- 16 (18) nitroethane;
- 17 (19) methylamine;
- 18 (20) phenylacetic acid;
- 19 (21) hydriodic acid; or
- 20 (22) hydriotic acid.

21 [EFFECTIVE DATE.] This section is effective August 1, 2004,
22 and applies to crimes committed on or after that date.

23 Sec. 4. Minnesota Statutes 2003 Supplement, section
24 152.021, subdivision 3, is amended to read:

25 Subd. 3. [PENALTY.] (a) A person convicted under
26 subdivisions 1 to 2a, paragraph (a), may be sentenced to
27 imprisonment for not more than 30 years or to payment of a fine
28 of not more than \$1,000,000, or both; a person convicted under
29 subdivision 2a, paragraph (b), may be sentenced to imprisonment
30 for not more than three ten years or to payment of a fine of not
31 more than ~~\$5,000~~ \$20,000, or both.

32 (b) If the conviction is a subsequent controlled substance
33 conviction, a person convicted under subdivisions 1 to 2a,
34 paragraph (a), shall be committed to the commissioner of
35 corrections for not less than four years nor more than 40 years
36 and, in addition, may be sentenced to payment of a fine of not

1 more than \$1,000,000; a person convicted under subdivision 2a,
2 paragraph (b), may be sentenced to imprisonment for not more
3 than four 15 years or to payment of a fine of not more than
4 ~~\$5,000~~ \$30,000, or both.

5 (c) In a prosecution under subdivision 1 involving sales by
6 the same person in two or more counties within a 90-day period,
7 the person may be prosecuted for all of the sales in any county
8 in which one of the sales occurred.

9 [EFFECTIVE DATE.] This section is effective August 1, 2004,
10 and applies to crimes committed on or after that date.

11 Sec. 5. [152.0275] [CERTAIN CONTROLLED SUBSTANCE OFFENSES;
12 RESTITUTION; PROHIBITIONS ON PROPERTY USE.]

13 Subdivision 1. [RESTITUTION.] (a) As used in this
14 subdivision:

15 (1) "clandestine lab site" means any structure or
16 conveyance or outdoor location occupied or affected by
17 conditions or chemicals, typically associated with the
18 manufacturing of methamphetamine;

19 (2) "emergency response" includes, but is not limited to,
20 removing and collecting evidence, securing the site, removal,
21 remediation, and hazardous chemical assessment or inspection of
22 the site where the relevant offense or offenses took place,
23 regardless of whether these actions are performed by the public
24 entities themselves or by private contractors paid by the public
25 entities, or the property owner;

26 (3) "remediation" means proper cleanup, treatment, or
27 containment of hazardous substances or methamphetamine at or in
28 a clandestine lab site, and may include demolition or disposal
29 of structures or other property when an assessment so indicates;
30 and

31 (4) "removal" means the removal from the clandestine lab
32 site of precursor or waste chemicals, chemical containers, or
33 equipment associated with the manufacture, packaging, or storage
34 of illegal drugs.

35 (b) A court shall require a person convicted of
36 manufacturing or attempting to manufacture a controlled

1 substance or of an illegal activity involving a precursor
2 substance, where the response to the crime involved an emergency
3 response, to pay restitution to all public entities that
4 participated in the response. The restitution ordered must
5 cover the reasonable costs of their participation in the
6 response.

7 (c) In addition to the restitution required in paragraph
8 (b), a court shall require a person convicted of manufacturing
9 or attempting to manufacture a controlled substance or of
10 illegal activity involving a precursor substance to pay
11 restitution to a property owner who incurred removal or
12 remediation costs because of the crime.

13 (d) Notwithstanding paragraphs (b) and (c), if the court
14 finds that the convicted person is indigent or that payment of
15 the restitution would create undue hardship for the convicted
16 person's immediate family, the court may reduce the amount of
17 restitution to an appropriate level.

18 Subd. 2. [PROPERTY-RELATED PROHIBITIONS; WEB SITE.] (a) As
19 used in this subdivision:

20 (1) "clandestine lab site" has the meaning given in
21 subdivision 1, paragraph (a);

22 (2) "property" includes buildings and other structures, and
23 motor vehicles as defined in section 609.487, subdivision 2a.
24 Property also includes real property whether publicly or
25 privately owned and public waters and rights-of-way;

26 (3) "remediation" has the meaning given in subdivision 1,
27 paragraph (a); and

28 (4) "removal" has the meaning given in subdivision 1,
29 paragraph (a).

30 (b) A peace officer who arrests a person at a clandestine
31 lab site shall notify the appropriate county or local health
32 department, state duty officer, and child protection services of
33 the arrest and the location of the site.

34 (c) A county or local health department or sheriff shall
35 order that all property that has been found to be a clandestine
36 lab site and contaminated by substances, chemicals, or items of

1 any kind used in the manufacture of methamphetamine or any part
 2 of the manufacturing process, or the by-products or degradates
 3 of manufacturing methamphetamine be prohibited from being
 4 occupied, rented, sold, or used until it has been assessed and
 5 remediated as provided in the Department of Health's clandestine
 6 drug labs general cleanup guidelines.

7 (d) Unless clearly inapplicable, the procedures specified
 8 in chapter 145A and any related rules adopted under that chapter
 9 addressing the enforcement of public health laws, the removal
 10 and abatement of public health nuisances, and the remedies
 11 available to property owners or occupants apply to this
 12 subdivision.

13 (e) Upon the proper removal and remediation of any property
 14 used as a clandestine lab site, the contractor shall verify to
 15 the applicable authority that issued the order under paragraph
 16 (c) that the work was completed according to the Department of
 17 Health's clandestine drug labs general cleanup guidelines and
 18 best practices and that levels of contamination have been
 19 reduced to levels set forth in the guidelines. Following this,
 20 the applicable authority shall vacate its order.

21 (f) If the applicable authority determines under paragraph
 22 (c) that a motor vehicle has been contaminated by substances,
 23 chemicals, or items of any kind used in the manufacture of
 24 methamphetamine or any part of the manufacturing process, or the
 25 by-products or degradates of manufacturing methamphetamine and
 26 if the authority is able to obtain the certificate of title for
 27 the motor vehicle, the authority shall notify the registrar of
 28 motor vehicles of this fact and in addition, forward the
 29 certificate of title to the registrar. The authority shall also
 30 notify the registrar when it vacates its order under paragraph
 31 (e).

32 (g) The commissioner of health shall create and maintain an
 33 Internet Web site and post on the Web site contact information
 34 for each local community health services administrator.

35 (h) Each local community health services administrator
 36 shall maintain information related to property within the

1 administrator's jurisdiction that is currently or was previously
2 subject to an order issued under paragraph (c). The information
3 maintained must include the location of the property, the extent
4 of the contamination, the status of the removal and remediation
5 work on the property, and whether the order has been vacated.
6 The administrator shall make this information available to the
7 public either upon request or by other means.

8 [EFFECTIVE DATE.] This section is effective August 1, 2004,
9 and applies to crimes committed on or after that date.

10 Sec. 6. Minnesota Statutes 2002, section 152.135,
11 subdivision 2, is amended to read:

12 Subd. 2. [EXCEPTIONS.] (a) A drug product containing
13 ephedrine, its salts, optical isomers, and salts of optical
14 isomers is exempt from subdivision 1 if the drug product:

15 (1) may be lawfully sold over the counter without a
16 prescription under the federal Food, Drug, and Cosmetic Act,
17 United States Code, title 21, section 321, et seq.;

18 (2) is labeled and marketed in a manner consistent with the
19 pertinent OTC Tentative Final or Final Monograph;

20 (3) is manufactured and distributed for legitimate
21 medicinal use in a manner that reduces or eliminates the
22 likelihood of abuse;

23 (4) is not marketed, advertised, or labeled for the
24 indication of stimulation, mental alertness, weight loss, muscle
25 enhancement, appetite control, or energy; and

26 (5) is in solid oral dosage forms, including soft gelatin
27 caplets, that combine 400 milligrams of guaifenesin and 25
28 milligrams of ephedrine per dose, according to label
29 instructions; or is an anorectal preparation containing not more
30 than five percent ephedrine; and

31 (6) is sold in a manner that does not conflict with section
32 152.136.

33 (b) Subdivisions 1 and 3 shall not apply to products
34 containing ephedra or ma huang and lawfully marketed as dietary
35 supplements under federal law.

36 [EFFECTIVE DATE.] This section is effective August 1, 2004,

1 and applies to crimes committed on or after that date.

2 Sec. 7. [152.136] [SALES OF METHAMPHETAMINE PRECURSOR
3 DRUGS; CRIMINAL PENALTIES; REPORTING.]

4 Subdivision 1. [DEFINITIONS.] (a) As used in this section,
5 the following terms have the meanings given.

6 (b) "Methamphetamine precursor drug" includes single-source
7 methamphetamine precursor drugs and non-single-source
8 methamphetamine precursor drugs.

9 (c) "Non-single-source methamphetamine precursor drug"
10 means a combination drug or product containing as one of its
11 active ingredients ephedrine or pseudoephedrine. However, the
12 term does not include a single-source methamphetamine precursor
13 drug.

14 (d) "Over-the-counter sale" means a retail sale of a drug
15 or product but does not include the sale of a drug or product
16 pursuant to the terms of a valid prescription.

17 (e) "Single-source methamphetamine precursor drug" means a
18 drug or product containing as its sole active ingredient
19 ephedrine or pseudoephedrine.

20 (f) "Suspicious transaction" means the sale, distribution,
21 delivery, or other transfer of a substance under circumstances
22 that would lead a reasonable person to believe that the
23 substance is likely to be used to illegally manufacture a
24 controlled substance based on factors such as the amount of the
25 substance involved in the transaction, the method of payment,
26 the method of delivery, and any past dealings with any
27 participant in the transaction.

28 Subd. 2. [PROHIBITED CONDUCT.] (a) No person may sell in a
29 single over-the-counter sale more than three packages of a
30 methamphetamine precursor drug or a combination of
31 methamphetamine precursor drugs or any combination of packages
32 exceeding a total weight of nine grams.

33 (b) Over-the-counter sales of methamphetamine precursor
34 drugs are limited to:

35 (1) packages containing not more than a total of three
36 grams of one or more methamphetamine precursor drugs, calculated

1 in terms of ephedrine base or pseudoephedrine base; or

2 (2) for nonliquid products, sales in blister packs, where
3 each blister contains not more than two dosage units, or, if the
4 use of blister packs is not technically feasible, sales in unit
5 dose packets or pouches.

6 (c) A business establishment that offers for sale
7 single-source methamphetamine precursor drugs in an
8 over-the-counter sale shall do one of the following:

9 (1) ensure that all packages of the drugs are displayed and
10 offered for sale only:

11 (i) behind a checkout counter where the public is not
12 permitted;

13 (ii) inside a locked display case; or

14 (iii) within ten feet of an unobstructed view of an
15 attended checkout counter;

16 (2) utilize an electronic antitheft system having a product
17 tag and detection alarm designed to specifically prevent the
18 theft of the drugs from the business establishment; or

19 (3) prohibit sales of the drugs to persons under the age of
20 18 years.

21 It is an affirmative defense to a charge under clause (3) if the
22 defendant proves by a preponderance of the evidence that the
23 defendant reasonably and in good faith relied on proof of age as
24 described in section 340A.503, subdivision 6.

25 Subd. 3. [CRIMINAL PENALTY.] A person who knowingly
26 violates subdivision 2 is guilty of a misdemeanor and may be
27 sentenced to imprisonment for not more than 90 days, or to
28 payment of a fine of not more than \$1,000, or both.

29 Subd. 4. [EXCEPTION TO CRIMINAL PENALTY.] (a) An owner,
30 operator, supervisor, or manager of a business establishment
31 that offers for sale methamphetamine precursor drugs whose
32 employee or agent is convicted of or charged with violating this
33 section is not subject to the criminal penalties for violating
34 this section if the person:

35 (1) did not have prior knowledge of, participate in, or
36 direct the employee or agent to commit the violation; and

1 (2) documents that an employee training program was in
2 place to provide the employee or agent with information on the
3 state and federal regulations regarding methamphetamine
4 precursor drugs.

5 (b) Subdivisions 2 and 3 do not apply to a methamphetamine
6 precursor drug that is manufactured in a manner that prevents
7 the drug from being used to manufacture methamphetamine.

8 Subd. 5. [SUSPICIOUS TRANSACTIONS; REPORTING;
9 IMMUNITY.] Any person employed by a business establishment that
10 offers for sale methamphetamine precursor drugs who sells such a
11 drug to any person in a suspicious transaction shall report the
12 transaction to the owner, supervisor, or manager of the
13 establishment. The owner, supervisor, or manager may report the
14 transaction to local law enforcement. A person who reports
15 information under this subdivision in good faith is immune from
16 civil liability relating to the report.

17 Subd. 6. [EXEMPTION.] This section does not apply to
18 pediatric products labeled pursuant to federal regulation
19 primarily intended for administration to children under 12 years
20 of age according to label instructions.

21 Subd. 7. [EFFECT ON LOCAL ORDINANCES.] This section
22 preempts all local ordinances or regulations governing the sale
23 by a retail distributor of over-the-counter products containing
24 ephedrine or pseudoephedrine. Any existing local ordinance or
25 regulation is void.

26 [EFFECTIVE DATE.] This section is effective August 1, 2004,
27 and applies to crimes committed on or after that date.

28 Sec. 8. [152.137] [ANHYDROUS AMMONIA; PROHIBITED CONDUCT;
29 CRIMINAL PENALTIES; CIVIL LIABILITY.]

30 Subdivision 1. [DEFINITIONS.] As used in this section,
31 "tamper" means action taken by a person not authorized to take
32 that action by law or by the owner or authorized custodian of an
33 anhydrous ammonia container or of equipment where anhydrous
34 ammonia is used, stored, distributed, or transported.

35 Subd. 2. [PROHIBITED CONDUCT.] (a) A person may not:
36 (1) steal or unlawfully take or carry away any amount of

1 anhydrous ammonia;

2 (2) purchase, possess, transfer or distribute any amount of
3 anhydrous ammonia, knowing, or having reason to know, that it
4 will be used to unlawfully manufacture a controlled substance;

5 (3) place, have placed, or possess anhydrous ammonia in a
6 container that is not designed, constructed, maintained, and
7 authorized to contain or transport anhydrous ammonia;

8 (4) transport anhydrous ammonia in a container that is not
9 designed, constructed, maintained, and authorized to transport
10 anhydrous ammonia;

11 (5) use, deliver, receive, sell, or transport a container
12 designed and constructed to contain anhydrous ammonia without
13 the express consent of the owner or authorized custodian of the
14 container; or

15 (6) tamper with any equipment or facility used to contain,
16 store, or transport anhydrous ammonia.

17 (b) For the purposes of this subdivision, containers
18 designed and constructed for the storage and transport of
19 anhydrous ammonia are described in rules adopted under section
20 18C.121, subdivision 1, or in Code of Federal Regulations, title
21 49.

22 Subd. 3. [NO CAUSE OF ACTION.] (a) Except as provided in
23 paragraph (b), a person tampering with anhydrous ammonia
24 containers or equipment under subdivision 2 shall have no cause
25 of action for damages arising out of the tampering against:

26 (1) the owner or lawful custodian of the container or
27 equipment;

28 (2) a person responsible for the installation or
29 maintenance of the container or equipment; or

30 (3) a person lawfully selling or offering for sale the
31 anhydrous ammonia.

32 (b) Paragraph (a) does not apply to a cause of action
33 against a person who unlawfully obtained the anhydrous ammonia
34 or anhydrous ammonia container or who possesses the anhydrous
35 ammonia or anhydrous ammonia container for any unlawful purpose.

36 Subd. 4. [CRIMINAL PENALTY.] A person who knowingly

1 violates subdivision 2 is guilty of a felony and may be
2 sentenced to imprisonment for not more than five years or to
3 payment of a fine of not more than \$50,000, or both.

4 [EFFECTIVE DATE.] This section is effective August 1, 2004,
5 and applies to crimes committed on or after that date.

6 Sec. 9. [152.138] [METHAMPHETAMINE-RELATED CRIMES
7 INVOLVING CHILDREN AND VULNERABLE ADULTS.]

8 Subdivision 1. [DEFINITIONS.] (a) As used in this section,
9 the following terms have the meanings given.

10 (b) "Chemical substance" means a substance intended to be
11 used as a precursor in the manufacture of methamphetamine or any
12 other chemical intended to be used in the manufacture of
13 methamphetamine.

14 (c) "Child" means any person under the age of 18 years.

15 (d) "Methamphetamine paraphernalia" means all equipment,
16 products, and materials of any kind that are used, intended for
17 use, or designed for use in manufacturing, injecting, ingesting,
18 inhaling, or otherwise introducing methamphetamine into the
19 human body.

20 (e) "Methamphetamine waste products" means substances,
21 chemicals, or items of any kind used in the manufacture of
22 methamphetamine or any part of the manufacturing process, or the
23 by-products or degradates of manufacturing methamphetamine.

24 (f) "Vulnerable adult" has the meaning given in section
25 609.232, subdivision 11.

26 Subd. 2. [PROHIBITED CONDUCT.] (a) No person may knowingly
27 engage in any of the following activities in the presence of a
28 child or vulnerable adult; in the residence of a child or a
29 vulnerable adult; in a building, structure, conveyance, or
30 outdoor location where a child or vulnerable adult might
31 reasonably be expected to be present; in a room offered to the
32 public for overnight accommodation; or in any multiple unit
33 residential building:

34 (1) manufacturing or attempting to manufacture
35 methamphetamine;

36 (2) storing any chemical substance;

1 (3) storing any methamphetamine waste products; or

2 (4) storing any methamphetamine paraphernalia.

3 (b) No person may knowingly cause or permit a child or
 4 vulnerable adult to inhale, be exposed to, have contact with, or
 5 ingest methamphetamine, a chemical substance, or methamphetamine
 6 paraphernalia.

7 Subd. 3. [CRIMINAL PENALTY.] A person who violates
 8 subdivision 2 is guilty of a felony and may be sentenced to
 9 imprisonment for not more than five years or to payment of a
 10 fine of not more than \$10,000, or both.

11 Subd. 4. [MULTIPLE SENTENCES.] Notwithstanding sections
 12 609.035 and 609.04, a prosecution for or conviction under this
 13 section is not a bar to conviction of or punishment for any
 14 other crime committed by the defendant as part of the same
 15 conduct.

