

109TH CONGRESS  
1ST SESSION

# H. R. 1083

To amend the Controlled Substances Act with respect to the regulation of ephedrine alkaloids, including ephedrine and pseudoephedrine.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2005

Mr. BOREN (for himself and Mr. COLE of Oklahoma) 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

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## A BILL

To amend the Controlled Substances Act with respect to the regulation of ephedrine alkaloids, including ephedrine and pseudoephedrine.

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 Re-  
5       duction Act of 2005”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds as follows:

1           (1) The United States faces increasing danger  
2           related to methamphetamine trafficking, production,  
3           and abuse.

4           (2) Methamphetamine is a highly addictive drug  
5           that can be readily made from products and precursors  
6           purchased from retail stores. Step-by-step recipes  
7           can easily be found on the Internet, which is a  
8           factor in the dramatic increase in the number of  
9           clandestine labs in recent years.

10          (3) Methamphetamine-producing clandestine  
11          laboratories have been identified by the Drug Enforcement  
12          Administration as a significant threat to  
13          the Nation's public health and safety. The manufacture  
14          of methamphetamine produces highly toxic and  
15          unstable chemicals that threaten the well-being of  
16          first responders, law enforcement officers, and the  
17          community at-large.

18          (4) Methamphetamine production, once exclusively  
19          found in West Coast States, has rapidly  
20          moved eastward to the Midwest. Production can now  
21          be found on the East Coast, in the States of New  
22          York and Florida.

23          (5) Methamphetamine abuse is indiscriminate  
24          of age, socioeconomic level, or race.

1           (6) Pseudoephedrine is a necessary precursor  
2           chemical in the production of methamphetamine,  
3           which prompted the Drug Enforcement Administra-  
4           tion to initiate investigations regarding the chemi-  
5           cal's sale and distribution.

6           (7) Efforts to reduce access to pseudoephedrine  
7           by methamphetamine producers, such as blister  
8           packaging and sales thresholds, have not been effec-  
9           tive deterrents, and pseudoephedrine tablets remain  
10          pervasive in the illicit production of methamphet-  
11          amine.

12          (8) As States and communities attempt to com-  
13          bat and control methamphetamine through restrict-  
14          ing the sale of pseudoephedrine products, it is in-  
15          cumbent upon the Congress to develop a uniform  
16          standard for the distribution of pseudoephedrine in  
17          tablet form.

18 **SEC. 3. CONTROLLED SUBSTANCES; ADDITION OF EPHED-**  
19 **RINE ALKALOIDS TO SCHEDULE V.**

20          (a) IN GENERAL.—Effective upon the expiration of  
21          30 days after the date of the enactment of this Act, ephed-  
22          rine alkaloids (including ephedrine and pseudoephedrine),  
23          and their salts, optical isomers, and salts of optical iso-  
24          mers, shall be considered to be listed in schedule V of the  
25          schedules of controlled substances established under sec-

1 tion 202(c) of the Controlled Substances Act, subject to  
2 subsection (b). The Attorney General shall amend part  
3 1308 of title 21, Code of Federal Regulations, accordingly.

4 (b) CERTAIN FORMS OF PSEUDOEPHEDRINE.—Sub-  
5 ject to the authority of the Attorney General under the  
6 Controlled Substances Act to designate drugs or other  
7 substances as controlled substances or listed chemicals—

8 (1) subsection (a) does not apply to an ephed-  
9 rine alkaloid when contained in a drug that—

10 (A) is marketed or distributed lawfully in  
11 the United States under the Federal Food,  
12 Drug, and Cosmetic Act; and

13 (B) as determined by the Attorney Gen-  
14 eral, cannot be easily used in the illicit produc-  
15 tion of methamphetamine; and

16 (2) an ephedrine alkaloid when so contained  
17 shall be considered a listed chemical.

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