

109TH CONGRESS  
1ST SESSION

# H. R. 314

To respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 2005

Mr. BLUNT (for himself, Mr. AKIN, Mr. SHIMKUS, Mr. DUNCAN, Mr. ETHERIDGE, Mr. RENZI, and Mr. LEWIS of Kentucky) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, 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 respond to the illegal production, distribution, and use of methamphetamine in the United States, 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 “Combat Meth Act of  
5       2005”.

## 1                   **TITLE I—ENFORCEMENT**

### 2    **SEC. 101. AUTHORIZATION OF APPROPRIATIONS RELATING** 3                   **TO COPS GRANTS.**

4                   (a) IN GENERAL.—In addition to any other funds au-  
5    thorized to be appropriated for fiscal year 2006 for grants  
6    under part Q of title I of the Omnibus Crime Control and  
7    Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.), com-  
8    monly known as the COPS program, there are authorized  
9    to be appropriated \$15,000,000 for such purpose to pro-  
10   vide training to State and local prosecutors and law en-  
11   forcement agents for the investigation and prosecution of  
12   methamphetamine offenses.

13                  (b) RURAL SET-ASIDE.—Of amounts made available  
14    under subsection (a), \$3,000,000 shall be available only  
15    for prosecutors and law enforcement agents for rural com-  
16    munities.

### 17    **SEC. 102. EXPANSION OF METHAMPHETAMINE HOT SPOTS** 18                   **PROGRAM TO INCLUDE PERSONNEL AND** 19                   **EQUIPMENT FOR ENFORCEMENT, PROSECU-** 20                   **TION, AND CLEANUP.**

21                  Section 1701(d) of the Omnibus Crime Control and  
22    Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amend-  
23    ed—

24                  (1) in paragraph (11) by striking “and” at the  
25    end;

3 (3) by adding at the end the following:

4                   “(13) hire personnel and purchase equipment to  
5                   assist in the enforcement and prosecution of meth-  
6                   amphetamine offenses and the cleanup of meth-  
7                   amphetamine-affected areas.”.

## 8 SEC. 103. SPECIAL UNITED STATES ATTORNEYS' PROGRAM.

9       (a) IN GENERAL.—The Attorney General shall allo-  
10 cate any amounts appropriated pursuant to the authoriza-  
11 tion under subsection (c) for the hiring and training of  
12 special assistant United States attorneys.

13 (b) USE OF FUNDS.—The funds allocated under sub-  
14 section (a) shall be used to—

19 (2) train local prosecutors in Federal and State  
20 laws involving methamphetamine manufacture or  
21 distribution;

22 (3) cross-designate local prosecutors as special  
23 assistant United States attorneys; and

24 (4) hire additional local prosecutors who—

5 (B) shall be assigned a caseload, whether  
6 in State court or Federal court, that gives the  
7 highest priority to cases in which—

12 (ii) the defendant has been previously  
13 convicted of a crime related to meth-  
14 amphetamine manufacture or distribution.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
16 are authorized to be appropriated \$5,000,000 for each of  
17 the fiscal years 2006 and 2007 to carry out the provisions  
18 of this section.

19 SEC. 104. PSEUDOEPHEDRINE AMENDMENTS TO CON-  
20 TROLLED SUBSTANCES ACT.

21 (a) ADDITION OF PSEUDOEPHEDRINE TO SCHEDULE  
22 V.—Section 202 of the Controlled Substances Act (21  
23 U.S.C. 812) is amended by adding at the end the fol-  
24 lowing:

1               “(6) Any detectable quantity of  
2               pseudoephedrine, its salts or optical isomers, or salts  
3               of optical isomers.”.

4               (b) PRESCRIPTIONS.—Section 309(c) of the Con-  
5               trolled Substances Act (21 U.S.C. 829(c)) is amended—

6               (1) by inserting “(1)” before “No controlled  
7               substance”; and

8               (2) by adding at the end the following:

9               “(2) If the substance described in paragraph (6) of  
10               Schedule V of section 202 is dispensed, sold, or distributed  
11               in a pharmacy—

12               “(A) the substance shall be dispensed, sold, or  
13               distributed only by a licensed pharmacist or a li-  
14               censed pharmacy technician; and

15               “(B) any person purchasing, receiving, or other-  
16               wise acquiring any such substance shall—

17               “(i) produce a photo identification showing  
18               the date of birth of such person; and

19               “(ii) sign a written log or receipt show-  
20               ing—

21               “(I) the date of the transaction;

22               “(II) the name of the person; and

23               “(III) the name and the amount of  
24               the substance purchased, received, or oth-  
25               erwise acquired.