16 Subd. 5. [PROTECTIVE CUSTODY.] A peace officer may take
 17 any child present in an area where any of the activities
 18 described in subdivision 2, paragraph (a), clauses (1) to (4),
 19 are taking place into protective custody in accordance with
 20 section 260C.175, subdivision 1, paragraph (b), clause (2). A
 21 child taken into protective custody under this subdivision shall
 22 be provided health screening to assess potential health concerns
 23 related to methamphetamine as provided in section 260C.188. A
 24 child not taken into protective custody under this subdivision
 25 but who is known to have been exposed to methamphetamine shall
 26 be offered health screening for potential health concerns
 27 related to methamphetamine as provided in section 260C.188.

28 Subd. 6. [REPORTING MALTREATMENT OF VULNERABLE ADULT.] (a)
 29 A peace officer shall make a report of suspected maltreatment of
 30 a vulnerable adult if the vulnerable adult is present in an area
 31 where any of the activities described in subdivision 2,
 32 paragraph (a), clauses (1) to (4), are taking place, and the
 33 peace officer has reason to believe the vulnerable adult
 34 inhaled, was exposed to, had contact with, or ingested
 35 methamphetamine, a chemical substance, or methamphetamine
 36 paraphernalia. The peace officer shall immediately report to

1 the county common entry point as described in section 626.557,
2 subdivision 9b.

3 (b) As required in section 626.557, subdivision 9b, law
4 enforcement is the primary agency to conduct investigations of
5 any incident when there is reason to believe a crime has been
6 committed. Law enforcement shall initiate a response
7 immediately. If the common entry point notified a county agency
8 for adult protective services, law enforcement shall cooperate
9 with that county agency when both agencies are involved and
10 shall exchange data to the extent authorized in section 626.557,
11 subdivision 12b, paragraph (g). County adult protection shall
12 initiate a response immediately.

13 (c) The county social services agency shall immediately
14 respond as required in section 626.557, subdivision 10, upon
15 receipt of a report from the common entry point staff.

16 [EFFECTIVE DATE.] This section is effective August 1, 2004,
17 and applies to crimes committed on or after that date.

18 Sec. 10. [152.185] [METHAMPHETAMINE AWARENESS AND
19 EDUCATIONAL ACCOUNT; MINNESOTA METH WATCH.]

20 Subdivision 1. [ACCOUNT ESTABLISHED; EDUCATIONAL PROGRAM.]
21 The methamphetamine awareness and educational account is a
22 special revenue account in the state treasury. Money in the
23 account is appropriated to the commissioner of public safety to
24 be used to support projects relating to educating retailers and
25 the public on the dangers of methamphetamines and
26 methamphetamine precursor drugs and the laws and regulations
27 governing their use, including an educational initiative
28 entitled "Minnesota meth watch" addressing methamphetamine, its
29 use and manufacture, and the impact of methamphetamine-related
30 activities on children, the environment, and the state's quality
31 of life.

32 Subd. 2. [CONTRIBUTIONS.] The state may accept
33 contributions, gifts, grants, and bequests for deposit into the
34 fund.

35 Subd. 3. [LIMIT.] The commissioner of finance may not
36 credit more than \$40,000 per year to this account from the

1 surcharge established in section 152.016. Any money collected
2 from that surcharge in excess of \$40,000 must be credited to the
3 general fund.

4 [EFFECTIVE DATE.] This section is effective July 1, 2004.

5 Sec. 11. Minnesota Statutes 2002, section 168A.05,
6 subdivision 3, is amended to read:

7 Subd. 3. [CONTENT OF CERTIFICATE.] Each certificate of
8 title issued by the department shall contain:

9 (1) the date issued;

10 (2) the first, middle, and last names, the dates of birth,
11 and addresses of all owners who are natural persons, the full
12 names and addresses of all other owners;

13 (3) the names and addresses of any secured parties in the
14 order of priority as shown on the application, or if the
15 application is based on a certificate of title, as shown on the
16 certificate, or as otherwise determined by the department;

17 (4) any liens filed pursuant to a court order or by a
18 public agency responsible for child support enforcement against
19 the owner;

20 (5) the title number assigned to the vehicle;

21 (6) a description of the vehicle including, so far as the
22 following data exists, its make, model, year, identifying
23 number, type of body, whether new or used, and if a new vehicle,
24 the date of the first sale of the vehicle for use;

25 (7) with respect to motor vehicles subject to the
26 provisions of section 325E.15, the true cumulative mileage
27 registered on the odometer or that the actual mileage is unknown
28 if the odometer reading is known by the owner to be different
29 from the true mileage;

30 (8) with respect to vehicles subject to sections 325F.6641
31 and 325F.6642, the appropriate term "flood damaged," "rebuilt,"
32 "prior salvage," or "reconstructed"; and

33 (9) with respect to a vehicle contaminated by
34 methamphetamine production, if the registrar has received the
35 certificate of title and notice described in section 152.0275,
36 subdivision 2, paragraph (f), the term "hazardous waste

1 contaminated vehicle;" and

2 (10) any other data the department prescribes.

3 [EFFECTIVE DATE.] This section is effective August 1, 2004.

4 Sec. 12. [446A.083] [METHAMPHETAMINE LABORATORY CLEANUP
5 REVOLVING FUND.]

6 Subdivision 1. [DEFINITIONS.] As used in this section:

7 (1) "clandestine lab site" has the meaning given in section
8 152.0275, subdivision 1, paragraph (a);

9 (2) "property" has the meaning given in section 152.0275,
10 subdivision 2, paragraph (a), but does not include motor
11 vehicles; and

12 (3) "remediate" has the meaning given to remediation in
13 section 152.0275, subdivision 1, paragraph (a).

14 Subd. 2. [FUND ESTABLISHED.] The authority shall establish
15 a methamphetamine laboratory cleanup revolving fund to provide
16 loans to counties and cities to remediate clandestine lab
17 sites. The fund must be credited with repayments.

18 Subd. 3. [APPLICATIONS.] Applications by a county or city
19 for a loan from the fund must be made to the authority on the
20 forms prescribed by the authority. The application must
21 include, but is not limited to:

22 (1) the amount of the loan requested and the proposed use
23 of the loan proceeds;

24 (2) the source of revenues to repay the loan; and

25 (3) certification by the county or city that it meets the
26 loan eligibility requirements of subdivision 4.

27 Subd. 4. [LOAN ELIGIBILITY.] A county or city is eligible
28 for a loan under this section if the county or city:

29 (1) identifies a site or sites designated by a local public
30 health department or law enforcement as a clandestine lab site;

31 (2) has required the site's property owner to remediate the
32 site at cost, under chapter 145A or a local public health
33 nuisance ordinance that addresses clandestine lab remediation;

34 (3) certifies that the property owner cannot pay for the
35 remediation immediately;

36 (4) certifies that the property owner has not properly

1 remediated the site; and

2 (5) issues a revenue bond payable to the authority to
3 secure the loan.

4 Subd. 5. [USE OF LOAN PROCEEDS; REIMBURSEMENT BY PROPERTY
5 OWNER.] (a) A loan recipient shall use the loan to remediate the
6 clandestine lab site or if this has already been done to
7 reimburse the applicable county or city fund for costs paid by
8 the recipient to remediate the clandestine lab site.

9 (b) A loan recipient shall seek reimbursement from the
10 owner of the property containing the clandestine lab site for
11 the costs of the remediation. In addition to other lawful means
12 of seeking reimbursement, the loan recipient may recover its
13 costs through a property tax assessment by following the
14 procedures specified in section 145A.08, subdivision 2,
15 paragraph (c).

16 Subd. 6. [AWARD AND DISBURSEMENT OF FUNDS.] The authority
17 shall award loans to recipients on a first-come, first-served
18 basis, provided that the recipient is able to comply with the
19 terms and conditions of the authority loan, which must be in
20 conformance with this section. The authority shall make a
21 single disbursement of the loan upon receipt of a payment
22 request that includes a list of remediation expenses and
23 evidence that a second-party sampling was undertaken to ensure
24 that the remediation work was successful or a guarantee that
25 such a sampling will be undertaken.

26 Subd. 7. [LOAN CONDITIONS AND TERMS.] (a) When making
27 loans from the revolving fund, the authority shall comply with
28 the criteria in paragraphs (b) to (e).

29 (b) Loans must be made at a two percent per annum interest
30 rate for terms not to exceed ten years unless the recipient
31 requests a 20-year term due to financial hardship.

32 (c) The annual principal and interest payments must begin
33 no later than one year after completion of the clean up. Loans
34 must be amortized no later than 20 years after completion of the
35 clean up.

36 (d) A loan recipient must identify and establish a source

1 of revenue for repayment of the loan and must undertake whatever
2 steps are necessary to collect payments within one year of
3 receipt of funds from the authority.

4 (e) The fund must be credited with all payments of
5 principal and interest on all loans, except the costs as
6 permitted under section 446A.04, subdivision 5, paragraph (a).

7 (f) Loans must be made only to recipients with clandestine
8 lab ordinances that address remediation.

9 Subd. 8. [AUTHORITY TO INCUR DEBT.] Counties and cities
10 may incur debt under this section by resolution of the board or
11 council authorizing issuance of a revenue bond to the authority.

12 [EFFECTIVE DATE.] This section is effective July 1, 2004.

13 Sec. 13. Minnesota Statutes 2002, section 609.1095,
14 subdivision 1, is amended to read:

15 Subdivision 1. [DEFINITIONS.] (a) As used in this section,
16 the following terms have the meanings given.

17 (b) "Conviction" means any of the following accepted and
18 recorded by the court: a plea of guilty, a verdict of guilty by
19 a jury, or a finding of guilty by the court. The term includes
20 a conviction by any court in Minnesota or another jurisdiction.

21 (c) "Prior conviction" means a conviction that occurred
22 before the offender committed the next felony resulting in a
23 conviction and before the offense for which the offender is
24 being sentenced under this section.

25 (d) "Violent crime" means a violation of or an attempt or
26 conspiracy to violate any of the following laws of this state or
27 any similar laws of the United States or any other state:

28 section sections 152.138; 609.165; 609.185; 609.19; 609.195;

29 609.20; 609.205; 609.21; 609.221; 609.222; 609.223; 609.228;

30 609.235; 609.24; 609.245; 609.25; 609.255; 609.2661; 609.2662;

31 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268;

32 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1;

33 609.561; 609.562; 609.582, subdivision 1; 609.66, subdivision

34 1e; 609.687; 609.855, subdivision 5; any provision of sections

35 609.229; 609.377; 609.378; 609.749; and 624.713 that is

36 punishable by a felony penalty; or any provision of chapter 152

1 that is punishable by a maximum sentence of 15 years or more.

2 [EFFECTIVE DATE.] This section is effective August 1, 2004,
3 and applies to crimes committed on or after that date.

4 Sec. 14. [REQUESTED LEGISLATIVE AUDITOR'S REPORT; DRUG
5 TREATMENT.]

6 (a) The Legislative Audit Commission is requested to direct
7 the legislative auditor to study and issue a report on the
8 efficacy of controlled substance treatment programs for criminal
9 offenders in Minnesota. The report must include programs
10 offered in state and local correctional facilities and
11 community-based programs. The auditor shall study the programs
12 offered for each type of controlled substance addiction. The
13 report must compare the costs of the programs and their success
14 rates. To the degree feasible, the auditor shall investigate
15 treatment programs offered in other states for controlled
16 substance offenders and compare the breadth and
17 comprehensiveness of the treatment options available in
18 Minnesota, their costs, and their success rates to those in
19 other states.

20 (b) If the Legislative Audit Commission directs the
21 legislative auditor to conduct the study described in paragraph
22 (a), the auditor shall report its findings to the legislature by
23 February 1, 2005.

24 Sec. 15. [REPEALER.]

25 Minnesota Statutes 2002, sections 18C.005, subdivisions 1a
26 and 35a; 18C.201, subdivisions 6 and 7; and 18D.331, subdivision
27 5, are repealed.

28 [EFFECTIVE DATE.] This section is effective August 1, 2004,
29 and applies to crimes committed on or after that date.

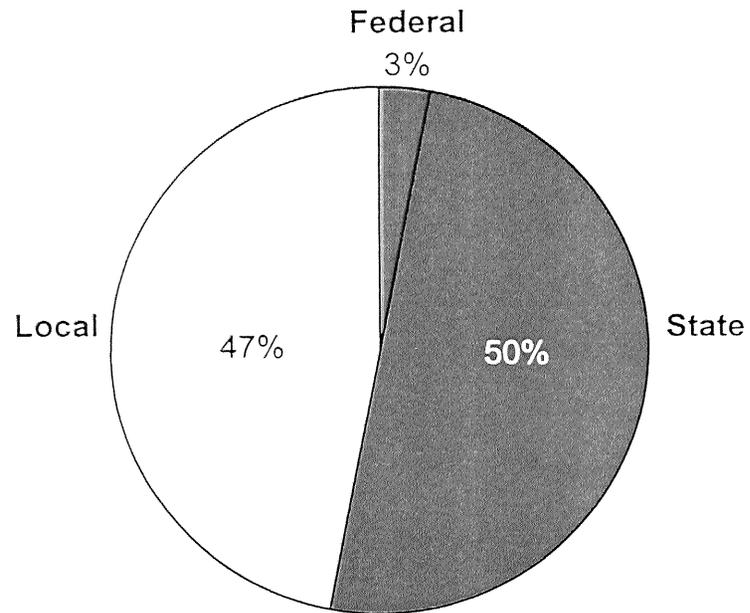
30 ARTICLE 19

31 MISCELLANEOUS CRIMINAL PROVISIONS

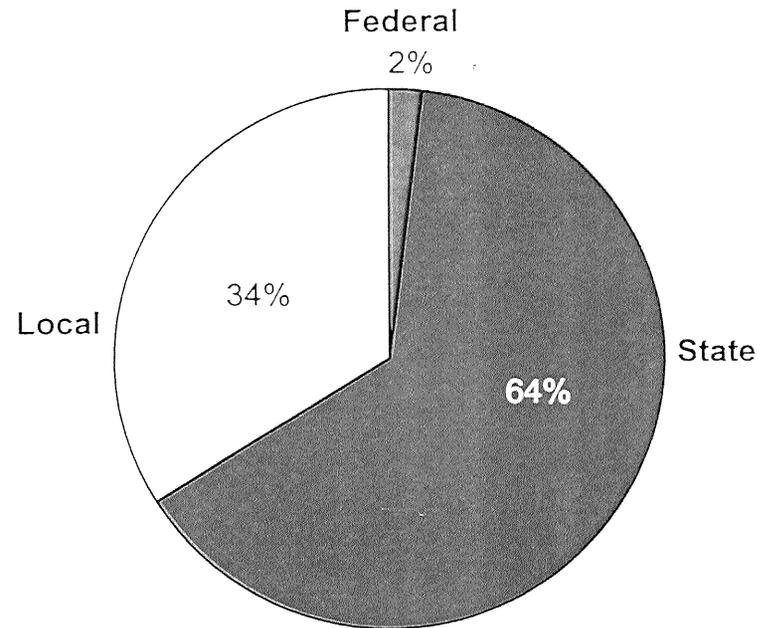
32 Section 1. [169A.093] [DETERMINATION OF PRIOR IMPAIRED
33 DRIVING-RELATED LOSS OF LICENSE LOOK-BACK PERIOD.]

34 When determining whether a prior impaired driving-related
35 loss of license is considered an aggravating factor or a
36 predicate for a first-degree driving while impaired crime, the

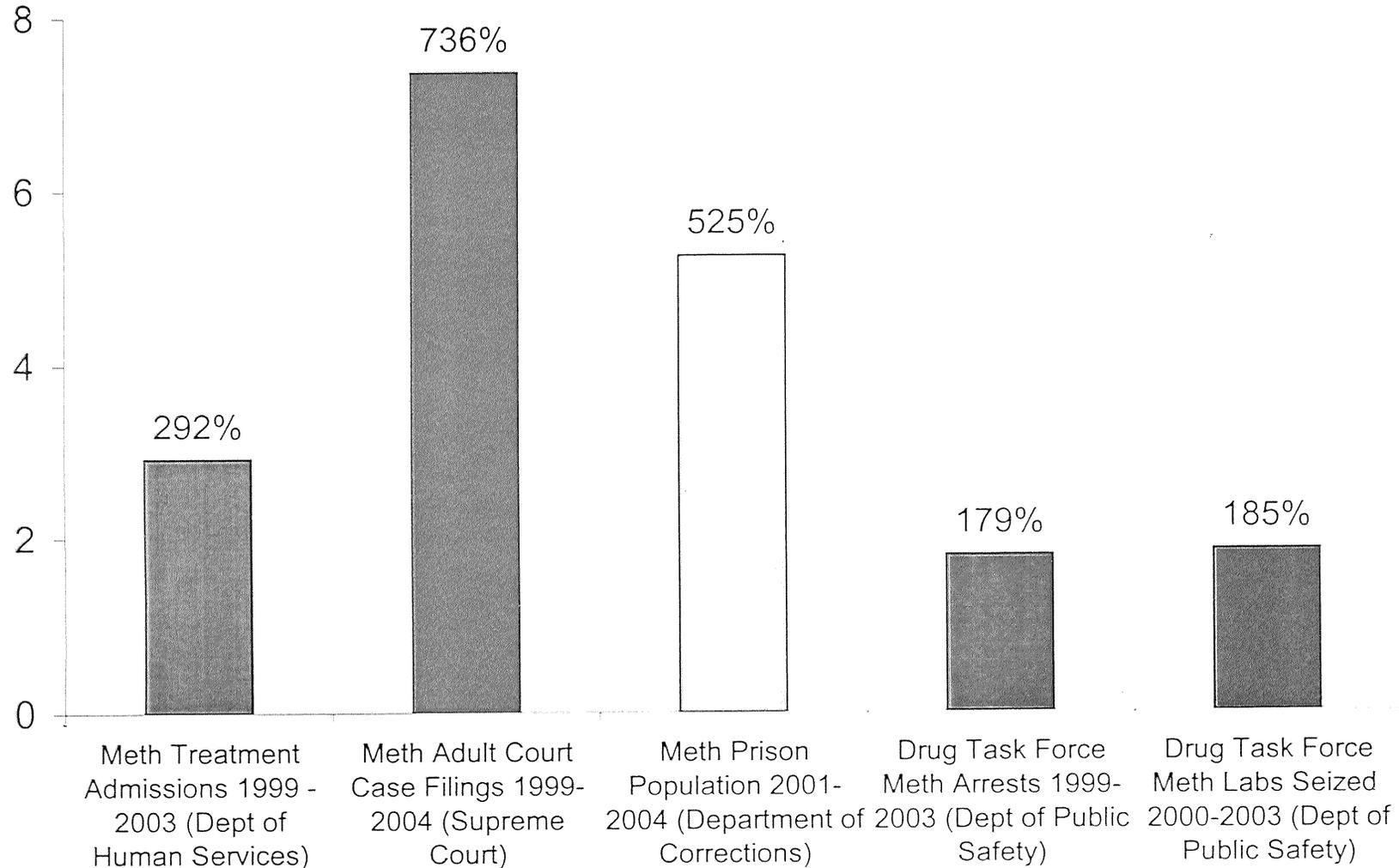
Public Cost Responsibility for Methamphetamine Intervention 2004



