

109TH CONGRESS
1ST SESSION

H. R. 1056

To amend the Controlled Substances Act with respect to the distribution of pseudoephedrine, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2005

Ms. HOOLEY 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 amend the Controlled Substances Act with respect to the distribution of pseudoephedrine, and for other purposes.

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 Precursor Control Act of 2005”.

6 **SEC. 2. RESTRICTIONS ON IMPORTATION.**

7 (a) IN GENERAL.—Section 1002(a) of the Controlled
8 Substances Import and Export Act (21 U.S.C. 952(a)) is
9 amended—

1 (1) in the matter preceding paragraph (1), by
2 inserting “or ephedrine, pseudoephedrine, or phenyl-
3 propanolamine,” after “schedule III, IV, or V of title
4 II,”; and

5 (2) in paragraph (1), by inserting “, and of
6 ephedrine, pseudoephedrine, and phenylpropanola-
7 mine,” after “coca leaves”.

8 (b) INFORMATION ON FOREIGN CHAIN OF DISTRIBUTION;
9 IMPORT RESTRICTIONS REGARDING FAILURE OF
10 DISTRIBUTORS TO COOPERATE.—Section 1018 of the
11 Controlled Substances Import and Export Act (21 U.S.C.
12 971) is amended by adding at the end the following sub-
13 section:

14 “(f)(1) With respect to a registered person importing
15 ephedrine, pseudoephedrine, or phenylpropanolamine (re-
16 ferred to in this section as an ‘importer’), a notice of im-
17 portation under subsection (a) or (b) shall include all in-
18 formation known to the importer on the chain of distribu-
19 tion of such chemical from the manufacturer to the im-
20 porter.

21 “(2) For the purpose of preventing or responding to
22 the diversion of ephedrine, pseudoephedrine, or phenyl-
23 propanolamine for use in the illicit production of meth-
24 amphetamine, the Attorney General may, in the case of
25 any person who is a manufacturer or distributor of such

1 chemical in the chain of distribution referred to in para-
2 graph (1) (referred to in this subsection as a ‘foreign-
3 chain distributor’), request that such distributor provide
4 to the Attorney General information known to the dis-
5 tributor on the distribution of the chemical, including
6 sales.

7 “(3) If the Attorney General determines that a for-
8 eign-chain distributor is refusing to cooperate with the At-
9 torney General in obtaining the information referred to in
10 paragraph (2), the Attorney General may, in accordance
11 with procedures that apply under subsection (c), issue an
12 order prohibiting the importation of ephedrine,
13 pseudoephedrine, or phenylpropanolamine in any case in
14 which such distributor is part of the chain of distribution
15 for such chemical. Not later than 60 days prior to issuing
16 the order, the Attorney General shall publish in the Fed-
17 eral Register a notice of intent to issue the order. During
18 such 60-day period, imports of the chemical with respect
19 to such distributor may not be restricted under this para-
20 graph.”.

21 **SEC. 3. METHWATCH PROGRAM; INFORMATION FOR PER-**
22 **SONS SELLING AT RETAIL.**

23 (a) IN GENERAL.—The Attorney General, acting
24 through the Administrator of the Drug Enforcement Ad-
25 ministration and in consultation with the States, shall

1 carry out a program to provide information to retailers
2 regarding the purchase of precursor products by individ-
3 uals who may intend to use the products in the illicit pro-
4 duction of methamphetamine.

5 (b) CERTAIN REQUIREMENTS.—The activities of the
6 Attorney General in carrying out the program under sub-
7 section (a) shall include the following:

8 (1) Providing information to retailers on pre-
9 venting the sale of precursor products to individuals
10 referred to in such subsection and on preventing the
11 theft of the products by such individuals.

12 (2) Establishing a system through which retail-
13 ers can report suspicious purchases of precursor
14 products and obtain appropriate technical assistance.
15 The system shall use an Internet site (or portion
16 thereof), or toll-free telephone communications, or
17 both, as determined appropriate by the Attorney
18 General.

19 (3) Encouraging retailers to place precursor
20 products such that customers do not have direct ac-
21 cess to the products (commonly known as behind the
22 counter).

23 (c) DESIGNATION OF PROGRAM.—The program
24 under subsection (a) shall be designated by the Attorney
25 General as the MethWatch program.

1 (d) DEFINITIONS.—For purposes of this section:

2 (1) The term “retailers” means persons whose
3 registrations pursuant to section 303(h) of the Con-
4 trolled Substances Act authorize sales of ephedrine,
5 pseudoephedrine, or phenylpropanolamine at retail.

6 (2) The term “precursor products” means prod-
7 ucts containing ephedrine, pseudoephedrine, or phen-
8 ylpropanolamine.

9 **SEC. 4. REVOCATION OF REGISTRATION.**

10 (a) CONTROLLED SUBSTANCES ACT.—

11 (1) NUMBER OF NOTICES REGARDING VIOLA-
12 TIONS.—Section 304 of the Controlled Substances
13 Act (21 U.S.C. 824) is amended by adding at the
14 end the following subsection:

15 “(h) In the case of a person whose registration pursu-
16 ant to section 303(h) includes authority regarding ephed-
17 rine, pseudoephedrine, or phenylpropanolamine, if such
18 person has received four written notifications from the At-
19 torney General that the Attorney General considers the
20 person to be in violation of this Act with respect to such
21 a chemical, each of which notices involves a separate viola-
22 tion, the Attorney General shall in accordance with proce-
23 dures under this section commence proceedings to revoke
24 such authority of the person.”.

