

108TH CONGRESS
2D SESSION

H. R. 3789

To eliminate the safe-harbor exception for certain packaged pseudoephedrine products used in the manufacture of methamphetamine.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2004

Mr. PETERSON of Minnesota introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To eliminate the safe-harbor exception for certain packaged pseudoephedrine products used in the manufacture of methamphetamine.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Methamphetamine
5 Blister Pack Loophole Elimination Act of 2004”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) methamphetamine is a dangerous drug dis-
2 tributed throughout the United States;

3 (2) the manufacture, distribution, and use of
4 methamphetamine results in increased crime, dam-
5 age to the environment, hazardous waste that en-
6 dangers the public, expensive cleanup costs often
7 borne by Federal, State, and local government agen-
8 cies, and broken families;

9 (3) Congress has acted many times to limit the
10 availability of chemicals and equipment used in the
11 manufacturing of methamphetamine;

12 (4) pseudoephedrine is 1 of the basic precursor
13 chemicals used in the manufacture of methamphet-
14 amine;

15 (5) the United States Drug Enforcement Ad-
16 ministration has indicated that methamphetamine
17 manufacturers often obtain pseudoephedrine from
18 retail and wholesale distributors, in both bottles and
19 “blister packs”, and that the use of pseudoephedrine
20 tablets in blister packs is pervasive in the illicit pro-
21 duction of methamphetamine in both small and large
22 clandestine methamphetamine laboratories;

23 (6) while current law establishes a retail sales
24 limit of 9 grams for most pseudoephedrine products,
25 including common cold medicine, there is no such

1 limit on the sale of blister-packed pseudoephedrine
2 products;

3 (7) the 9 gram limit on bottled pseudoephedrine
4 allows an individual to purchase approximately 366
5 thirty-milligram tablets at 1 time, which is more
6 than enough for a typical consumer in 1 transaction;

7 (8) the United States Drug Enforcement Ad-
8 ministration recommended in March 2002 that retail
9 distribution of pseudoephedrine tablets in blister
10 packages should not be exempt from the 9 gram re-
11 tail sales limit; and

12 (9) in recommending legislation to correct the
13 current disparity in the law between bottled and blis-
14 ter-packed pseudoephedrine tablets, the United
15 States Drug Enforcement Administration stated
16 that “The removal of this difference would signifi-
17 cantly prevent illicit access to this methamphetamine
18 precursor and would be easier for both the govern-
19 ment and the industry to monitor and would in-
20 crease compliance by retailers”.

21 **SEC. 3. ELIMINATION OF BLISTER PACK EXEMPTION.**

22 (a) **REGULATED TRANSACTION.**—Section
23 102(39)(A)(iv)(I)(aa) of the Controlled Substances Act
24 (21 U.S.C. 802(39)(A)(iv)(I)(aa)) is amended by striking
25 “(except that” and all that follows through “1996”).

1 (b) RULE OF LAW.—To the extent that there exists
2 a conflict between the amendment made by subsection (a)
3 and section 401(d) of the Comprehensive Methamphet-
4 amine Control Act of 1996 (21 U.S.C. 802 note), the
5 amendment shall control.

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