Long Term Public Cost Responsibility for Methamphetamine Intervention



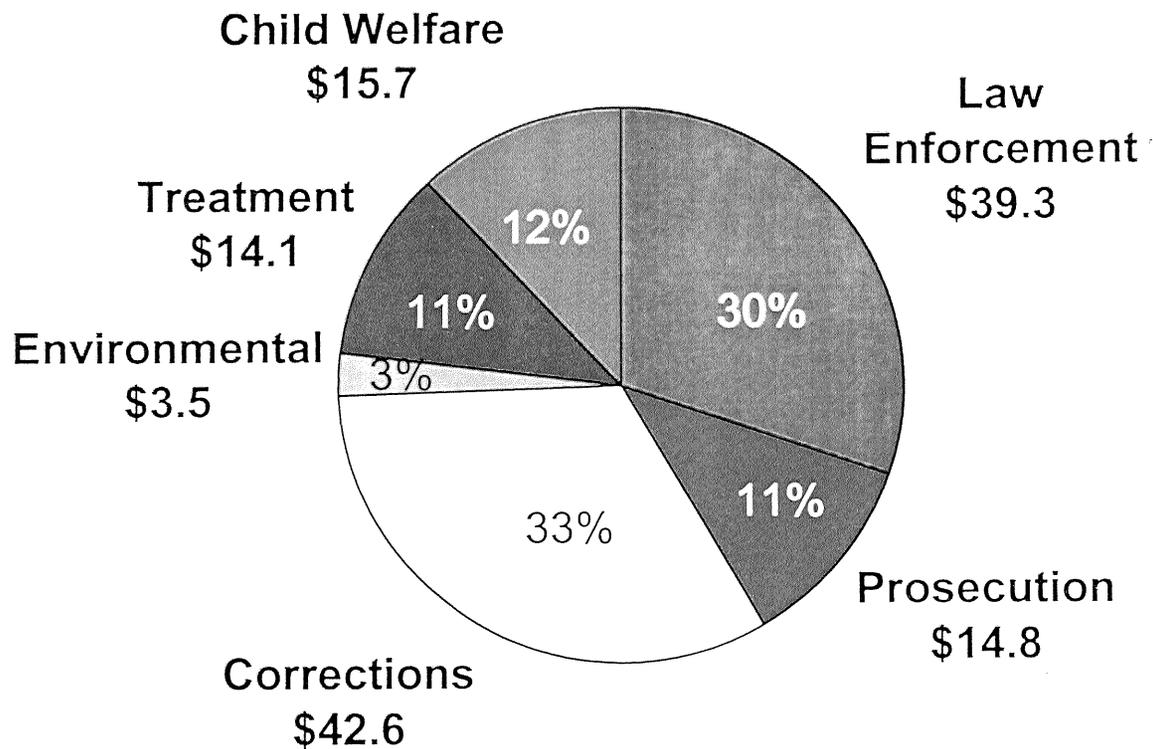
Increased Impact of Methamphetamine Abuse in Minnesota



1/24/2005

Source: Statistical Analysis Center, Minnesota Department of Public Safety

Estimated Annual Public Costs Related to Methamphetamine in 2004 (in \$ millions)



Total Estimated Annual Cost \$130 million

Meth: Risk, Recognition, Response.



Methamphetamine Facts:

Methamphetamine (meth) is a powerfully addictive central nervous system stimulant. The drug is made in makeshift "labs" from inexpensive, easy to obtain ingredients. Common names for the powdered form of meth are "speed," "chalk," and "crank." In its crystalline form, meth may be called, "ice," "crystal," or "glass." Meth can be smoked, injected, snorted or orally ingested.

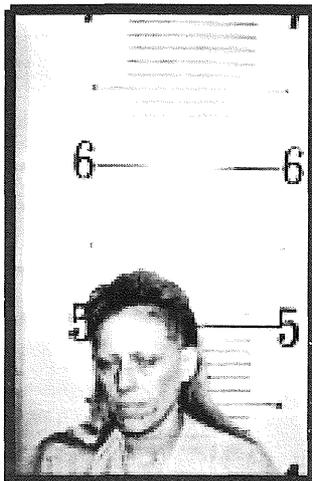
Common Ingredients Used to Manufacture Meth Include:

- Anhydrous Ammonia
- Acetone
- Toluene
- Iodine
- Lithium Battery Strips
- Alcohol
- Drain Cleaner
- Muriatic Acid
- Red Phosphorus
- Camping Stove Fuel
- Hydrochloric Acid
- Rock Salt

The **ONLY** consistent ingredient required to cook meth is pseudoephedrine, commonly obtained from over-the-counter cold and allergy medications.

Meth Use and Addiction

In past years, most meth users in Minnesota were white, blue-collar people, ages 25 to 35. Now, people of all ages and backgrounds are using meth. It is being made and used in all of Minnesota's 87 counties.



Unlike the pattern seen with other drugs (typically 70 percent male to 30 percent female), 50 percent or more of meth users are women and girls. Some people use meth for the intense "rush" or high it provides. However, a growing group of users, many young, use meth to suppress appetite, boost energy or aid attention.

Many of these users skip the usual gateway drugs (tobacco, alcohol, marijuana) and progress rapidly to meth addiction when their "practical" use gets out of control.

The Methamphetamine Crisis

Meth Health Effects

Meth's stimulant effect causes feelings of euphoria and energy through the excess release of the neurotransmitter dopamine (a chemical in the brain that causes feelings of pleasure). High levels of dopamine initially cause feelings of intense pleasure but ultimately can cause aggressive, paranoid and violent behavior.

Users can be identified by agitation, excited speech, irritability, loss of appetite and increased physical activity. Other common symptoms include: dilated pupils, nausea and vomiting, skin infections, tooth and gum disease. Overdose may be signaled by spikes in blood pressure, heart or respiratory, or body temperature.

Abuse of methamphetamine is also linked to several serious medical complications such as heart damage, stroke and amphetamine psychosis. Brain imaging studies also reveal neurological damage in some chronic users similar to that from Alzheimers and Parkinsons Disease.



"Crank Bugs" - Unabsorbed toxins from taking high amounts of meth are often rejected by the user's body and emitted through the skin. Users pick and scratch at these "crank bugs," causing open sores and permanent scars.

Treatment

Most of the effects on the brain from meth use are reversible. However, physical, cognitive and emotional recovery takes months, not days. In addition to cognitive and memory problems, withdrawal from methamphetamine is characterized by intense drug craving, depressed mood, disturbed sleep patterns, and increased appetite. **Experts tell us that the most important marker of successful meth recovery is length of treatment.**

People recovering from meth benefit from the same treatment strategies used for other addictions. For example, therapy designed to modify a patient's thinking and behaviors to increase coping skills is effective.

Matching an individual's symptoms to the appropriate treatment level, and retaining people in treatment and services for sufficient time are important for successful treatment. Some can successfully be treated on an outpatient basis. **The key to effective treatment is sufficient access to the right level of care at the right time for an appropriate amount of time. In order to work, treatment must be personalized.**

Environment and Property Contamination

The environmental and public health risks associated with meth labs is a rapidly growing concern that is quickly becoming a financial drain on state and local resources.

: Risks, Recognition, Response.



Cooking or smoking meth leaves high levels of the drug and chemical residues on walls, floors, clothes, furniture and heating systems. Children and subsequent residents are exposed to these residual drugs until the property is cleaned. In addition, meth cookers often dump chemical waste on the ground or into drain fields.

The property owner or local health department that decontaminates a meth lab property will spend \$3,000 to \$10,000 or more to return the property to a healthful living space. Recent experience shows that county ordinances on the handling of a meth lab are vital. These local laws clarify the terms and protocol for clean-up, child welfare and other meth related issues.

Education and Awareness

A crucial aspect of prevention is educating children, school faculty and communities on the dangers of meth use. Involvement from all aspects of the community – from churches and civic clubs to law enforcement and health care workers – is vital to preventing, identifying and stopping the spread of the meth epidemic.

The attitude that "it doesn't happen in my neighborhood" is not only dangerous but false. Authorities have seen growing numbers of "mobile" meth labs in car trunks which threaten communities throughout the state.

Risks to Non-Users

Meth has moved into all of our communities. Labs have been found in day care centers and motels, high-rises and single-family homes, in fields and barns and on boat ramps. An increasing number of mobile labs bring the dangers of meth making to our roads. Meth making touches all Minnesotans.

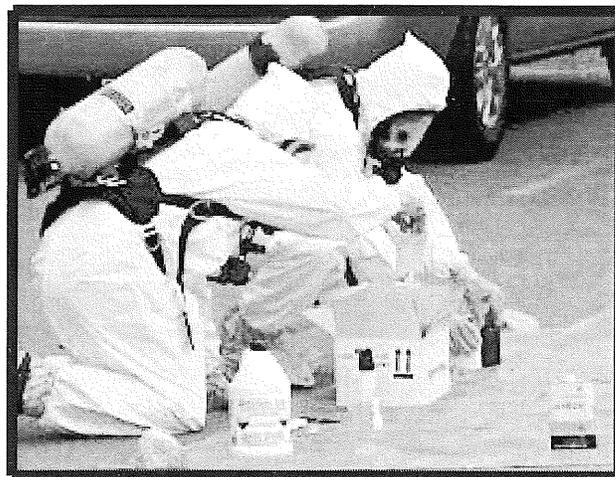
Personnel of many public and private agencies are particularly at risk. First responders – fire, law and EMTS – may face fire, explosion, chemical contamination and dangerous users when responding to meth lab seizures, domestic abuse calls or other meth-affected events. Health, corrections and human service staff are also at risk from meth hazards they encounter. **At greatest risk are children and vulnerable adults who live within the dangerous sphere of meth making and meth use.**

Child Endangerment

Meth Use During Pregnancy:

Maternal meth use during pregnancy can affect both mother and child. Effects may include increased maternal blood pressure and heart rate and increased risk of premature birth and spontaneous abortion.

Meth constricts blood flow in the placenta and passes through it easily. This may result in a reduction of oxygen and nutrients to the fetus or cause elevated fetal blood pressure, heart or organ damage or a variable heart rate resulting in slow fetal growth.



Meth: Risks, Recognition, Recovery.



Meth Use During Pregnancy, continued:

Cleft lip and palates and defects to major organ systems have been observed in babies exposed to meth in the womb. Newborns exposed to meth may be excessively sleepy or may have problems feeding. They are often irritable, jittery and may have tremors and increased muscle tone. They may be very sensitive to light, touch and sound, and may be unable to tolerate a noisy or chaotic environment.

Children in Meth-Using and Making Environments:

Parents who use meth often exhibit extreme mood fluctuations, poor impulse control, poor hygiene and acute psychotic episodes. Meth making with flammable and toxic chemicals adds additional risks.

Potential risks to children include social hazards such as:

- Abuse and neglect (*including increased risk for accident, drowning, ER visits and positional suffocation; poor nutrition, healthcare and hygiene*)
- Chaotic sleep, feeding and life patterns
- Shame, isolation, poor socialization and classroom behavior
- Exposure to violent events, poly substance abuse, pornography and inappropriate sexuality

Chemical, physical and biological hazards such as:

- Deliberate administration or accidental ingestion of drugs or chemicals
- Passive inhalation of methamphetamine while parents are using
- Risk of fire and explosion from mishandled chemicals
- Weapons, explosives and booby traps
- Filth, feces, rodents, pests and untrained often vicious animals
- Inadequate heating, electrical, plumbing and home maintenance
- Exposure to contaminated needles, sexually transmitted and blood borne diseases

Attachment disorders are an important concern for children removed from their parents' care. Research shows high numbers of children removed from meth homes are already unattached due to parental neglect or inability to focus on concerns other than their drug use. Children removed from these circumstances require immediate assessment and care as well as follow-up treatment and future assessment of their medical, social and psychological needs.

Health Costs

Though some data exists on current medical and dental costs for directly affected adults and children, no projected costs have been estimated for the long-term care and treatment of users, children, agency staff and innocent bystanders of meth use, making and explosive events. These costs are estimated to be in the millions or billions of dollars.



Roughly 70 to 80 percent of Meth used in Minnesota is made elsewhere and imported into the state. The remaining 20 to 30 percent is made illegally in clandestine labs, using OTC pseudoephedrine-containing meds as the main ingredient. Criminals in other states must also buy or steal the pseudoephedrine that they use to produce drugs used in Minnesota and elsewhere. Billions of dollars worth of pseudoephedrine are used to make Methamphetamine every year.

Estimated cost of pseudoephedrine-containing OTC meds used to make Methamphetamine.

A meth "cooker" needs 1000 pills to make an average batch — one ounce — of Meth.

Minnesota peace officers tell us that Meth cookers make Meth every two to four days (or 2.3 times per week). We will use a conservative 1.5 cooks per week. One thousand pills times 1.5 cooks per week equals 1500 pills per week.

Assume an average of 24 pills per package. 1500 pills divided by 24 pills per package equals 62.5 packages.

With four weeks off for jail, hospital or vacation, assume 48 weeks per year. 62.5 packages per week times 48 weeks equals 3000 packages per year.

Assume a low average price of \$4.50 per package. Three thousand packages at \$4.50 each equals \$13,500 per cook, per year.

Assume a (very low) estimate of 400 Minnesota Meth cookers. [Based on an average 400 labs seized per year in 2003-2004, and law enforcement estimates of 10 to 20 labs existing for each one seized.] 400 cookers times \$13,500 equals \$5,400,000 in OTC medications purchased or stolen per year.

1000 pills per batch.

1500 pills per week.

62.5 packages of 24 pills /week.

3000 packages per year.

\$13,500 per cook, per year.

\$5,400,000 in bought or stolen OTC meds per year in Minnesota.

Minnesota	Meth Lab Task Force
Name	Organization
Sub	Committee
Paul Stevens	BCA
Deborah Durkin	MN Dept of Health
Rebecca Kenow	MN Dept of Health
Steve Lee	MN Pollution Control Agency
Tom Rime	DFO Community Corrections Supervisor
Brad Gerhardt	Martin Co Sheriff
Ginger Peterson	MN River Valley Drug Task Force
Greg Broisma	Fairmont Police Dept Chief
Mark Harig	Freeborn Co Sheriff
Steve Borchardt	Olmsted Co Sheriff
Nancy Schroeder	Dept of Corrections
Jim Franklin	MN Sheriffs Assoc-Exec Director
Tracy Perzel	Assistant Attorney General
Scott Hersey	Dakota Co Attorney's Office & MCAA
Bob Nance	BCA
Paul Liemandt	MN Dept of Ag
Terese Amazi	Mower Co Sheriff
Tim Gallagher	Astrup Drug/MN Pharm Assn
Paul Philipp	Austin PD Chief
Kate Gaynor	MN Pollution Control Agency
Robert Walker	5th District Court Judge
Greg Herzog	Dept of Pub Safety Grants Specialist
Mary Ellison	DPS, Deputy Commissioner
Sue Perkins	Dept of Pub Safety
Nancy Schouweiler	Dakota Co Commissioner
Elizabeth Carpenter	MN Pharmacists Assn
Laura LaCroix	Local Pub Health Assn of MN c/o AMC
Dan Griffin	MN Supreme Court
Ruth Clinard	Dept of Human Services
Megan Helge	MN Dept of Health
Jay McLaren	Dept of Health
Abbie Laugtug	MN Pharmacists Assn
Jenn O'Rourke	League of MN Cities
Anne Finn	League of MN Cities
Ed Kaiser	MN Dept of Ag
Dr. Barbara Knox	Pediatric & Adolescent Medicine, Mayo
Clara James	Social Worker
Joanne Smith	Ramsey Co Judge
Scott Simmons	AMC
Terry Whitman	Jackson Co Human Services
Amy Rudolph	Dept of Education
Kevin Spading	MN Prevention Resource Center

Support for Schedule V

1. League of Minnesota Cities
2. MN Association of School Administrators
3. MPPOA
4. MN Sheriff's Association
5. MN School Board Association
6. MN DNR
7. MN Public Defenders
8. MN Farm Bureau
9. MN Teen Challenge

ISSUE BRIEF: METH PRECURSOR PRODUCTS AND SCHEDULE V.

Pharmacists are essential health care providers and responsible business people, who are willing partners in the fight against the increasing abuse of methamphetamine (meth). Pharmacists make voluntary and individual adjustments to prevent theft or misuse of any meth precursor product such as: implementing purchase limits, placement behind the counter, and working closely with local law enforcement. Pharmacists are willing to take reasonable and effective measures to ensure these products are kept in a controlled environment.

Workable restrictions on precursor products used in the illegal manufacture of meth can be done effectively without imposing time-consuming record keeping or Schedule V.

In our health care system, pharmacists are an important part of the health care delivery team. Pharmacists' expertise and skills are utilized for counseling to help patients get the most from their prescription and over-the-counter medications through checking for drug interactions, checking for allergic or other adverse reactions, and ensuring proper dosage and educating patients on the importance of compliance.

Legislated restrictions for over-the-counter drugs takes pharmacist's time away from their trained, professional duties. With ever increasing numbers of people requiring prescription medication, pharmacists play an essential role in the patient's medication therapy, particularly for patients on multiple medications. Physicians rely on pharmacists for their drug knowledge, and the pharmacist is one of a limited number of health care professionals in many rural areas. Pharmacists counsel patients daily. They also are a medication resource for prescribers, nursing home staff, nurses, allied health professionals, and hospitals.

The Minnesota Pharmacists Association (MPhA) supports sales restrictions on all single-ingredient pseudoephedrine products and putting those products behind the counter.

MPhA supports restrictions on multi-ingredient pseudoephedrine products, provided that pharmacies are allowed options on how to implement the restrictions.