1       “(3)(A) No person shall purchase, receive, or other-  
2 wise acquire more than 9 grams of the substance described  
3 in paragraph (6) of Schedule V of section 202 within any  
4 30-day period.

5       “(B) The limit described in subparagraph (A) shall  
6 not apply to any quantity of such substance dispensed  
7 under a valid prescription.

8       “(4)(A) The Director of the Federal Drug Adminis-  
9 tration, by rule, may exempt a product from Schedule V  
10 of section 202 if the Director determines that the produce  
11 is not used in the illegal manufacture of methamphet-  
12 amine or other controlled dangerous substance.

13       “(B) The Director of the Federal Drug Administra-  
14 tion, upon the application of a manufacturer of a drug  
15 product, may exempt the product from Schedule V of sec-  
16 tion 202 if the Director determines that the product has  
17 been formulated in such a way as to effectively prevent  
18 the conversion of the active ingredient into methamphet-  
19 amine.

20       “(C) The Director of the Federal Drug Administra-  
21 tion, by rule, may authorize the sale of the substance de-  
22 scribed in paragraph (6) of Schedule V of section 202 by  
23 persons other than licensed pharmacists or licensed phar-  
24 macy technicians if—

1           “(i) the Director finds evidence that the ab-  
2       sence of a pharmacy creates a hardship for a com-  
3       munity; and

4           “(ii) the authorized personnel follow the proce-  
5       dure set forth in this Act”.

6           **TITLE II—EDUCATION,  
7       PREVENTION, AND TREATMENT**

8           **SEC. 201. GRANTS FOR SERVICES FOR CHILDREN OF SUB-  
9       STANCE ABUSERS.**

10          Section 519 of the Public Health Service Act (42  
11 U.S.C. 290bb–25) is amended—

12           (1) in subsection (b), by inserting after para-  
13       graph (8) the following:

14           “(9) Development of drug endangered children  
15       rapid response teams that will intervene on behalf of  
16       children exposed to methamphetamine as a result of  
17       residing or being present in a home-based clandes-  
18       tine drug laboratory.”; and

19           (2) in subsection (o)—

20           (A) by striking “For the purpose” and in-  
21       serting the following:

22           “(1) IN GENERAL.—For the purpose”; and

23           (B) by adding at the end the following:

24           “(2) DRUG ENDANGERED CHILDREN RAPID RE-  
25       SPONSE TEAMS.—There are authorized to be appro-

1 appropriated \$2,500,000 for each of the fiscal years 2006  
2 and 2007 to carry out the provisions of subsection  
3 (b)(9).”.

4 SEC. 202. LOCAL GRANTS FOR TREATMENT OF METH-  
5 AMPHETAMINE ABUSE AND RELATED CONDI-  
6 TIONS.

7 Subpart 1 of part B of title V of the Public Health  
8 Service Act (42 U.S.C. 290bb et seq.) is amended—

12 (2) in section 514B, as redesignated—

13 (A) by amending subsection (a)(1) to read  
14 as follows:

15               “(1) GRANTS AUTHORIZED.—The Secretary  
16        may award grants to States, political subdivisions of  
17        States, American Indian Tribes, and private, non-  
18        profit entities to provide treatment for methamphet-  
19        amine abuse.”;

20 (B) by amending subsection (b) to read as  
21 follows:

22        "(b) PRIORITY FOR RURAL AREAS.—In awarding  
23 grants under subsection (a), the Secretary shall give pri-  
24 ority to entities that will serve rural areas experiencing  
25 an increase in methamphetamine abuse."; and

1 (C) in subsection (d)(1), by striking  
2 “2000” and all that follows and inserting  
3 “2005 and such sums as may be necessary for  
4 each of fiscal years 2006 through 2009”; and  
5 (3) by inserting after section 514B, as redesign-  
6 nated, the following:

9       “(a) PROGRAM AUTHORIZED.—The Secretary, acting  
10 through the Administrator, and in consultation with the  
11 Director of the National Institutes of Health, shall award  
12 grants to, or enter into contracts with, public or private,  
13 nonprofit entities to establish a research, training, and  
14 technical assistance center to carry out the activities de-  
15 scribed in subsection (d).

