

109TH CONGRESS
1ST SESSION

S. 103

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

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2005

Mr. TALENT (for himself, Mrs. FEINSTEIN, Mr. BAYH, Mr. NELSON of Nebraska, Mr. DAYTON, Mr. WYDEN, Mr. SALAZAR, Mr. HAGEL, Mr. HARKIN, Mr. SMITH, Mr. COLEMAN, and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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”.

TITLE I—ENFORCEMENT

SEC. 101. AUTHORIZATION OF APPROPRIATIONS RELATING TO COPS GRANTS.

(a) IN GENERAL.—In addition to any other funds authorized to be appropriated for fiscal year 2006 for grants under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.), commonly known as the COPS program, there are authorized to be appropriated \$15,000,000 for such purpose to provide training to State and local prosecutors and law enforcement agents for the investigation and prosecution of methamphetamine offenses.

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

SEC. 102. EXPANSION OF METHAMPHETAMINE HOT SPOTS PROGRAM TO INCLUDE PERSONNEL AND EQUIPMENT FOR ENFORCEMENT, PROSECUTION, AND CLEANUP.

Section 1701(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

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

1 (2) in paragraph (12) by striking the period at
2 the end and inserting “; and”; and

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—

15 (1) train local prosecutors in techniques used to
16 prosecute methamphetamine cases, including the
17 presentation of evidence related to the manufacture
18 of methamphetamine;

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—

1 (A) with the approval of the United States
2 attorney, shall be cross-designated to prosecute
3 both Federal and State methamphetamine
4 cases;

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—

8 (i) charges related to methamphet-
9 amine manufacture or distribution are sub-
10 mitted by law enforcement for consider-
11 ation; and

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 priated \$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—

9 (1) by redesignating the section 514 that re-
 10 relates to methamphetamine and appears after section
 11 514A as section 514B;

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:

7 **“SEC. 514C. METHAMPHETAMINE RESEARCH, TRAINING,**
8 **AND TECHNICAL ASSISTANCE CENTER.**

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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