Options we support for multi-ingredient products are:

- ⇒ Products behind the counter.
- ⇒ Products in a locked display case.
- ⇒ Products shelved within 10 ft of a check-out or pharmacy counter.
- ⇒ Products stored in restricted access shelving.
- ⇒ Employing anti-theft devices.

MPhA does not support putting pseudoephedrine on a Schedule V. Currently, in Minnesota there are no drugs on Schedule V.

Schedule V requirements are as follows:

- ⇒ It can only be sold/ dispensed by a licensed pharmacist,
- ⇒ Purchases must be tracked in a log book that includes the name and address of the purchaser, the name and quantity of the substance purchased, the date of each purchase, and the name or initials of the pharmacist that dispensed the substance.
- ⇒ The purchaser must show ID and be 18 years of age.
- ⇒ A Schedule V drug does not require a prescription.

Pseudoephedrine Items

Item	Ind	Status	Item Description
0030401	PSE	ACTV	RA DAY-TIME SFTGELS 20CT
0030872	PSE	ACTV	ADVIL COLD & SINUS TAB 20 S
0030961	PSE	ACTV	TYLEN CLD GCP 24 CT
0030963	PSE	ACTV	TYLEN CH CLD/CGH 4OZ
0030966	PSE	ACTV	DAYQUIL LIQUICAPS 12S
0030967	PSE	ACTV	DAYQUIL LIQUICAPS 20S
0030970	PSE	ACTV	BENADRYL ALRG/SIN CPL 24
0030971	PSE	ACTV	ADVIL COLD/SINUS 40S
0030982	PSE	ACTV	ROBITUSSIN NIGHT RELIEF 6OZ
0031013	PSE	ACTV	ROBIT PED CGH/CLD 4OZ
0031040	PSE	ACTV	CONTAC DAY/NITE CAP 20CT
0031045	PSE	ACTV	NYQUIL LIQUI CAP 12S
0031046	PSE	ACTV	NYQUIL LIQUI CAPS 20S
0031092	PSE	ACTV	TYLEN FLU GCP 12 CT
0031129	PSE	ACTV	THER MS SVR CLD/CNG ND 6CT
0031183	PSE	ACTV	THER MS SVR CLD/CNG NT 6CT
0031185	PSE	ACTV	RA NA COLD NO DROWS CAPL 24S
0031190	PSE	ACTV	ROBIT MAX STR CGH/CLD 4OZ
0031197	PSE	ACTV	DAYQUIL 6OZ
0031707	PSE	ACTV	PEDIACARE DECONGST DRP.5Z
0031787	PSE	ACTV	PEDIA CARE MULTI SYP#3 4Z
0031816	PSE	ACTV	RA NITETIME COLD SYP 6OZ
0031825	PSE	ACTV	VICKS FORM 44D CGH SYR4Z
0031830	PSE	ACTV	SUDAFED CHILD LQ GRP 4OZ
0031841	PSE	ACTV	RA NITETIME CHERRY SYR 6OZ
0031842	PSE	ACTV	NYQUIL CHERRY 6OZ
0031843	PSE	ACTV	NYQUIL CHERRY 10OZ
0031858	PSE	ACTV	VICKS FORM 44M 4OZ
0031860	PSE	ACTV	NYQUIL COLD MED 6OZ
0031863	PSE	ACTV	NYQUIL COLD MED 10OZ
0031874	PSE	ACTV	SINUTAB N/D MAX CAPL 24S
0031885	PSE	ACTV	RA ACTA TAB 24 COUNT
0031888	PSE	ACTV	ACTIFED TABS 24S
0031892	PSE	ACTV	TRMNC CLD/NT TIME COUGH 4OZ
0031901	PSE	ACTV	RA NITE TIME SOFTGELS 20CT
0031936	PSE	ACTV	ROBITUSSIN CF SYRUP 4OZ
0031937	PSE	ACTV	ROBITUSSIN-PE SYRUP 4OZ
0031965	PSE	ACTV	SUDAFED TABLETS 24S
0031966	PSE	ACTV	SUDAFED TABS 30MG 100S
0031986	PSE	ACTV	RA SUPHEDRINE TABS 24S
0031999	PSE	ACTV	RA SUPHEDRIN SINUS MS CPL 24S
0032045	PSE	ACTV	ROBITUSSIN CF SYRUP 8OZ
0032055	PSE	ACTV	SUDAFED SIN ALL TAB 24CT
0032058	PSE	ACTV	SUDAFED TABLETS 48S
0032117	PSE	ACTV	DRIXORAL CLD/ALLRGY 10CT *
0032166	PSE	ACTV	TRMNC COUGH/SORETHROAT 40OZ
0032168	PSE	ACTV	SUDAFED CLD&COUGH LIQCAP20S
0032169	PSE	ACTV	ROBIT CGH/CLD LIQGL 12CT
0032170	PSE	ACTV	ROBITUSIN CONG LIQGL 12
0032232	PSE	ACTV	TYL ALLRG SIN 24CPL *
0032233	PSE	ACTV	TYLENOL CHILD COLD 4Z
0032234	PSE	ACTV	TYL ALLRG SIN 24GCP
0032250	PSE	ACTV	THER RS CLD/SORE THROT 6CT
0032251	PSE	ACTV	THER RS COLD/COUGH 6CT
0032257	PSE	ACTV	SUDAFED SINUS CAPLET 24
0032536	PSE	ACTV	RA NITETIME COLD SYP 10OZ
0033203	PSE	ACTV	BENDRYL ALGY/CONG TAB24
0033613	PSE	ACTV	TYL SIN 24CPL
0033620	PSE	ACTV	TYLENOL COLD CAPLET 24
0033804	PSE	ACTV	TYLENOL CLD NO DRWSY CAPL 24

Pseudoephedrine Items

Item	Ind	Status	Item Description
0033826	PSE	ACTV	BENADRYL ALGRY&COLD CAP 24
0033830	PSE	ACTV	SUDAFED 12HR CAPLET 20
0033837	PSE	ACTV	SUDAFED 12HR CAPLET 10S
0034153	PSE	ACTV	SINUTAB N/D MAX CAPL 48S
0034223	PSE	ACTV	DRISTAN SINUS CAPLETS 20S*
0034226	PSE	ACTV	TYL SIN 24GCP
0034234	PSE	ACTV	RA ALLERGY/SINUS CAPLET 24S *
0034251	PSE	ACTV	ROBITUSIN PEDIATRIC NGHT 4Z
0034935	PSE	ACTV	RA ACET FLU GEL CAP 20CT
0036345	PSE	ACTV	ADVIL COLD/SINUS CAPL 20S
0036966	PSE	ACTV	CONTAC SEV COLD & FLU 16
0037230	PSE	ACTV	ROBIT CGH/CLD/FLU LIQGL 12
0037240	PSE	ACTV	THER MS SVR CLD/CNG ND 24S
0037242	PSE	ACTV	TYLENOL SINUS GELTAB 24 S*
0037246	PSE	ACTV	TYLENOL CHLD COLD COUGH 24S
0037247	PSE	ACTV	TYLENOL FLU GELCAPS 24
0037251	PSE	ACTV	DIMETAPP PEDDROPS 15ML
0037268	PSE	ACTV	ROBITUSSIN CF 12 OZ!IM
0037371	PSE	ACTV	RA NITETIME CHERRY 10OZ
0038382	PSE	ACTV	RA ACET PM FLU GELCAPS 20S
0300403	PSE	ACTV	SUDAFED NONDRYING 24 LIQCAP
0300405	PSE	ACTV	SUDAFED COLD & COUGH 4OZ
0300411	PSE	ACTV	ROBITUSIN COUGH PED DRPS1Z
0300413	PSE	ACTV	THER MS FLU/SRE THRT NT 6CT
0300420	PSE	ACTV	TYLENOL INF CLD DROP .5Z
0300421	PSE	ACTV	PEDIA CR DEC+CGH DRP .5Z
0300486	PSE	ACTV	RA DAYTIME LIQUID 6OZ
0300488	PSE	ACTV	RA MAX STR NTM C/C 6 CT
0300489	PSE	ACTV	RA MX STR ND FLU C/C 6S
0301778	PSE	ACTV	RA IBP FLU BDYACH CAP 20CT
0305881	PSE	ACTV	RA COLD AND ALLERGY ELIXIR 4Z
0305886	PSE	ACTV	RA SUPHEDRNE CLD/ALRG 24 CT
0305887	PSE	ACTV	RA NA INF CLD/FVR .5OZ
0305902	PSE	ACTV	RA COUGH/COLD DM 8OZ
0305903	PSE	ACTV	RA COUGH/COLD DM 4OZ
0313917	PSE	ACTV	TYLENOL ALL/SIN GLTAB 24
0315171	PSE	ACTV	TYLEN SIN DAY CAP 48CT
0315172	PSE	ACTV	SUDAFED CLD&SIN LIQ CAP10S
0315174	PSE	ACTV	TYLENOL CHLD FLU FORMULA4Z
0324019	PSE	ACTV	RA CHILD FLU FORM BBGM 4Z
0324020	PSE	ACTV	RA INFANT COLD DRP BBGM .5Z
0324022	PSE	ACTV	RA SUPHEDRINE TAB 48S
0324083	PSE	ACTV	DIMET DCONG + CGH .5Z DRP
0324102	PSE	ACTV	TYL NITE SIN 24CPL
0324103	PSE	ACTV	TYL INF COLD DCNG FEV.5Z DRP
0324106	PSE	ACTV	TYL FLU NGTME 8Z LIQ
0324107	PSE	ACTV	TYL ALLRG SIN 48GTB
0324116	PSE	ACTV	THER MS FLU/COUGH NT 6CT
0324118	PSE	ACTV	TRMNC COLD/COUGH/FEVER 4OZ
0330194	PSE	ACTV	TYLENOL FLU NT 24CT
0330249	PSE	ACTV	SUDAFED 24 HR 10CT
0330292	PSE	ACTV	ALEVE CLD&SINUS CAPS 10CT
0330293	PSE	ACTV	ALEVE COLD & SINUS CAPS 20CT
0330329	PSE	ACTV	PEDIA CARE NITE REST 4OZ
0330335	PSE	ACTV	NYQUIL CHERRY VALU PAK 20OZ
0330336	PSE	ACTV	NYQUIL REG VALU PAK 20OZ
0330347	PSE	ACTV	DIMETAPP FLU NTETME CH 4OZ
0330351	PSE	ACTV	ADVIL FLU & BODY ACHE 20CT
0330398	PSE	ACTV	RA SUPHEDRINE C/A 48CT
0330402	PSE	ACTV	RA NON ASPIRIN A/S 24 GCP

Pseudoephedrine Items

Item	Ind	Status	Item Description
0330403	PSE	ACTV	RA NON ASPIRIN SINUS GTB 24CT*
0330404	PSE	ACTV	RA PEDIA RELIEF DCONG .5OZ
0330406	PSE	ACTV	RA NON ASPIRIN FLU GCP 12CT
0330407	PSE	ACTV	RA NON ASPIRIN COLD CAPLT 24CT
0330408	PSE	ACTV	RA SUPHEDRINE LIQUICAPS 20CT
0331391	PSE	ACTV	ADVIL ALL/SIN CAP 10CT
0331392	PSE	ACTV	ADVIL ALL/SIN CAP 20CT
0331445	PSE	ACTV	CLARITIN D 12HR 10CT IIM
0331447	PSE	ACTV	ALAVERT D 12HR TAB 12CT
0331448	PSE	ACTV	ALAVERT D 12HR TAB 24CT
0331454	PSE	ACTV	RA LORATADINE D 24HR 5CT
0331455	PSE	ACTV	RA LORATADINE D 24HR 10CT
0331456	PSE	ACTV	RA LORATADINE D 24HR 15CT
0331466	PSE	ACTV	ALEVE SINUS/HEAD 20CT
0331467	PSE	ACTV	ASP READY RLF MINT 12CT
0331468	PSE	ACTV	ASP READY RELF ORNGE 12CT
0331472	PSE	ACTV	COMTrex NT CGH CLD 8OZ
0331473	PSE	ACTV	COMTrex NT FLU 8OZ
0331478	PSE	ACTV	TYL ALL SIN D/N CAP 24CT
0331479	PSE	ACTV	TYLEN FLU D/N GCP 24CT
0331480	PSE	ACTV	TYLEN SIN SEV CON CAP 12S
0331481	PSE	ACTV	TYLEN SIN SEV CONG CAPS 24S
0331482	PSE	ACTV	TYLEN SIN SEV CONG CAPS 48S
0331495	PSE	ACTV	DAYQUIL LIQCP 40CT
0331496	PSE	ACTV	NYQUIL CHLD CGH CLD LIQ 6Z
0331497	PSE	ACTV	NYQUIL LIQCP 40CT
0331502	PSE	ACTV	CLARITIN D 12HR 30CT IIM
0331506	PSE	ACTV	ELIXSURE CONG GRP/BBGM 4OZ
0334864	PSE	ACTV	COMTrex DEEP CHEST CLD 20CT
0334865	PSE	ACTV	COMTrex ACUTE HEAD CLD20CT
0334866	PSE	ACTV	COMTrex ND CLD&CGH 20CT
0334867	PSE	ACTV	COMTrex DAY NIGHT FLU 20CT
0334874	PSE	ACTV	TYLENOL DAY/NITE COLD 24CT
0334875	PSE	ACTV	TYLENOL DAY/NITE SINUS 24CT
0334876	PSE	ACTV	CH TYL SIMPLY STUFFY 4OZ
0334881	PSE	ACTV	TRIAMINIC NITETIME 8OZ
0334890	PSE	ACTV	RA DAYTIME COLD/FLU 36CT
0334894	PSE	ACTV	CH ADVIL COLD 4OZ
0334895	PSE	ACTV	DIMETAPP LONG ACTING C/C 4Z
0334896	PSE	ACTV	ADVIL COLD SINUS LQG 16CT
0334897	PSE	ACTV	ADVIL COLD SINUS LQG 32CT
0334898	PSE	ACTV	ROB COUGH SYRUP PM 4OZ
0334899	PSE	ACTV	RA NIGHTTIME COLD/FLU 36CT
0334949	PSE	ACTV	RA N/A SINUS ND GCP 24CT
0334950	PSE	ACTV	RA TRIACTING NITETIME 4OZ
0334952	PSE	ACTV	RA SUPHEDRINE 12HR 20CT
0334953	PSE	ACTV	RA 12HR COLD CAPLETS 20CT
0335010	PSE	ACTV	CLARITIN D 24HR 5CT
0335011	PSE	ACTV	CLARITIN D 24HR 10CT IIM
0335176	PSE	ACTV	ROBITUSSIN ALRGY/COUGH 4Z*
0335611	PSE	ACTV	TAVIST ALL/SNS/HEAD 24CPL
0345202	PSE	ACTV	MOTRIN CHILD COLD GRAPE 4OZ
0345203	PSE	ACTV	MOTRIN CHILD COLD BERRY 4OZ
0345240	PSE	ACTV	RA NITETIME TWIN PAK CHRY 20OZ
0345241	PSE	ACTV	RA NITETIME TWIN PAK 20OZ
0345315	PSE	ACTV	DIMETAPP CLD/ALLER ELX 4Z*
0345316	PSE	ACTV	DIMETAPP CLD/ALLER ELX 8OZ*
0345317	PSE	ACTV	DIMETAPP DM COLD/COUGH 4OZ*
0345318	PSE	ACTV	DIMETAPP DM COLD/COUGH 8OZ
0345319	PSE	ACTV	TRMNC CHEST CONGESTION 4OZ

Pseudoephedrine Items

Item	Ind	Status	Item Description
0345320	PSE	ACTV	TRMNC COLD/ALLERGY 4OZ
0345321	PSE	ACTV	TRMNC COUGH 4OZ
0345322	PSE	ACTV	TRMNC COLD/COUGH 4OZ
0345324	PSE	ACTV	TRIAMINIC COUGH/COLD 8OZ
0345325	PSE	ACTV	CONTAC 12HR CAPLETS 20CT
0345326	PSE	ACTV	CONTAC 12HR CAPLETS 10CT
0345329	PSE	ACTV	CORICIDIN D TAB 24CT
0345362	PSE	ACTV	RA TUSSIN CF 4OZ
0345363	PSE	ACTV	RA TUSSIN CF 8OZ
0345370	PSE	ACTV	TRIAMINIC SCH CONG 18CT
0345381	PSE	ACTV	CHLD MOTRN CLD BRY DYEFR 4Z
0345387	PSE	ACTV	PEDIACARE LONG ACTING 4OZ
0345388	PSE	ACTV	DIMETAPP ND EXTNDTABS 20CT
0345389	PSE	ACTV	DIMETAPP ND EXTNDTABS 10CT
0345392	PSE	ACTV	ROBITUSSIN FLU 4OZ
0345407	PSE	ACTV	SUDAFED SIN NITE TIME 12CT
0345408	PSE	ACTV	SUDAFD SIN NT PLS PAIN20CT
0345410	PSE	ACTV	DRIXORAL COLD/ALLERGY 20CT
0345423	PSE	ACTV	ALEVE SINUS/HEADACHE 10CT
0386784	PSE	ACTV	RA SUPHEDRINE 12HR CAP 10CT
0386828	PSE	ACTV	BUCKLEY S MIXTURE DM 4OZ
0386842	PSE	ACTV	THER MS FLU/CONGSTN ND 6CT
0386843	PSE	ACTV	TRMNC S C CGH/SRTHT GRP 18S
0386844	PSE	ACTV	DAYQUIL 10OZ
0386847	PSE	ACTV	SUDAFED SINUS CAP 48CT
0386892	PSE	ACTV	TRMNC S CH CLD/CGH CHRY18CT
0398491	PSE	ACTV	TYLNL CLD SVRCONG ND CAP24
0398609	PSE	ACTV	BENADRYL A/S/H GCP 24CT
0398741	PSE	ACTV	RA SUPHEDRINE 96TBL *
0398757	PSE	ACTV	RA TUSSIN MAX C&C 4 OZ
0398760	PSE	ACTV	RA TUSSIN PEDIA C/C CHRY 4Z
0398820	PSE	ACTV	RA NON-ASP SEVCONG CAP24CT
0398822	PSE	ACTV	RA TUSSIN PE 8 OZ
0398836	PSE	ACTV	RA SUPH NON-DRYING SINUS 24 S
0398838	PSE	ACTV	TYLENOL CHLD SINUS LIQ 4Z *
0398850	PSE	ACTV	TAVIST MS SINUS CPLT 24CT
0398897	PSE	ACTV	RA ACTA-TABS 48 COUNT
0398918	PSE	ACTV	MOTRIN CLD SIN CAP 20CT
0746726	PSE	ACTV	BRONCOCHEM EXPCTRN SYRU 4Z
4698349	PSE	ACTV	RA PAIN RELF CHG-CLD 4Z 81526
4698407	PSE	ACTV	RA NON/ASP MS SINS CP24 4388
4701510	PSE	ACTV	TYLENOL ALL/SIN GLCAP 48S
4710197	PSE	ACTV	RA SORE THROAT RELIEF4Z 12726
4710385	PSE	ACTV	RA PEDIA-RLF CGH/COLD CHRY 4Z
4720382	PSE	ACTV	ROBIT MAX STR CGH/CLD 8OZ
8000248	PSE	ACTV	SUDAFED SEV COLD 12S
8000437	PSE	ACTV	PRIMATENE TABLET 60CT
8000462	PSE	ACTV	RA SUPHEDRINE SEV COLD CAPL 24
8000463	PSE	ACTV	SUDAFED SEV COLD CAPL 24S
8000960	PSE	ACTV	TYL SIN 48GTL
8001376	PSE	ACTV	SUDAFED TABS 30 MG 96S
8001916	PSE	ACTV	RA SYMPTOM COLD MS 48TBL
8005327	PSE	ACTV	CONTACT 12HR 20+10CT
0031059	PSE	DWO	SUDAFED SEV COLD TAB 10S
0031065	PSE	DWO	SUDAFED SEV COLD CAPL 20S
0031184	PSE	DWO	RA SUPHEDRINE SEV COLD CAPL 20
0031833	PSE	DWO	DIMETAPP DM 4OZ
0032096	PSE	DWO	PRIMATENE M TAB 60S II
0032843	PSE	DWO	RA COLD/ALLERGY ELIXIR DM 4OZ
0032844	PSE	DWO	RA COLD/ALLERGY ELIX DM 8OZ *