16        "(b) APPLICATION.—A public or private, nonprofit  
17 entity seeking a grant or contract under subsection (a)  
18 shall submit an application to the Secretary at such time,  
19 in such manner, and containing such information as the  
20 Secretary may require.

21       “(c) CONDITION.—In awarding grants or entering  
22 into contracts under subsection (a), the Secretary shall en-  
23 sure that not less than 1 of the centers will focus on meth-  
24 amphetamine abuse in rural areas.

1       “(d) AUTHORIZED ACTIVITIES.—Each center estab-  
2 lished under this section shall—

3           “(1) engage in research and evaluation of the  
4 effectiveness of treatment modalities for the treat-  
5 ment of methamphetamine abuse;

6           “(2) disseminate information to public and pri-  
7 vate entities on effective treatments for methamphet-  
8 amine abuse;

9           “(3) provide direct technical assistance to  
10 States, political subdivisions of States, and private  
11 entities on how to improve the treatment of meth-  
12 amphetamine abuse; and

13           “(4) provide training on the effects of meth-  
14 amphetamine use and on effective ways of treating  
15 methamphetamine abuse to substance abuse treat-  
16 ment professionals and community leaders.

17       “(e) REPORTS.—Each grantee or contractor under  
18 this section shall annually submit a report to the Adminis-  
19 trator that contains—

20           “(1) a description of the previous year’s activi-  
21 ties of the center established under this section;

22           “(2) effective treatment modalities undertaken  
23 by the center; and

24           “(3) evidence to demonstrate that such treat-  
25 ment modalities were successful.

1       “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to carry out this section  
3 \$3,000,000 for fiscal year 2006 and such sums as may  
4 be necessary for each of fiscal years 2007 and 2008.”.

5 **SEC. 203. METHAMPHETAMINE PRECURSOR MONITORING**

6                   **GRANTS.**

7       (a) GRANTS AUTHORIZED.—The Attorney General,  
8 acting through the Bureau of Justice Assistance, may  
9 award grants to States to establish methamphetamine pre-  
10 cursor monitoring programs.

11       (b) PURPOSE.—The purpose of the grant program es-  
12 tablished under this section is to—

13               (1) prevent the sale of methamphetamine pre-  
14 cursors, such as pseudoephedrine, to individuals in  
15 quantities so large that the only reasonable purpose  
16 of the purchase would be to manufacture meth-  
17 amphetamine;

18               (2) educate businesses that legally sell meth-  
19 amphetamine precursors of the need to balance the  
20 legitimate need for lawful access to medication with  
21 the risk that those substances may be used to manu-  
22 facture methamphetamine; and

23               (3) recalibrate existing prescription drug moni-  
24 toring programs designed to track the sale of con-  
25 trolled substances to also track the sale of

1       pseudoephedrine in any amount greater than 6  
2       grams.

3       (c) USE OF GRANT FUNDS.—Grant funds awarded  
4 to States under this section may be used to—

5               (1) implement a methamphetamine precursor  
6       monitoring program, including hiring personnel and  
7       purchasing computer hardware and software de-  
8       signed to monitor methamphetamine precursor pur-  
9       chases;

10              (2) expand existing methamphetamine pre-  
11       cursor or prescription drug monitoring programs to  
12       accomplish the purposes described in subsection (b);

13              (3) pay for training and technical assistance for  
14       law enforcement personnel and employees of busi-  
15       nesses that lawfully sell substances, which may be  
16       used as methamphetamine precursors;

17              (4) improve information sharing between adja-  
18       cent States through enhanced connectivity; or

19              (5) make grants to subdivisions of the State to  
20       implement methamphetamine precursor monitoring  
21       programs.

22       (d) APPLICATION.—Any State seeking a grant under  
23 this section shall submit an application to the Attorney  
24 General at such time, in such manner, and containing  
25 such information as the Attorney General may require.

1       (e) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated \$5,000,000 for each of  
3 the fiscal years 2006 and 2007 to carry out the provisions  
4 of this section.

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