

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2012

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Legislative Document

No. 1714

H.P. 1266

House of Representatives, December 23, 2011

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### **An Act To Restrict Further the Amount of Methamphetamine Precursors That May Be Bought or Sold**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 21, 2011. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative WILLETTE of Mapleton.  
Cosponsored by Senator McCORMICK of Kennebec and  
Representatives: BURNS of Whiting, COTTA of China, DAVIS of Sangerville, FREDETTE  
of Newport, SANDERSON of Chelsea, TIMBERLAKE of Turner, WALLACE of Dexter,  
Senator: MASON of Androscoggin.

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

2 **Sec. 1. 32 MRSA §13796, sub-§1**, as amended by PL 2007, c. 402, Pt. DD, §32,  
3 is repealed.

4 **Sec. 2. 32 MRSA §13796, sub-§1-A** is enacted to read:

5 **1-A. Definitions.** As used in this section, unless the context otherwise indicates, the  
6 following terms have the following meanings.

7 A. "Electronic logging system" means a system that tracks sales of over-the-counter  
8 cold and allergy medications containing a targeted methamphetamine precursor.

9 B. "Override function" means a function in an electronic logging system that may be  
10 used to override a stop-sale alert and allows the completion of a sale.

11 C. "Package" means an item packaged and marked for retail sale that is not designed  
12 to be broken down or subdivided for the purpose of retail sale.

13 D. "Retailer" or "retail store" means a person or business entity engaged in this State  
14 in the business of selling products to the general public on a retail basis, including  
15 pharmacies.

16 E. "Sale" or "sold" includes barter, exchange, transfer and gift.

17 F. "Stop-sale alert" means a notification that alerts the retailer that completion of the  
18 sale would result in the seller's or purchaser's violating the targeted  
19 methamphetamine precursor quantity limits.

20 **Sec. 3. 32 MRSA §13796, sub-§3, ¶A**, as enacted by PL 2005, c. 430, §8 and  
21 affected by §10, is amended to read:

22 A. A retailer may not sell more than 3 packages to the same person and a person may  
23 not purchase more than 3.6 grams per day or more than 9 grams per 30-day period of  
24 a targeted methamphetamine precursor per transaction. The limits apply to the total  
25 amount of base ephedrine, phenylpropanolamine and pseudoephedrine contained in  
26 packages and not the overall weight of the packages.

27 A retailer who violates this paragraph commits a Class E crime.

28 **Sec. 4. 32 MRSA §13796, sub-§3, ¶¶D and E** are enacted to read:

29 D. Except with regard to single-dose packages of not more than 60 milligrams that  
30 are kept within 30 feet and in direct line of sight of a staffed cash register or store  
31 counter, a retailer shall require a person purchasing a targeted methamphetamine  
32 precursor to present a valid government-issued photograph identification document at  
33 the point of sale. A retailer shall record the:

34 (1) Name and address of the purchaser;

35 (2) Name and quantity of targeted methamphetamine precursor purchased;

36 (3) Date and time of purchase; and



1           The bill requires a purchaser to present a valid identification to the retailer and  
2 requires the retailer to record the name and address of the purchaser, the name and  
3 quantity of targeted methamphetamine precursor purchased, the date and time of the  
4 purchase and the form of identification presented. The retailer is required to maintain a  
5 logbook, and the purchaser must sign the logbook. The bill makes it a Class E crime to  
6 sell more than 3.6 grams per day and 9 grams per 30 days of a targeted methamphetamine  
7 precursor.

8           The bill requires beginning January 1, 2013 a retailer to, before completing a sale,  
9 electronically submit information about the sale and the person purchasing a targeted  
10 methamphetamine precursor to a real-time electronic logging system that tracks sales of  
11 over-the-counter cold and allergy medications containing a targeted methamphetamine  
12 precursor.

13           The bill provides that a retailer is immune from any civil liability if the sale was  
14 made in good faith.

15           The bill provides that the law regarding targeted methamphetamine precursors  
16 supersedes any local, municipal or county ordinance regulating sales of cold and allergy  
17 medications containing a targeted methamphetamine precursor.

18           The bill also requires the Maine Board of Pharmacy to select a real-time electronic  
19 logging system and by December 1, 2012 to notify retailers of the system.