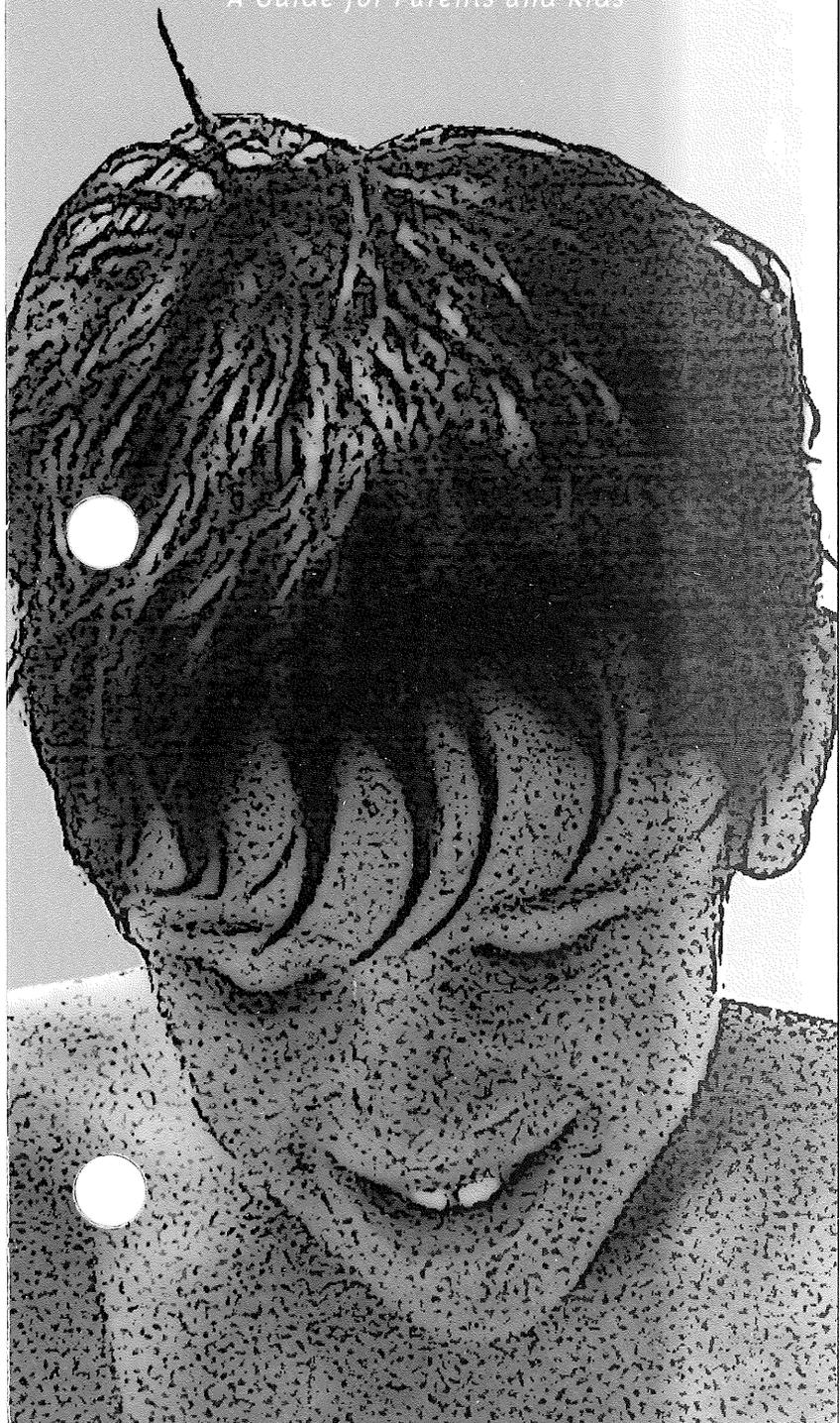
Pseudoephedrine Items

Item	Ind	Status	Item Description
0037243	PSE	DWO	TYL SIN 60GTL
0114271	PSE	DWO	RA SUPHED 30MG 16CT PP
0114272	PSE	DWO	RA ACTA TAB 16CT PP
0305884	PSE	DWO	RA DAYTIME LIQ 10OZ
0331503	PSE	DWO	CLARITIN D 24HR 15CT
0345314	PSE	DWO	SINE-OFF REG CAP 24CT
0386849	PSE	DWO	ROBI HONEY FLU 4OZ
4710190	PSE	DWO	RA COUGH FORMULA D 4 OZ 39126
4710192	PSE	DWO	RA COUGH FORMULA M 4Z 11126
8000141	PSE	DWO	SUDAFED TAB 24S W/HALLS STICK
8000560	PSE	DWO	TYLN ALL/SIN GELTB 24 1.00 IRC
8001582	PSE	DWO	RA DAYTIME LIQCAPS 20+4 BONUS
8001583	PSE	DWO	RA NIGHTTIME LIQ CAP 20+4 BNS
8001675	PSE	DWO	TYLENOL SINUS GELTAB 24 S + 6
8001676	PSE	DWO	TYL SIN 24+6GCP
8001880	PSE	DWO	TYL ALLGY SIN 24+6
8001929	PSE	DWO	SUDAFED TAB 24+8 30MG
8001930	PSE	DWO	SUDAFED 12HR CAP 10+4
8001932	PSE	DWO	SUDAFED SINUS CAPLET 24+8
8001933	PSE	DWO	SUDAFED SNS LIQ CP NONDRY 24+8
8001937	PSE	DWO	BENADRYL ALL/SNS CAP 24+8
8001938	PSE	DWO	BENADRYL ALL/SNS GELCP 24+8
8002345	PSE	DWO	TYL SIN 48+12CPL BON
8002365	PSE	DWO	NYQUIL COLD 10 CHRY W/DAYQUIL
8002366	PSE	DWO	NYQUIL COLD 10Z ORIG W/DAYQUIL
8002572	PSE	DWO	TYL ALL SIN 24+6
8002785	PSE	DWO	SUDAFED CHILD 4Z GRP + COUP
8002787	PSE	DWO	TYL FLU GCP 20 + 6 FREE
8002788	PSE	DWO	TYL CLD/SEVR CONG ND CPL 24+6
8002789	PSE	DWO	TYL SIN GTB 24 + 6 FREE
8002790	PSE	DWO	TYL SIN GCP 24 + 6 FREE
8002798	PSE	DWO	RA NITETIME CHRY 10Z BONUS
8002799	PSE	DWO	RA NITETIME COLD 10Z BONUS
8002800	PSE	DWO	RA DAYTIME LIQ 6Z BONUS
8002801	PSE	DWO	RA MS NITE C/C 6CT BONUS
8002864	PSE	DWO	ADVIL C/S CPL 20+10
8002865	PSE	DWO	ADVIL C/S TBL 20+10
8002866	PSE	DWO	ROBI C/C LQG 12+6
8002867	PSE	DWO	ROBI C/C/FLU GCP 12+6
8002910	PSE	DWO	TRIAMINIC SEV CLD 4OZ W/2CTSFT
8002912	PSE	DWO	TRIAMINIC SOR THR 4Z W/2CT SFT
8002914	PSE	DWO	TRIAMINIC NT 4OZ W/2CT SOFT
8004095	PSE	DWO	RA NA SEV CNG CAP 24+12
8004096	PSE	DWO	RA ALL/SNS CAP 24+12
8004808	PSE	DWO	ALEVE SIN HEAD CAP 10+4
8005043	PSE	DWO	RA ACET PM FLU GCP 20+10
8005044	PSE	DWO	RA ACET FLU GCP 20+10
8005045	PSE	DWO	RA ACTA TABS 24+16
8005046	PSE	DWO	RA SUPHEDRINE 24+16
8005052	PSE	DWO	RA TUSSIN CF 8+4OZ
8005055	PSE	DWO	RA COMP ALL SINUS 24+12
8005056	PSE	DWO	TYL NITE SINUS CAP 24+6
8005057	PSE	DWO	TYL COLD SEV CONG ND 24+6
8005058	PSE	DWO	TYL COLD CAPLET 24+6
8005444	PSE	DWO	RA LORATADINE D 10+5 FREE

CHILD SAFE

Protecting Our Children
From Harmful Drugs

A Guide for Parents and Kids



RECOGNIZE THESE?

PARENTS & CAREGIVERS:

Do you know where your child is at all times of day (*especially after school*)?

Do you know who your child's friends are? Have you met or spoke with your child's friends' parents or caregivers?

Is the home of your child's friend a safe environment, free of drug use?

Does your child know what to do when confronted with drugs or people who are using drugs?

KIDS:

Pictured on the right are some of the tools commonly used to make or take illegal drugs. Some of these items are very dangerous to you and your friends.

WHAT YOU SHOULD DO:

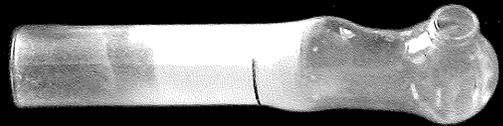
Have you seen some of these or similar items when visiting your friend at his/her home? If so:

1. Do not touch the items.
2. Leave your friends home immediately and report what you have seen to your parents, a teacher or any other adult that you trust.

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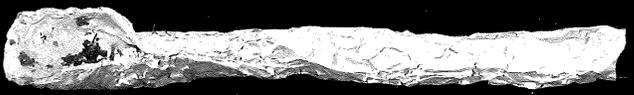
methamphetamine pipe



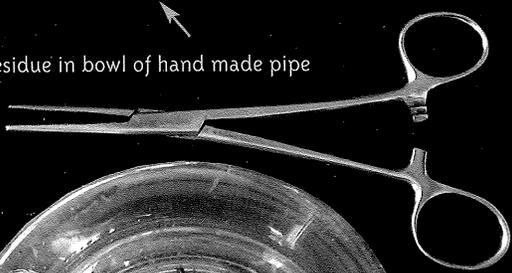
marijuana pipe



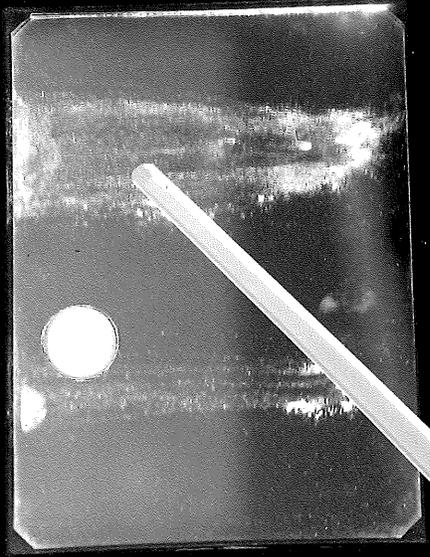
homemade bong



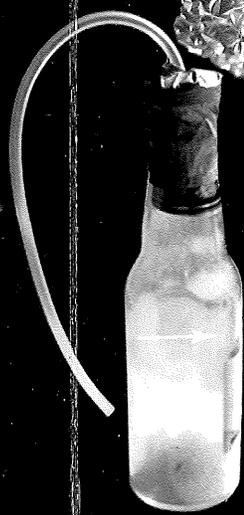
residue in bowl of hand made pipe



bong



white powder on a mirror



poison gasses



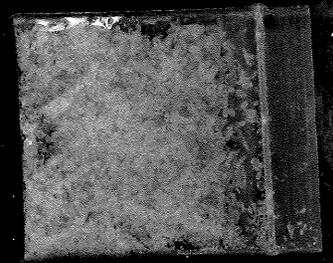
jar with layers of liquid



sniffers



rolling papers

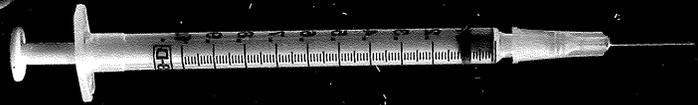


methamphetamine or crack cocaine



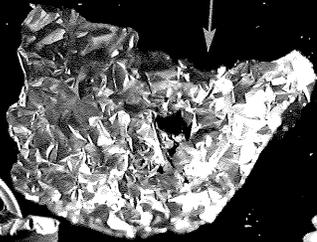
residue on spoon

burnt spoon



residue on foil

coffee filters with sludge



toxic fumes

Who is hurt by drug use?

When a person uses drugs, they are being careless with their health and well-being. Drug use can harm a person's body and mind. Some drugs can cause damage to a person's brain, lungs, or heart. Some drugs can cause a person to be addicted to them. Using drugs is not safe.

Drug use not only hurts the drug user, but those who care about them. When a person uses drugs they harm not only themselves but the people around them -- moms, dads, brothers, sisters, other family members and friends.

What happens when a friend uses drugs?

If a friend uses drugs, he or she may have difficulty staying in school or going to work. This can affect his or her immediate and long term future.

If a friend uses drugs on a regular basis, he or she may become addicted to a point where he or she will need treatment.

If a friend is using drugs he or she is not living up to their full potential and not reaching for goals or dreams because the drugs make them physically and mentally unable to do everyday things.

A person can die from drug use. Some drugs can be fatal with just one use. If a friend does not get help, his or her drug use may result in permanent damage to the body and mind and possibly death.

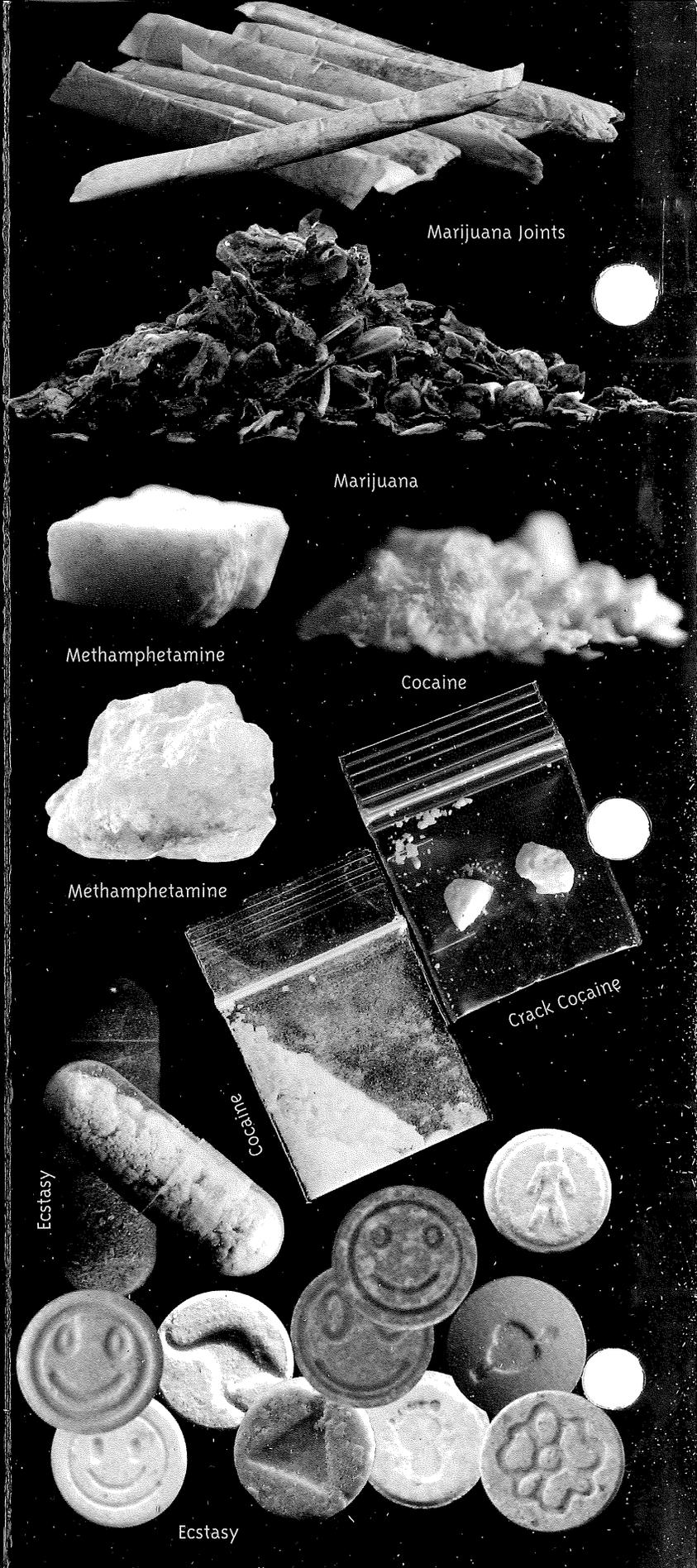
If a friend lives where drugs are made....

