

Calendar No. 763

108TH CONGRESS
2D SESSION**S. 1784**

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

IN THE SENATE OF THE UNITED STATES

OCTOBER 23, 2003

Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, Mr. KOHL, Mr. BIDEN, Mr. KYL, Mr. HARKIN, Mr. JOHNSON, Mr. SCHUMER, and Mr. TALENT) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

OCTOBER 4, 2004

Reported by Mr. HATCH, without amendment

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 2003”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

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

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

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

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

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

25 (6) while current law establishes a retail sales
26 limit of 9 grams for most pseudoephedrine products,

1 including common cold medicine, there is no such
2 limit on the sale of blister-packed pseudoephedrine
3 products;

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

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

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

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

23 (a) REGULATED TRANSACTION.—Section
24 102(39)(A)(iv)(I)(aa) of the Controlled Substances Act

1 (21 U.S.C. 802(39)(A)(iv)(I)(aa)) is amended by striking
2 “(except that” and all that follows through “1996”).

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

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