1 (2) STANDARD REGARDING CONVICTIONS.—The
2 Controlled Substances Act (21 U.S.C. 801 et seq.)
3 is amended—

4 (A) in section 303(f)(3), by striking “laws
5 relating to” and all that follows and inserting
6 “laws.”; and

7 (B) in section 304(a)(2), by striking “or of
8 any State, relating to” and all that follows and
9 inserting “or of any State;”.

10 (b) CONTROLLED SUBSTANCES IMPORT AND EXPORT
11 ACT; NUMBER OF NOTICES REGARDING VIOLATIONS.—
12 Section 1008(c)(2) of the Controlled Substances Act (21
13 U.S.C. 824(c)(2)) is amended by adding at the end the
14 following subparagraph:

15 “(C) In the case of a person whose registration pur-
16 suant to subparagraph (A) includes authority regarding
17 the importation of ephedrine, pseudoephedrine, or phenyl-
18 propanolamine, if such person has received four written
19 notifications from the Attorney General that the Attorney
20 General considers the person to be in violation of this Act
21 with respect to such a chemical, each of which notices in-
22 volves a separate violation, the Attorney General shall in
23 accordance with procedures under this section commence
24 proceedings to revoke such authority of the person.”.

1 **SEC. 5. RESTRICTIONS ON SALES OF EPHEDRINE AND**
2 **PSEUDOEPHEDRINE.**

3 The Controlled Substances Act (21 U.S.C. 801 et
4 seq.) is amended—

5 (1) in section 303, by adding at the end the fol-
6 lowing subsection:

7 “(i) A registration under subsection (h) that includes
8 authority for the sale of ephedrine or pseudoephedrine at
9 retail shall provide that the registration does not permit
10 such a sale in which a quantity of such chemical in excess
11 of 9.0 grams is sold in a single transaction.”; and

12 (2) in section 402(a)—

13 (A) in paragraph (10), by striking “or”
14 after the semicolon at the end;

15 (B) in paragraph (11), by striking the pe-
16 riod at the end and inserting a “; or” and

17 (C) by adding at the end the following
18 paragraph:

19 “(12) who is a registrant with a registration re-
20 ferred to in section 303(i)—

21 “(A) to sell ephedrine or pseudoephedrine
22 at retail in a single transaction in a quantity
23 not authorized by the registration; or

24 “(B) to sell pseudoephedrine at retail in
25 circumstances in which such chemical is mailed
26 or shipped directly to the purchaser rather than

1 the purchaser taking possession of the chemical
2 through a face-to-face transaction with the reg-
3 istrant.”.

4 **SEC. 6. RESTRICTIONS ON POSSESSION OF**
5 **PSEUDOEPHEDRINE.**

6 Section 404(a) of the Controlled Substances Act (21
7 U.S.C. 844(a)) is amended by inserting after the second
8 sentence the following: “It shall be unlawful for any per-
9 son knowingly or intentionally to possess pseudoephedrine
10 in a quantity exceeding 24.0 grams unless such person has
11 been issued a registration pursuant to section 303(h) that
12 includes authority regarding such chemical or unless the
13 chemical is possessed by the person for a legitimate med-
14 ical purpose.”

15 **SEC. 7. ADDITIONAL FUNDING FOR RESEARCH ON MED-**
16 **ICAL ALTERNATIVES TO PSEUDOEPHEDRINE.**

17 For the purpose of conducting and supporting re-
18 search through the National Institutes of Health toward
19 developing one or more drugs to serve as medical alter-
20 natives to the use of pseudoephedrine, there are author-
21 ized to be appropriated such sums as may be necessary
22 for fiscal year 2006 and subsequent fiscal years. Such au-
23 thorization is in addition to other authorizations of appro-
24 priations that are available for such purpose.

1 **SEC. 8. REPORTS.**

2 (a) ANNUAL REPORT.—The Attorney General, acting
3 through the Administrator of the Drug Enforcement Ad-
4 ministration, shall annually submit to the Congress a re-
5 port on the progress being made toward the goal of pre-
6 venting precursor products (as defined in section 3) from
7 being used in the illicit production of methamphetamine.
8 Each such report may include any recommendations of the
9 Attorney General for modifications to legislative or admin-
10 istrative authorities regarding such products.

11 (b) ADDITIONAL REPORTS.—Not later than one year
12 after the date of the enactment of this Act, the Attorney
13 General, acting through the Administrator of the Drug
14 Enforcement Administration, shall submit to the Congress
15 a report providing the following:

16 (1) An evaluation of the effectiveness of pro-
17 grams of the States to prevent precursor products
18 from being used in the illicit production of meth-
19 amphetamine, including the program carried out by
20 the State of Oregon to maintain a data base of
21 transactions in such products.

22 (2) An evaluation of whether Federal programs
23 similar to any of such State programs should be es-
24 tablished.

25 (3) With respect to foreign countries in which
26 significant amounts of precursor products are manu-

1 factured, an evaluation of whether such countries
2 have appropriate statutes and regulations to prevent
3 the products from being so used.

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