

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1507

S.P. 523

In Senate, March 30, 2005

### An Act To Control the Spread of Methamphetamines

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Reference to the Committee on Business, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator MILLS of Somerset.

2  
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 22 MRSA c. 558**, as amended, is further amended by  
5 repealing the chapter headnote and enacting the following in its  
6 place:

7 **CHAPTER 558**

8 **MARIJUANA, SCHEDULED DRUGS, IMITATION**  
9 **SCHEDULED DRUGS, PSEUDOEPHEDRINE AND HYPODERMIC APPARATUSES**

10 **Sec. 2. 22 MRSA §2390** is enacted to read:

11 **§2390. Regulation of pseudoephedrine**

12 **1. Definitions.** As used in this section, unless the  
13 context otherwise indicates, the following terms have the  
14 following meanings.

15 **A. "Pseudoephedrine product" means any compound, mixture or**  
16 **preparation containing any detectable quantity of**  
17 **pseudoephedrine, its salts or optical isomers or salts of**  
18 **its optical isomers.**

19 **B. "Retailer" means a licensed pharmacy or a retail store**  
20 **licensed for the sale of food, tobacco or alcohol products.**

21 **C. "Wholesale transaction" means the manufacture, sale or**  
22 **distribution of a pseudoephedrine product in the normal**  
23 **chain of commerce leading to placement of the product in the**  
24 **custody of a retailer authorized to sell or provide**  
25 **pseudoephedrine products to the public.**

26 **2. Dispensing pseudoephedrine; civil penalty.** The  
27 following provisions apply to the dispensing of pseudoephedrine  
28 products.

29 **A. Except in wholesale transactions, only a retailer may**  
30 **sell or provide a pseudoephedrine product.**

31 **B. A retailer may not sell or otherwise provide more than 9**  
32 **grams of pseudoephedrine products to any one person in one**  
33 **day.**

34 **C. A retailer may sell or provide a pseudoephedrine product**  
35 **only when the recipient of that product has provided a**  
36 **reliable means of identification and has signed a written**  
37 **log containing the recipient's name and street address and**  
38 **the quantity of each pseudoephedrine product received. The**  
39 **retailer shall retain the log for at least 24 months.**

2 A person who violates this subsection commits a civil violation  
4 for which a fine of not more than \$300 may be imposed for each  
6 occurrence. Violation by a retailer on 2 or more occasions is  
grounds for suspension or revocation of the retailer's license  
for the sale of pharmaceutical, alcohol or tobacco products.

8 3. Providing more than 90 grams of pseudoephedrine;  
10 criminal penalty. Except in wholesale transactions, a person who  
12 knowingly dispenses, sells, distributes or otherwise provides  
more than 90 grams of pseudoephedrine products to another person  
in one day commits a Class D crime.

14 4. Acquiring more than 9 grams of pseudoephedrine; criminal  
16 penalty. Except in wholesale transactions, a person may not  
18 purchase or acquire pseudoephedrine products in a quantity  
20 greater than 9 grams in one day and may not purchase or acquire  
22 any quantity unless that person has first provided a true and  
correct personal identification to an authorized retailer of the  
product and has signed a log correctly identifying that person by  
true name and street address. Violation of this subsection is a  
Class E crime.

## SUMMARY

26 This bill requires that only licensed retailers dispense  
28 pseudoephedrine, that the amount of pseudoephedrine dispensed be  
30 limited to 9 grams per day per person and that pseudoephedrine be  
32 dispensed only when the recipient of the product has been  
34 identified. The bill also requires that retailers maintain a log  
36 of persons to whom pseudoephedrine is dispensed. Violation of  
any of these requirements is a civil violation for which a fine  
of not more than \$300 may be imposed for each occurrence.  
Multiple violations is grounds for suspension or revocation of a  
retail license.

38 The bill also makes it a Class D crime for any person to  
40 provide more than 90 grams of pseudoephedrine to another. It  
42 makes it a Class E crime for any person to acquire improperly  
more than 9 grams of pseudoephedrine products.