Some drugs are made with very dangerous chemicals. Some people make these drugs at their home. When people make drugs at home, they mix many different chemicals together. Mixing these chemicals together can cause very poisonous gasses, fires, explosions, toxic remains and residues. If you or a friend are in a house where drugs are made, you can be severely injured or killed by these mixed chemicals or the poisonous gasses they produce.

What can you do to help a friend?

If you are worried about your friend, it is important for you to speak to someone in private with whom you can trust like a parent or teacher.

If you feel uncomfortable when you visit a friend's house because of drug use --- leave immediately. If you smell a strange odor, see things around the house like those pictured in this guide, or feel uncomfortable because someone is using drugs --- leave the house immediately and discuss what you saw with a parent, teacher, police officer or other adult that you trust. Take care of yourself, try to help your friend and be safe.



Marijuana Joints

Marijuana

Methamphetamine

Cocaine

Methamphetamine

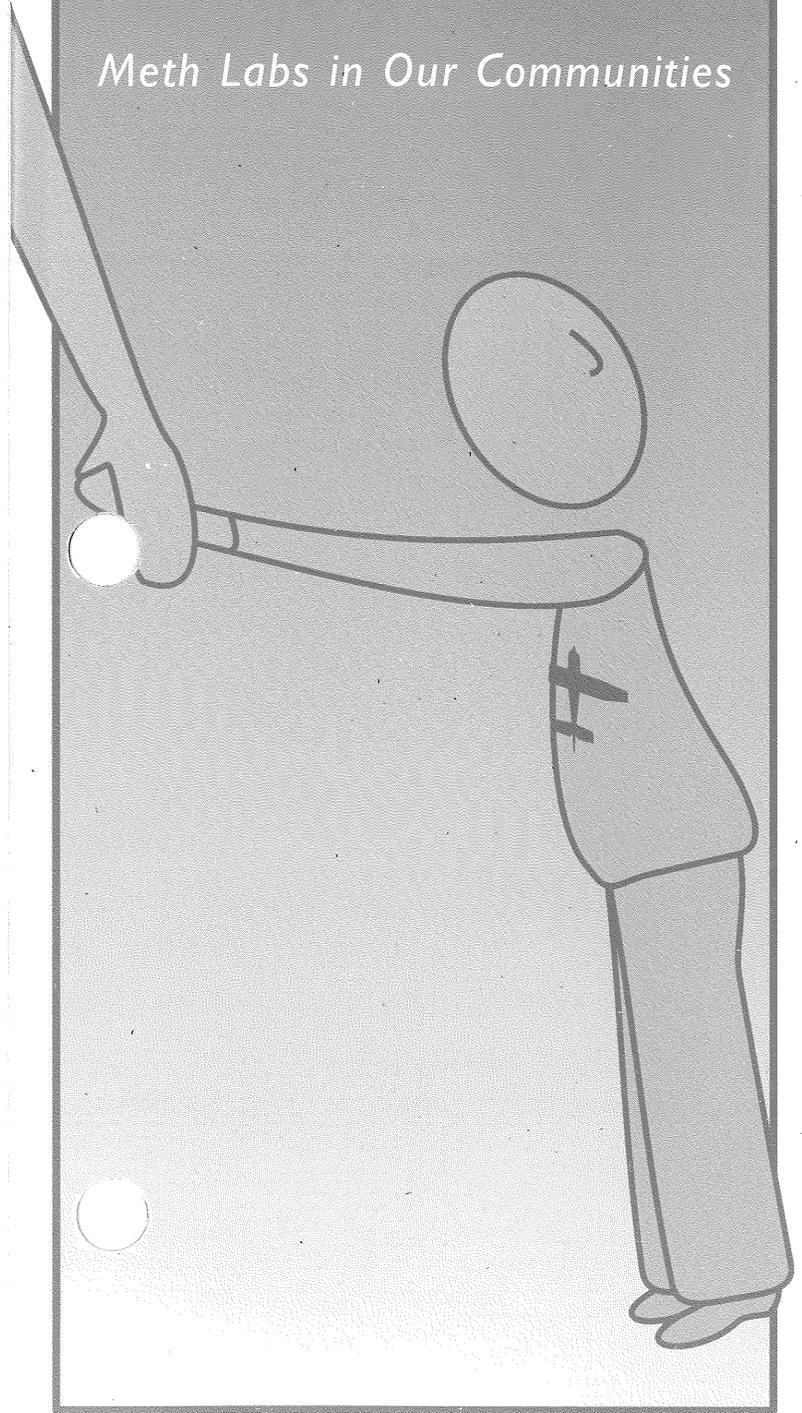
Crack Cocaine

Ecstasy

Ecstasy

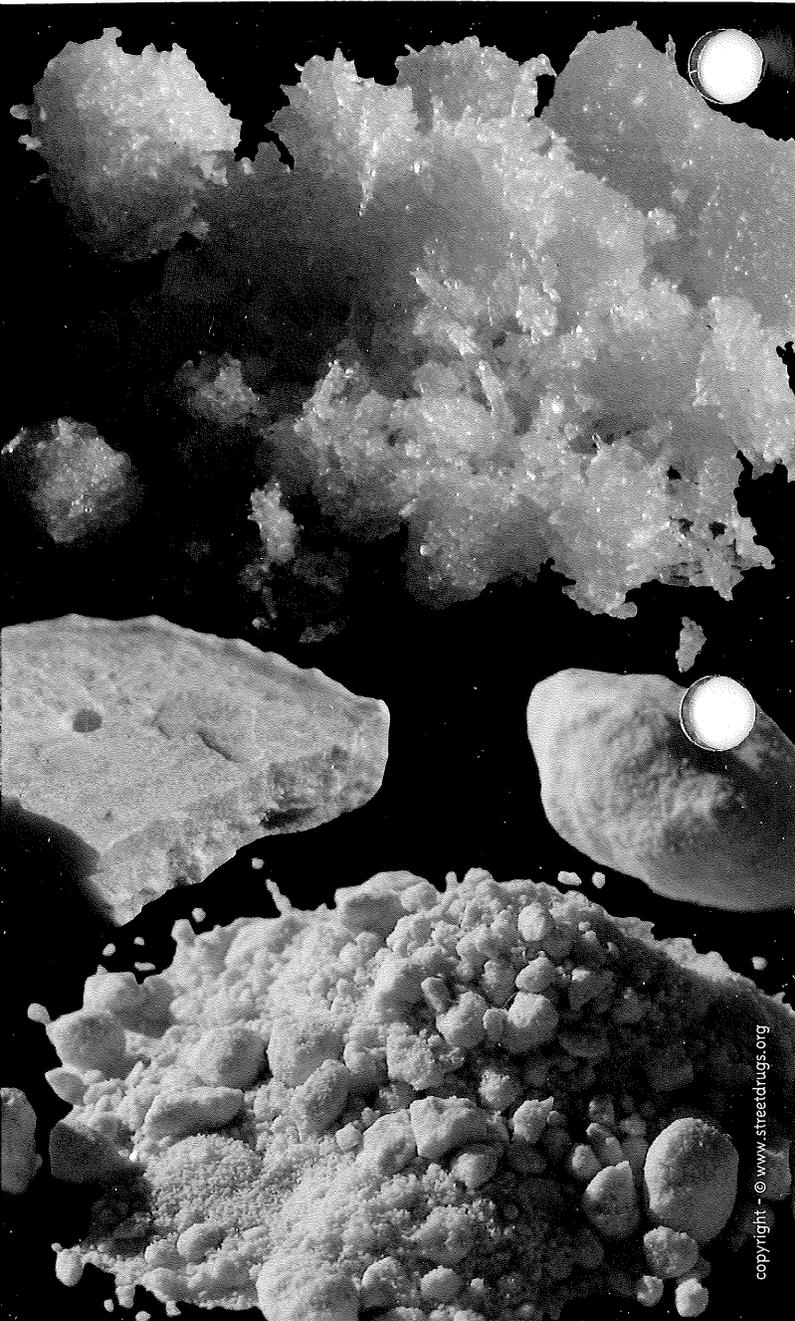
Children At Risk

Meth Labs in Our Communities



WHAT IS METHAMPHETAMINE?

Methamphetamine is a highly addictive stimulant drug made by mixing household chemicals that are used to unclog your drain, clean your car engine, power batteries, fertilize crops and manufacture fireworks.



Methamphetamine modifies the brain's pleasure receptors by increasing excess levels of dopamine, a natural chemical found in the brain. The excess dopamine produced by methamphetamine allows the user to experience a fairly rapid, but brief rush, followed by a longer period of euphoria. Following the period of euphoria is the crash - a longer period of lethargy, depression, paranoia, and even violent or aggressive behavior. With prolonged use, a methamphetamine user's ability

to experience normal levels of pleasure declines and is replaced by extreme boredom with normal day-to-day activities. It is this scenario that makes methamphetamine a highly addictive drug that creates powerful cravings in the user.

MANUFACTURING METHAMPHETAMINE

The manufacturing of methamphetamine presents a substantial risk of injury and even death from contamination, toxic gases, fire or explosion to those who live in or near drug labs. This includes lab operators, their guests, children and guests at hotels and residents of apartment buildings.

The household products shown below are used to make methamphetamine. Other products found in your home with similar ingredients can also be used. The mixing and/or cooking of some of these household products will produce a deadly phosphine and hydrogen chloride gas. The other products are highly volatile when used in the methamphetamine production process. The propane gas tank is modified to store anhydrous ammonia, an extremely dangerous liquid farm fertilizer. Sulfuric acid (drain cleaner) and salt are mixed together in the gas can with the hose attached to produce hydrogen chloride gas.



SIGNS OF METHAMPHETAMINE USE

- ◆ Increased heart rate, blood pressure, and respiration
- ◆ Excessive sweating
- ◆ Flushed, tense, or anxious appearance
- ◆ High levels of energy
- ◆ Nervousness
- ◆ Incessant talking
- ◆ Chemical odor on the breath
- ◆ Rapid speech
- ◆ Dilated pupils
- ◆ Bloodshot eyes
- ◆ Extreme moodiness and irritability
- ◆ False sense of confidence or power
- ◆ Severe depression
- ◆ Disinterest in previously enjoyed activities
- ◆ Repetitious behavior such as picking skin or pulling hair
- ◆ Poor hygiene
- ◆ Inability to sleep or eat



Chemicals and chemical mixtures left over from the methamphetamine manufacturing process are poured down bathroom sinks in easy reach of children or bathtubs where children are bathed exposing their entire bodies to a chemical bath.

LONG-TERM EFFECTS

Long-term methamphetamine use can cause permanent and severe physical and psychological problems, including excessive weight loss, rotting teeth, scars, open sores, a variety of cardiovascular problems, convulsions, and hallucinations. Methamphetamine-induced paranoia can also result in homicidal and suicidal thoughts. Using brain imaging techniques, scientists have found that damage to the dopamine neurons by long-time methamphetamine use remained for as long as three years after drug use was stopped. Much remains to be learned about the long-term effects of methamphetamine.

HOW DO METHAMPHETAMINE LABS ENDANGER CHILDREN?

Many children live where methamphetamine is made, and many other children have parents who use methamphetamine. Exposure to methamphetamine precursor chemicals can harm anyone, but they are particularly dangerous to children. Methamphetamine labs are toxic waste dumps set up in children's bedrooms and bathrooms.

The greatest dangers of a methamphetamine lab are physical contamination, fire, explosion and inhaling toxic chemical gasses. Contamination occurs when chemicals or chemical mixtures come in contact with the skin directly or through contaminated clothing, toys, or household items.

Chemicals mixtures used to produce methamphetamine are often stored in unlabeled food and drink containers on floors and counter-tops within easy reach of toddlers and infants placing them at increased risk of contamination or serious life threatening injury because of childhood behaviors such as putting hands and other objects into mouths and crawling and playing on contaminated floors.

Drug paraphernalia such as razor blades, syringes, and pipes are often within a child's reach. Explosives and booby traps used to protect the methamphetamine lab from other drug dealers or police, or to destroy the lab when discovered have been found at some methamphetamine labs. Firearms, loaded and ready to fire are also frequently found at meth labs-- within easy reach of children.

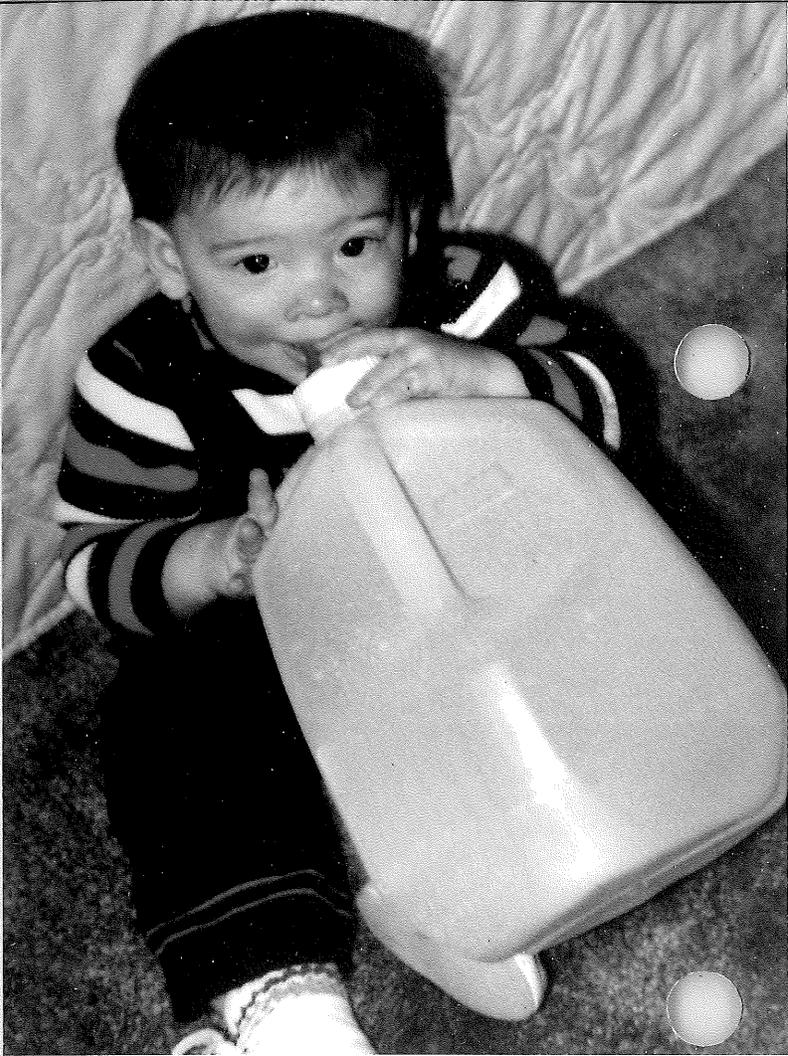
Proper ventilation that results from sealing in chemical odors to prevent detection by law enforcement increases toxic fume concentrations. Exposure to chemical waste by-products that have been dumped in outside play areas is a common practice for methamphetamine chemists creating a hazard for children living in and near methamphetamine labs.

Children discovered at methamphetamine labs are often dirty, pale, lethargic and often test positive for methamphetamine or chemical exposure. Delayed verbal skills are frequently seen while neurological and respiratory injury are some of the long-term medical consequences for these children. Other long-term consequences are yet unknown.

The figure below represents reported methamphetamine labs -- the actual numbers are higher

	Children Present at Meth Lab	Tested Positive for Toxic Levels of Chemicals
1999	950	150
2000	1,748	340
2001	2,028	700
2002	2,077	1,373
2003*	(1,442)*	(1,291)*

* For the nine month period ending October 31, 2003
Source: El Paso Intelligence Center



Chemicals and chemical mixtures are frequently stored in milk cartons and other household containers that are left in easy reach of small children.

FIRE AND EXPLOSION

Children are less likely than adults to escape from or survive a methamphetamine lab fire or explosion. Because of their age and lack of mobility, children are unable to recognize the impending danger.

CHILD ABUSE AND NEGLECT

Children of methamphetamine lab cooks often experience chaotic home environments, lack supervision and adult role models, have increased risk of domestic violence, sexual abuse, lack of food, medical and dental care, and suffer severe chronic physical and emotional neglect. Neglect can cause irreversible psychological damage, putting a lifelong burden on public mental health systems. Kids are all too often used as punching bags for strung-out parents. Some social workers report that it's not uncommon to find eight-year-olds who have never been to school.

SOCIAL PROBLEMS

Children living in methamphetamine labs often experience stress and trauma that can affect their behavioral, emotional, and cognitive functioning. Often they exhibit low self-esteem, a sense of shame, and poor social skills. Many have attachment problems and are not emotionally bonded to a parent or other caring adult. Symptoms of attachment disorder include an inability to trust or form healthy relationships and adapt to change. Consequences may include mental health problems, delinquency, teen pregnancy, school failure, isolation and poor peer relations. The problems these children encounter may lead them to model their parents' drug use, thus perpetuating the cycle.

Some pediatric therapists who have conducted brain research on children believe neglected children are more likely to become withdrawn adults with mental disorders and perpetrators of abuse or neglect themselves. Much research in this area is ongoing and results won't be known for several years.

HOW METHAMPHETAMINE IMPACTS PREGNANCY & BIRTH

Risk to the embryo and fetus during pregnancy can occur both in the production and use of methamphetamine. Some of the toxins created when making methamphetamine can cause malformation of an embryo and result in congenital defects and stillbirth.

Methamphetamine use during pregnancy can increase maternal blood pressure and heart rate, increasing the risk of premature delivery or spontaneous abortion. Methamphetamine also constricts blood vessels in the placenta, resulting in reduced blood flow to the fetus, thereby, a reduced oxygen and nutrient supply. Methamphetamine that passes through the placenta can cause elevated fetal blood pressure, which in turn can lead to prenatal stroke or damage to the heart or other major organs. It can also slow or alter fetal growth. With the exception of any major organ system damage, birth outcomes are thought to improve if the mother stops using methamphetamine in the last one to three months of the pregnancy.

When born, babies exposed to methamphetamine in utero are frequently very sleepy for the first few weeks, often not waking to feed. After this time, they are often jittery, irritable and have a shrill cry. Some infants suffer withdrawal symptoms requiring treatment. Infants exposed to methamphetamine in utero are also at increased risk for SIDS, viral hepatitis, HIV, respiratory infections, and are unable to gain weight, absorb nutrients or have normal bowel movements.

IMPACT ON SOCIETY

As courts fail, foster home placements and adoptions soar, causing an acute shortage of foster homes, particularly in rural areas, forcing social workers to place more children with relatives of methamphetamine-involved parents. To make matters worse, resources are generally in short supply. One county in a hotbed of methamphetamine activity has only enough money to provide treatment to one in five addicts leaving the others to get help elsewhere.

SIGNS THAT A CHILD IS EXPOSED TO METH LAB CHEMICALS

Teachers, day care staff and other individuals who care for children who are exposed to methamphetamine lab chemicals may observe a variety of symptoms:

- ◆ Watery eyes
- ◆ Discharge from the eyes
- ◆ Blurred vision
- ◆ Eye pain, including burning
- ◆ Skin irritation and redness
- ◆ Mild to severe burns on the skin
- ◆ Sneezing and coughing
- ◆ Difficult and labored breathing, shortness of breath
- ◆ Congestion of the voice box
- ◆ Chest pain
- ◆ Nausea and vomiting
- ◆ Abdominal pain
- ◆ Diarrhea
- ◆ Moderate to severe headache
- ◆ Rapid heart rate
- ◆ Dark colored urine
- ◆ Fever
- ◆ Decrease in mental status
- ◆ Yellow jaundice
- ◆ Hallucinations
- ◆ Extreme irritability
- ◆ Severe neglect

SAFEGUARDING CHILDREN

In the past, if a child was found at a methamphetamine lab, the child was removed from the scene, often to the care of a family friend or relative and insufficient consideration was given to the effects of the toxic chemicals or hazards the child faced on a daily basis. At best, a referral would be made to a social service agency.

Children rescued from a methamphetamine lab should immediately receive a shower or bath to remove any chemical exposure and be provided with new clothing, food, and, if needed, crisis counseling. An appropriate medical exam, including a test for exposure to toxic chemicals and developmental screening should follow as soon as possible. The medical exam and interview may provide important information as to the type and level of care needed and evidence to be used in the drug and child endangerment/abuse prosecutions.

WHAT YOU CAN DO AS A CAREGIVER

Your knowledge and quick action can assist law enforcement personnel in closing down dangerous drug labs and preventing serious injury or death to innocent children. If you believe a child is exposed to drug use or methamphetamine lab chemicals, if a child tells you that drugs are being made in his or her home or the home of a friend, or if a child recognizes images from this guide ***please contact your local police or call 911 immediately*** and provide a detailed description of what you observed. Do not act on your suspicions -- methamphetamine labs must be dismantled by highly trained police officers equipped with specialized hazard materials safety equipment.

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Publication No. 1015-1-05

METH AND MY LIFE

My name is Shari Lynner. I am a victim of domestic abuse and a recovering meth addict. I am also a statistic in the Minnesota criminal system.

This is my story.

Little did I know that snorting a line of crank would bring me to where I am today "a felon". As a recovering meth addict I have been clean for 14 months. I am also still trying to recover from domestic abuse.

It started in the year of 1999 when my husband and I would get some crank for the occasional weekend. It was almost as though it was a reward for working hard during the week, a boost for the weekend to get things done around the house.

I knew it was illegal, but the *energy*, the *high* that I got from it was something I couldn't get away from. I thought about it all the time. It eventually went from the weekends to during the week. The urge to do this drug became so overwhelming it was hard to get enough of it.

My husband and I started having marital problems that resulted in domestic abuse. In the year 2002, my husband was charged with five 5th degree assaults and two violations of order of protections. One of these was For a "bodily harm" charge, my husband received 45 days in the county jail.

In September 2002, Protective Services became involved and suggested my daughter be temporarily removed from my house. They were concerned for her safety.

My husband eventually got out of jail, and on October 2, 2002, broke into my home and beat me with a baseball bat. He was shot and killed by the Rosemount police. My daughter had been staying with neighbors (by order of Child Protective Services), learned of the attack and ran to our house, stepped inside the door as the shots were fired at my husband.

I was rushed by ambulance to Regions hospital where I was admitted. The doctors estimated I had been hit 12 – 15 times. Aside from multiple bruises, I also sustained a lacerated spleen. I was dismissed from the hospital after 3 days.

This is when I fell and fell hard. My employer of 12 years had written me up twice for performance and attendance issues while I was dealing with domestic abuse. They knew I had to take a medical leave before I could be fired.

I was a single mother trying to raise my daughter, hold down a job and deal with the traumatic torture I had miraculously lived through. All the help and assistance I was applying for was denied. My employer was writing me up on corrective action for something out of my control.

I have a history of mental issues with major depression and anxiety. A.D.A. laws should have applied to me but they didn't. I was never offered reasonable accommodation. The Department of Human Rights denied assistance even though I had all the documentation that I needed.

I quit my job to try to get through this terrible ordeal that my daughter and I lived through. She needed me and I needed her. At that time she was a young teenager.

I applied for unemployment believing that Minnesota Statute 268095 indicated I was eligible. I was denied. Not only was I still depressed, I was hurt and began to feel like I was getting a more of a beating from the system than I did from my husband's bat.

My addiction became worse. I was self-medicating my pain with meth, feeling sorry for myself. I began to smoke it. My husband would never let me do that because he knew that once I took that first puff, I would be hooked. He was right. I continued to chase that first puff and no matter how hard I tried or how much I did I could never reach the high I desperately needed.

This is when I tried to get help from the Welfare System. They have a waiver for those who have been through domestic assault that allows victims up to 60 months on the program to help get back on their feet. I was on it less than six months, and then was denied coverage.

I also applied to the Minnesota Crime Reparations Board for assistance. I was awarded some assistance, and then denied. I had researched all these options and no one seemed to care anymore. There are programs out there to help. It seems as though trying to get through them is impossible.

I also applied for social security because I had not worked for a year. Even though I had documentation of years of depression, plus being a victim of domestic abuse, I was denied.

Reacting to the continued pain, depression and rejections for assistance, I then began hanging around dealers of meth. I became a full-blown addict of meth. I would get price breaks and free hits. It went from weekends to weekdays, to all the time. It still didn't seem enough to get high. Nothing would take away the pain. I went from hanging out with dealers to hanging out with manufacturers.

As a result of my addiction, I lost my precious daughter. She means more to me than life itself. I lost my home, my car and gave up my job. On more than one occasion, I felt like I wanted to end it all.

Slowly, but surely, my life became very confusing. I was never straight. I ended up with 5 felonies in a ten-month period. I went from being a mother, an employee of 12 years at the same company -- to marrying, then being beaten by my husband and feeling beaten by the System.

Shakopee Prison became my home in November of 2003. I began to receive respect again from Shakopee staff. They saw me as the person I really am -- when I am straight. My respect and admiration for the Shakopee staff is very high.

Painful as this consequence was, it probably saved my life. My serving time in prison was hard on my daughter and my family. Not being able to hug each other during visits with very difficult for this "huggy" family. I am a good person who made some wrong choices and paid heavy consequences.

Thankfully, my time at Shakopee was very short. I only had to serve a six-month term, and then was released to a halfway house with an opportunity to pursue work. My uncle "rescued" me with an opportunity for employment, bought me a car and provided temporary housing. Within a few months I was free from the confinement of the halfway house and was able to live near my uncle and my work. I am very grateful for his love and support. Others are not so lucky to find a job and help.

I then went to treatment, completed "aftercare", and learned that I have an illness, an addiction to meth. I also learned that I had been trying to relieve the hurt and pain by using meth. It doesn't work.

While I was in prison, I learned other prisoners who were in for meth had also had issues with domestic abuse and/or depression. I didn't smoke meth to become a felon and ruin the rest of my life. I just wanted the hurt to go away and chose that path.

Now being clean for 14 months, I have come to realize that incarceration is not going to help addictions. Treatment will. What happened to Minnesota being a reformed state? It is my understanding that tax payer's pay between \$30-40,000 a year per inmate. A very high percentage cannot deal with their issues in there or get the help they need for their addiction. It is sad to say I've heard people say that they can pay off people who do their UA's, so they come out clean. I've heard people say murder crimes will increase, because less time can be done for murder than for drugs. Think about the lives put in jeopardy.

I moved away from my former location to try to begin a new life. I've learned no matter where you go; the problem is all over -- especially in rural America.

Please think about using the tax money for a treatment center for those who need help for this addiction.

Before you pass any new laws, please realize that I did not use meth to intentionally commit a crime. I did it because I am an addict and I couldn't stay away from it. I chose to use a drug to dull the pain.

Please understand there are many others like me that have the same issues. They need help. Many have not had and do not have the love and support of family and friends.

Please create more treatment centers. A sentence of 7 years incarceration, with no treatment, does not address the issues that are *really there*.

Prisons have become packed – with revolving doors. Ten may get out, but ten end up back in without the desperately needed treatment. Treatment is the help that was really needed in the first place.

It is my goal to continue sharing the consequences of meth upon my life. I would like to find an organization to work for - where I can become actively involved in educating the public. I want to make a difference!

My mom tells me I'm another "Erin Brokovich". I'm out to prove her right. ☺

Thank you for your time!!

Shari Lynner
P. O. Box 491
Cambridge, MN 55008

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Cell: 652-248-2556

Costs of a Methamphetamine (Meth) Case in Ramsey County

By Gail Carlson

Case Scenario

The case scenario created for this exercise is a couple with two children, first time offenders in Ramsey County. The meth lab is a small “mom and pop” operation in St Paul. The couple rents the home and the arrest occurs at 6:00 p.m. The operating assumptions for this case are as follows:

- No weapons were found.
- The children do not have any permanent injury from the meth lab
- The woman regains custody of the children after treatment
- The county is paying the cleanup costs.
- The offenders plead guilty after the 2nd court hearing.
- The man is sentenced to 61.4 months, serving 40.5 months in prison plus 5 years probation, the average sentence for an offender convicted of manufacture of methamphetamine.¹ The woman is sentenced to 30 months in prison stayed, treatment and 5 years probation.

Factors that may impact the cost of the case;

There are many factors that might increase the cost of the case. Some of these factors include:

- Law enforcement costs, if the investigation is extensive.
- Medical costs, if the children are impaired by the chemicals found in the home or if the woman is pregnant.
- Prosecution and public defender costs, if the case goes to trial.
- If child protection removes the children from the home permanently.
- Cleanup costs if a fire occurs and either destroys or severely damages the home or nearby homes.
- If a weapon is found, the sentence will be longer and the incarceration costs will be higher.
- The type and length of treatment and aftercare services.
- The woman may need public assistance upon release.

Costs to the Public Based on Case Progression

Law enforcement:

- Investigation: We are assuming that the investigation before the search warrant involves 50 staff hours at \$25/hour for a total cost of \$1,250.²
- State Hazardous Materials Team: The initial response involves about 10 people (including uniformed officers, clan lab certified technicians, firefighters and

paramedics). The uniformed officers and technicians work about 8 hours (1/2 on overtime) - firefighters and paramedics standby for 1 1/2 hours.³ The technicians remove the hazardous materials from the house for testing and photographing. The total cost of the initial response would be \$3,500.

- Non-re-useable equipment costs about \$400.⁴
Includes: Boots-\$10-15, gloves-\$10-15, mask filters-\$30, tyvek suits-\$20-30, testing pump tubes-\$30 and other costs⁵
- BCA Crime Lab. There is a fee of \$2-3,000 to test and store the materials.⁶
- Jail: The suspects are booked into the Ramsey County Jail.⁷
 - Booking fee \$150 per offender
 - Jail for about 2-3 days (\$80/day).
 - Drug test and medical screening at a cost of \$100.
 - Total jail costs for two adults range from \$520-680.⁸

Total law enforcement costs, including investigation, Hazmat team, testing, jail and equipment: \$8,070-9,280.

Other Expenses. City inspector's to post condemned property signs cost \$100.⁹

Social Services:

- House Calls transport the children to Children's Hospital for a shelter exam at a cost of \$100/each. Assuming that the children are healthy, House Calls transport the children to a shelter.¹⁰
- Shelter exam is \$450/child plus \$183 urine drug testing fee.¹¹
- Temporary foster care. The children stay at the shelter for 30 days until more permanent foster care is found. The cost of shelter is \$53/day each for a total of \$3,180. Each child is given \$600 for personal items.
- Long term foster care is \$1,000-1,200/month plus \$600 each for personal items. The children are in foster care for 3 months. The total cost for long term shelter for two children is \$6,000-\$7,200.¹²

Total medical exam, health exam and shelter costs for two children range from \$11,846-13,046¹³

Public Defenders:

- CHIPS (Children in Protective Services) Costs: Attorney fees run about \$1,839 plus a dispositional worker to total \$2,200.
- Criminal Costs: (Costs to defend the client against felony drug charges)\$1,302 (13 hours total or \$651 each) + \$500 for investigator and dispositional worker.

Total public defender fees are \$4,002-4,102.¹⁴

Prosecution:

- The cost of attorneys, paralegals and support staff comes to about \$100/hour.
- We are assuming each hearing is 2 hours of attorney time 2 adults X 100/hour=\$800.¹⁵
- CHIPS case: the initial hearing is 4-5 hours for 2 children @\$100/hour=\$800-1,000
- Follow-up: 2 hours x 2 children x \$100/hour=\$400.

Total prosecution costs are **\$2,000-2,200**.

Court: Sentencing is done on the third court appearance.

- Judge is \$56.58/hour
- Judge's law clerk is \$19.02/hour,
- Court reporter is \$27.30/hour, and
- Ramsey county law clerk is \$17.87/hour for a total of \$120.77/hour for 2 individuals.
- Bailiff's costs \$23.59/hour for about 2 hours.
- Total court time would be about 2 ½ hours including time to review the pre-sentence investigation.

Total court costs total approximately **\$651.03**.¹⁶

Pre-sentence investigation:

- Costs at least \$320 each for a total of **\$640**¹⁷.

Sentencing:

- The woman is sentenced to 30 months in prison stayed, treatment and five years of probation.¹⁸
- The man is sentenced to 61.4 months in prison and 5 years probation.¹⁹
(This is the average sentence for this offense-he will serve 40.5 months)

Probation:

- Costs \$700/year plus an initial supervision fee of \$200, which is paid by the offender.

Total probation costs for two adults for five years each are **\$7,000**.²⁰

Prison:

- Costs \$80.52/day in 2003 for 40.5 months for one adult for a total of **\$97,831.80**.²¹

Chemical Dependency Treatment:

- Initial chemical assessment fee of \$100 each offender.²²

- Average Ramsey County out- patient cost is \$2,600 for one adult. Total treatment cost is **\$2,800**

Cleanup: We are assuming that the county is paying for the cleanup costs.

- Contractor is called to decontaminate the property (\$5000-\$10,000).
- In addition, there is a testing fee of \$1,000-1,500.
- Total cleanup costs are **\$6,000-11,500**. Homeowner's property taxes are assessed the costs of cleanup, however if the landlord is unable to pay, the county would pick up the costs.²³

Total costs range from **\$140,840.83-149,000.83**

¹ Jill Payne, MN Sentencing Guidelines Commission
² Rich Clark, Ramsey County Sheriffs Office.
³ Asst Fire Chief Dave Pleasant, St Paul Fire Department.
⁴ Paul Stevens, BCA
⁵ Rich Clark, Ramsey County Sheriff's Office
⁶ Paul Stevens BCA
⁷ Paul Stevens, BCA
⁸ Dori Martinez, Ramsey County Jail
⁹ Andy Dawkins, Housing Code Enforcement.
¹⁰ Kay Wittenstein, House Calls.
¹¹ Jean Henry, St. Paul Children's Hospital
¹² Kurt Koehler, Ramsey County Social Services
¹³ Ibid
¹⁴ Jim Hanks, State of MN Public Defenders Office.
¹⁵ Kim Bingham, Ramsey County Attorney's Office
¹⁶ Dan Lundstrom, Ramsey County Court Administrator
¹⁷ Bob Steiner, Ramsey County Probation.
¹⁸ Anne McDiarmid, Ramsey County Courts.
¹⁹ Jill Payne, MN Sentencing Guidelines Commission
²⁰ Anne McDiarmid, Ramsey County Courts
²¹ Deb Kirchner, Dept of Corrections
²² Kurt Koehler, Ramsey County Social Services
²³ Bay West

Cost of a Meth Lab Case in Ramsey County				
Source	Description	Hours	Costs	Source
Law Enforcement				
	Investigation			
	Pre-search warrant	50 hours @\$25 per hour	\$1,250	Rich Clark-Ramsey
	Post-search warrant	8-10 staff	\$3,500	County Sheriff's Office
	Includes:uniformed officers, fire trucks and paramedics(hazmat team)			
	Total		\$4,750	
	Equipment			
	Nonreuseable equipment			Paul Stevens, BCA
		Boots	\$10-15	
		Tyvek suits	\$20-30	
		Gloves	\$10-15	
		Mask filters	\$30/set	
		Testing pump-\$70/10-use 4 tubes	\$28	
	Total non-reusable equipment		\$400	
	BCA testing & storage	1-3 days	\$2-3,000	
	Jail			
	Booking fee	2 adults (\$150 each)	\$300	
	Detox	2 adults (\$100 each)	\$200	
	Jail	(2 adults for 2-3 days *\$80/day)	\$320-480	Dori Martinez, Ramsey County Jail
	Total jail for 2 adults for 2-3 days		\$820-980	
	Total Law enforcement fees, equipment, testing and storage		\$7,970-9,130	
Other fees				
	City Inspectors post condemned signs			
			\$100	
Social Services				
	House Calls	4 hrs @\$25 X 2 children	\$200	Kay Wittenstein, House Calls
	Medical Exam	Exam-\$450 Urine Test-\$183 X 2 children	\$1,266	Jean Henry, Children's Hospital
	Shelter services	\$53 per day for 30 days X 2 children	\$3,180	Kurt Koehler, Ramsey Cty Social Serv
	Long Term foster care	\$1,000-\$1,200 per mo. - 3 months X 2 children	\$6,000-7,200	
	Personal items	\$600/child	\$1,200	
	Total	Two children	\$11,846-13,046	

Public Defender				
	CHIPS		\$1,839	
	Dispositional Workers		\$361	Jim Hanks, Ramsey County
	Attorneys	(13 hrs@\$100/hr	\$1,302	Public Defenders Office
	Investigator & dispositional worker		\$500-600	
	Total for 2 adults 2 attorneys per adult		\$4,002-4,102	
Prosecution				
	2 hours/hearing for 2 hearings*2*\$100/hour		\$800	
	CHIPS	4-5 hours*2*\$100/hour	\$800-\$1,000	Kim Bingman, Ramsey County
	Followup	2hours*2*\$100/hour	\$400	Attorneys Office
	Total 2 adults		\$2,000-2,200	
Court				
	Judge	\$56.58/hour*2*2 1/2hours	\$282.90	
	Judge law clerk	\$19.02/hour*2*2 1/2	\$95.10	Dan Lundstrom, Court Administrator
	Court Reporter	\$27.30/hour*2*2 1/2	\$136.50	
	Ramsey Co Law Clerk	\$17.87*2*2 1/2	\$89.35	
	Total court	\$120.77/hour*2*2 1/2	\$603.85	
	Bailiff	\$23.59/hour for 2 hours	\$47.18	
	Total		\$651.03	
Pre-sentence investigation				
	\$320/adult	2 adults	\$640	Bob Steiner, Ramsey Cty Probation
Treatment				
	Assessment	2 adults (\$100 each)	\$200	
	Consolidated Chemical Dependency Treatment Fund-1 adult i(Out-patient)		\$2,600	
	Total 1 adult out-patient treatment +2 adults assessment		\$2,800	Kurt Koehler, Ramsey Cty Social Serv
Prison				
	40.5 months served*	(61.4 ave sentence*2/3 @ 80.52/day*1 adult)	\$97,831.80	Deb Kirchner, Corrections
Probation				
	\$700/year for 2 adults for 5 years		\$7,000	Anne McDirmiad
Cleanup Costs				
	Decontamination		\$5,000-10,000	Bay West
	Testing fee		\$1,000-1,500	
	Total Cleanup costs		\$6,000-11,500	
Total Costs				
	Two adults, 2 children		\$140,840.83-\$149,000.83	
*Jill Payne-Sentencing Guidelines.				

ESTIMATED STATEWIDE PUBLIC COSTS RELATED TO 2004 METHAMPHETAMINE EVENTS - 1yr cost

COST COMPONENT	# of Events	Cost/Event		Total Cost		Avg Cost	
		Low	High	Low	High		
LAW ENFORCEMENT COSTS							
Personnel	5,000	\$4,750	\$4,750	\$23,750,000	\$23,750,000	\$23,750,000	L
Equipment	5,000	\$100	\$500	\$500,000	\$2,500,000	\$1,500,000	L
Ice processing and storage	5,000	\$2,000	\$3,000	\$10,000,000	\$15,000,000	\$12,500,000	S
Booking fee and jail	5,000	\$250	\$350	\$1,250,000	\$1,750,000	\$1,500,000	L
Subtotal - Law Enforcement				\$35,500,000	\$43,000,000	\$39,250,000	
PROSECUTION COSTS							
Public Defender	4,000	\$2,163	\$2,263	\$8,652,000	\$9,052,000	\$8,852,000	S
County Attorney	4,000	\$800	\$800	\$3,200,000	\$3,200,000	\$3,200,000	L
Courts	4,000	\$375	\$450	\$1,500,000	\$1,800,000	\$1,650,000	S
PSI	3,200	\$300	\$400	\$960,000	\$1,280,000	\$1,120,000	L
Subtotal - Prosecution				\$14,312,000	\$15,332,000	\$14,822,000	
CORRECTIONAL COSTS							
Probation	1,985	\$2,500	\$6,000	\$4,962,500	\$11,910,000	\$8,436,250	2/3L
60 month average sentence @ \$500 - \$1200/year							
Local jails - post-sentence	1,285	\$7,095	\$10,320	\$9,117,075	\$13,261,200	\$11,189,138	L
129 days @ \$55 - \$80/day							
Prison	715	\$95,000	\$98,000	\$67,925,000	\$70,070,000	\$68,997,500	S
59 - 61 mo. average sentence @2/3 served @ \$80.52/day							
Subtotal - Corrections				\$82,004,575	\$95,241,200	\$88,622,888	
ENVIRONMENTAL COSTS							
Up	400	\$6,000	\$11,500	\$2,400,000	\$4,600,000	\$3,500,000	F
SOCIAL SERVICE COSTS							
TREATMENT							
Assessment	2,790	\$75	\$100	\$209,250	\$279,000	\$244,125	L
Inpatient (38%)	1,060	\$6,294	\$6,294	\$6,672,899	\$6,672,899	\$6,672,899	.8S
Outpatient (42%)	1,172	\$2,692	\$2,692	\$3,154,486	\$3,154,486	\$3,154,486	.8S
Extended Care (14%)	391	\$6,264	\$6,264	\$2,446,718	\$2,446,718	\$2,446,718	.8S
Halfway House (6%)	167	\$9,625	\$9,625	\$1,611,225	\$1,611,225	\$1,611,225	.8S
Subtotal-Treatment				\$14,094,578	\$14,164,328	\$14,129,453	
CHILD WELFARE COSTS							
CHIPS (prosecution, public defender costs and court)	800	\$2,500	\$3,000	\$2,000,000	\$2,400,000	\$2,200,000	.5 S
Home visits, exams, personal items	1,000	\$2,500	\$5,000	\$2,500,000	\$5,000,000	\$3,750,000	L
Shelter and Foster Care	1,000	\$9,180	\$10,380	\$9,180,000	\$10,380,000	\$9,780,000	L
Subtotal-Child Welfare				\$13,680,000	\$17,780,000	\$15,730,000	
TOTAL				\$161,991,153	\$190,117,528	\$176,054,340	
NOTES:							
1. All costs could be considered total event costs for those engaging "public systems" in 2004 due to meth abuse.							
2. Probation and probation costs compound as they are in effect for an average of 5 years							
3. Costs are estimated that 35% of the costs are borne by local government and 65% by state government							
3. Costs do not include:							
a. Costs of methamphetamine related crime (sexual assault, domestic violence, burglaries, assault, etc)							
b. Immediate and long term health costs for methamphetamine users							
c. State staff costs (other than for prison and courts)							
d. Treatment costs for insured, private pay and PMAP clientele							
e. Costs for juveniles within the criminal justice system							
4. Some offenders are sentenced to both local jail and probation							
5. Criminal Justice system costs are based upon 5,000 annual arrests and 4,000 felony filings							
6. The number of events and event costs are actual numbers (where available) or reliable estimates.							
Expert state and local staff were consulted to obtain this information.							

DATA/COST ESTIMATES PROVIDED BY:

1. Ramsey County Sheriff's Office
2. MN. Department of Public Safety - Bureau of Criminal Apprehension
3. Ramsey County Jail
4. Ramsey County Public Defender's Office
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6. Ramsey County Probation
7. Second Judicial District Court Administration
8. Minnesota Department of Corrections
9. Minnesota Department of Human Services
 - Chemical Health Division
 - Children and Family Services Division
10. Bay West, Inc.
11. Minnesota Sentencing Guidelines Commission
12. Minnesota Supreme Court
13. MN. Department of Public Safety - Office of Justice Programs
14. Various news articles

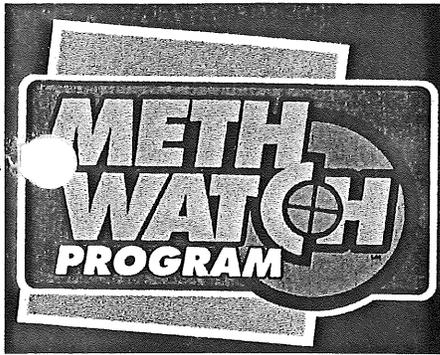
ESTIMATED 2004 ANNUAL STATEWIDE PUBLIC COSTS RELATED TO METHAMPHETAMINE

recurring cost year after year

COST COMPONENT	# of Events	Cost/Event Low	Cost/Event High	Total Cost	Total Cost	Total Cost
				Low	High	Average
LAW ENFORCEMENT COSTS						
Personnel	5,000	\$4,750	\$4,750	\$23,750,000	\$23,750,000	\$23,750,000
Equipment	5,000	\$100	\$500	\$500,000	\$2,500,000	\$1,500,000
Evidence processing and storage	5,000	\$2,000	\$3,000	\$10,000,000	\$15,000,000	\$12,500,000
Booking fee and jail	5,000	\$250	\$350	\$1,250,000	\$1,750,000	\$1,500,000
Subtotal - Law Enforcement				\$35,500,000	\$43,000,000	\$39,250,000
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Public Defender	4,000	\$2,163	\$2,263	\$8,652,000	\$9,052,000	\$8,852,000
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	3,200	\$300	\$400	\$960,000	\$1,280,000	\$1,120,000
Subtotal - Prosecution				\$14,312,000	\$15,332,000	\$14,822,000
CORRECTIONAL COSTS						
Probation	1,985	\$500	\$1,200	\$992,500	\$2,382,000	\$1,687,250
60 month average sentence @ \$500 - \$1200/year						
Local jails - post-sentence 129 days @ \$55 - \$80/day	1,285	\$7,095	\$10,320	\$9,117,075	\$13,261,200	\$11,189,138
Prison	1,012	\$29,390	\$29,390	\$29,742,478	\$29,742,680	\$29,742,579
Subtotal- Corrections				\$39,852,053	\$45,385,880	\$42,618,966
ENVIRONMENTAL COSTS						
Clean-Up	400	\$6,000	\$11,500	\$2,400,000	\$4,600,000	\$3,500,000
SOCIAL SERVICE COSTS						
TREATMENT						
Assessment	2,790	\$75	\$100	\$209,250	\$279,000	\$244,125
Inpatient (38%)	1,060	\$6,294	\$6,294	\$6,672,899	\$6,672,899	\$6,672,899
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Subtotal - Treatment				\$14,094,578	\$14,164,328	\$14,129,453
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IPS (prosecution, public defender costs and court)	800	\$2,500	\$3,000	\$2,000,000	\$2,400,000	\$2,200,000
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Shelter and Foster Care	1,000	\$9,180	\$10,380	\$9,180,000	\$10,380,000	\$9,780,000
Subtotal - Child Welfare				\$13,680,000	\$17,780,000	\$15,730,000
TOTAL				\$119,838,630	\$140,262,208	\$130,050,419
NOTES:						
1. All costs could be considered annual costs for those served by "public systems" in 2004 due to meth abuse. Prison and probation costs compound as they are in effect for an average of 5 years						
2. It is estimated that 50% of the costs are borne by local government and 50% by state government						
3. Costs do not include:						
a. Costs of methamphetamine related crime (sexual assault, domestic violence, burglaries, assault, etc)						
b. Immediate and long term health costs for methamphetamine users and their children						
c. State staff costs (other than for prison and courts)						
d. Treatment costs for insured, private pay and PMAP clientele						
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4. Some offenders are sentenced to both local jail and probation						
5. Criminal Justice system costs are based upon 5,000 annual arrests and 4,000 felony filings						
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14. Various news articles



METHAMPHETAMINE AWARENESS AND PREVENTION CAMPAIGN

March 15, 2005

Dear Minnesota Retailer,

The Minnesota Pharmacists Foundation and the Minnesota Grocers Association Foundation have been awarded a grant by the national Consumer Health Care Products Association (CHPA) to, in part, print and distribute 7,500 packets of materials to all relevant Minnesota retail stores in order to:

1. Educate associates about the dangers of methamphetamine and how common products found in our stores are used to make the drug;
2. Educate our customers about the issue;
3. Enlist the help of both associates and customers to be aware of suspicious activity and to report it to the appropriate authorities.

Together, with the Minnesota Retailers and the Minnesota Petroleum Marketers Associations, we urge your active participation in this voluntary program as a community awareness and service campaign to severely restrict and eventually halt the creation of methamphetamine labs in Minnesota.

Sincerely,

Handwritten signature of Steve Simenson.

Steve Simenson, R.Ph
Trustee
MN Pharmacists Foundation
651-789-3207

Handwritten signature of Nancy Christensen.

Nancy Christensen
Executive Director
MN Grocers Assn. Foundation
651-228-0973

Handwritten signature of Bruce "Buzz" Anderson.

Bruce "Buzz" Anderson
President
MN Retailers Assn.
651-227-6631

Handwritten signature of Bob Krogman.

Bob Krogman
Executive Director
MN Petroleum Marketers Assn.
651-484-7227

P.S. Minnesota is one of ten states to be awarded a grant for *Meth Watch* to date. Please refer to the program explanation on the back of this letter. We urge you to use the enclosed training and materials. An informed and aware citizenry *can make a difference*.



Sample
SUSPICIOUS ACTIVITY REPORT
Police emergency number: 911

Store name _____
Store address _____

Police non-emergency number: _____
Community police officer: _____

DATE	TIME	STYLE AND MAKE OF CAR	STATE AND LICENSE NUMBER	COLOR AND YEAR OF CAR	REPEAT VISITOR	DESCRIPTION OF PERSON(S) (AGE, RACE, HEIGHT, HAIR, ETC.)	DESCRIPTION OF ACTIVITY	REPORTED TO	ACTIONS TAKEN



www.MethWatch.com

What should retailers know?

Both managers and employees have an important role in helping law enforcement stop meth production.

Managers:

- Use Meth Watch decals throughout the store.
- Place meth-related products in staffed or monitored areas.
- Position Meth Watch shelf tags near meth-related products.
- Limit the number of meth-related items on display.

Make sure **all** employees understand the Meth Watch program.

- Tell your employees to **never** confront someone suspected of being on meth.

Employees:

- Be aware of large-quantity purchases of meth-related items.
- Be alert to people purchasing combinations of meth-related items.
- Watch for theft of meth-related items.
- Look for erratic or suspicious behavior.
- Follow your store's procedures if you think someone may be on meth.
- Never confront someone suspected of being on meth.

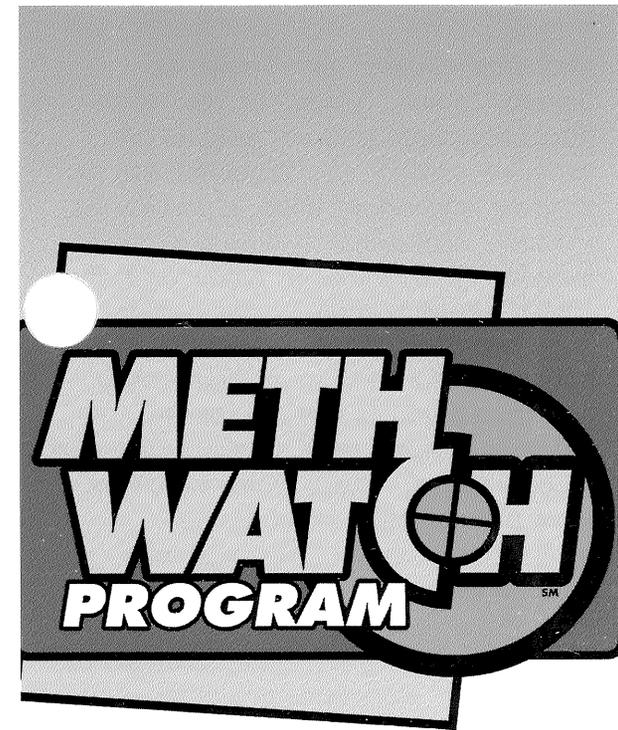
Sponsored by:



Consumer Healthcare Products Association
www.chpa-info.org



www.MethWatch.com



Looking out
for our communities



Methamphetamine, also known as “speed,” “crank,” “glass,” or “ice,” is an illegal drug produced and sold as pills, capsules, powder, or chunks that can be smoked, snorted, injected, or swallowed. Primarily, Methamphetamine is imported from foreign countries or produced in the United States in large, “super labs” using huge quantities of bulk ingredients. It also may be produced in small, homemade labs from products that are readily available in many retail, convenience, and grocery stores. These small, toxic labs have a devastating effect on the environment, communities, and the children who are frequently present.

The manufacturing of meth requires the use of “precursor” ingredients and other products sold in many stores. Some of the common items used to make meth are:

- over-the-counter cold and asthma tablets containing pseudoephedrine and ephedrine
- acetone
- rubbing and isopropyl alcohol
- iodine
- starter fluid (ether)
- gas additives (methanol)
- drain cleaner (sulfuric acid)
- lithium batteries
- rock salt
- matchbooks (red phosphorus)
- lye
- paint thinner
- aluminum foil
- glassware
- coffee filters
- propane tanks



The Meth Watch program

“Meth Watch” is a program to help deter suspicious sales and theft of pseudoephedrine-containing medicines and other products used in the illegal manufacturing of methamphetamine. Meth Watch was first started in Kansas as a public-private partnership between the Kansas Department of Health and Environment, the Kansas Bureau of Investigation, the Kansas Methamphetamine Prevention Project, and Kansas retailers.

The Consumer Healthcare Products Association (CHPA) has partnered with Kansas to develop a national, uniform Meth Watch program to provide interested states with the resources they need to implement their own statewide Meth Watch programs. Materials and information are centrally located at www.MethWatch.com.

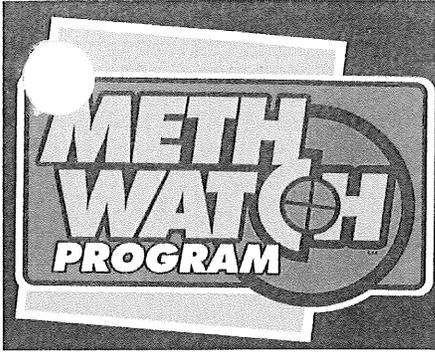
What’s in it for retailers?

The cornerstone of the Meth Watch program is retailer involvement. Participants in the Meth Watch program can expect safer stores, better customer relations, and improved communication with law enforcement.

Meth Watch increases employee and management awareness about meth production to reduce the theft and suspicious sale of meth precursors in stores. It also helps retailers ensure they are in compliance with any applicable state laws. All this is obtained by:

- Employee and management training
- Signage (decals, stickers, and shelf tags) that serves the dual purpose of letting criminals and customers alike know that a retailer is working with law enforcement to prevent meth production
- Tips on strategic product placement to deter theft
- Working closely with local law enforcement
- An online clearinghouse—www.MethWatch.com—for information about the program, funding sources, federal and state laws, and other resources

All program materials underscore the importance of allowing law enforcement to do its job. Employees and managers should never attempt to confront a suspicious person.



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Why We Support "Meth Watch"

This store is proud to participate in the "Meth Watch" program designed to make our community safer. We have joined other retailers in this program to assist law enforcement officials in their ongoing battle against the illegal drug methamphetamine, commonly called meth.

Methamphetamine can be made by using large quantities of ingredients and materials often found in stores like ours. As a result of this, we may limit the amount of certain products that can be sold to a customer at any one time.

We appreciate your understanding in this effort. Be assured "Meth Watch" will have absolutely no impact on your regular purchases in our store.

Thank you for your patronage and support.



For more information, visit www.MethWatch.com