

HOUSE No. 1676

The Commonwealth of Massachusetts

PRESENTED BY:

Steven M. Walsh

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act criminalizing the possession of ingredients for manufactured drugs.

PETITION OF:

NAME:

Steven M. Walsh

DISTRICT/ADDRESS:

11th Essex

HOUSE No. 1676

By Mr. Walsh of Lynn, a petition (accompanied by bill, House, No. 1676) of Steven M. Walsh for legislation to prohibit the possession of ingredients used in manufacturing certain drugs. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE

□ □ HOUSE
□ , NO. 2865 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act criminalizing the possession of ingredients for manufactured drugs.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 94C of the General Laws, as appearing in the 2008 Official
2 Edition, is hereby amended by adding the following section:-

3 Section 32O

4 Section 1.

5 (a) Any person who possesses at the same time any of the following combinations, a
6 combination product thereof, or possesses any compound or mixture containing the chemicals
7 listed in the following combinations, with the intent to

8 manufacture phencyclidine (PCP) or any of its analogs is guilty of a felony and shall be
9 punished by imprisonment in the state prison for 5 years:

10 (1) Piperidine and cyclohexanone.

11 (2) Pyrrolidine and cyclohexanone.

12 (3) Morpholine and cyclohexanone.

13 (b) Any person who possesses the optical, positional, or geometric isomer of any of the
14 compounds listed in this section, with the intent to manufacture these controlled substances is
15 guilty of a felony and shall be punished by imprisonment in the state prison for 5 years:

16 (1) Phencyclidine (PCP).

17 (2) Any analog of PCP

18 (c) Any person who possesses any compound or mixture containing piperidine,
19 cyclohexanone, pyrrolidine, morpholine, 1-phenylcyclohexylamine (PCA), 1-
20 piperidinocyclohexanecarbonitrile (PCC), or phenylmagnesium bromide (PMB) with the intent
21 to manufacture phencyclidine, is guilty of a felony and shall be punished by imprisonment in the
22 state prison for 5 years.

23 (d) Any person who possesses immediate precursors sufficient for the manufacture of
24 piperidine, cyclohexanone, pyrrolidine, morpholine, or phenylmagnesium bromide (PMB) with
25 the intent to manufacture phencyclidine, is guilty of a felony and shall be punished by
26 imprisonment in the state prison for 5 years.

27 (e) This section does not apply to drug manufacturers licensed by this state or persons
28 authorized by regulation of the board of registration in pharmacy to possess those substances or
29 combinations of substances.

30 SECTION 2.

31 (a) Any person who possesses both methylamine and phenyl-2-propanone
32 (phenylacetone) at the same time with the intent to manufacture methamphetamine, or who
33 possesses both ethylamine and phenyl-2-propanone (phenylacetone) at the same time with the
34 intent to manufacture N-ethylamphetamine, is guilty of a felony and shall be punished by
35 imprisonment in the state prison for 5 years.

36 (b) (1) Any person who, with the intent to manufacture methamphetamine or any of its
37 analogs, possesses ephedrine or pseudoephedrine, or any salts, isomers, or salts of isomers of
38 ephedrine or pseudoephedrine, or who possesses a substance containing ephedrine or
39 pseudoephedrine, or any salts, isomers, or salts of isomers of ephedrine or pseudoephedrine, or
40 who possesses at the same time any of the following, or a combination product thereof, is guilty
41 of a felony and shall be punished by imprisonment in the state prison for 5 years:

42 (A) Ephedrine, pseudoephedrine, norpseudoephedrine,

43 N-methylephedrine, N-ethylephedrine,

44 N-methylpseudoephedrine, N-ethylpseudoephedrine, or

45 phenylpropanolamine, plus hydriodic acid.

46 (B) Ephedrine, pseudoephedrine, norpseudoephedrine,
47 N-methylephedrine, N-ethylephedrine,
48 N-methylpseudoephedrine, N-ethylpseudoephedrine, or
49 phenylpropanolamine, thionyl chloride and hydrogen gas.

50 (C) Ephedrine, pseudoephedrine, norpseudoephedrine,
51 N-methylephedrine, N-ethylephedrine,
52 N-methylpseudoephedrine, N-ethylpseudoephedrine, or
53 phenylpropanolamine, plus phosphorus pentachloride and
54 hydrogen gas.

55 (D) Ephedrine, pseudoephedrine, norpseudoephedrine,
56 N-methylephedrine, N-ethylephedrine,
57 N-methylpseudoephedrine, N-ethylpseudoephedrine,
58 chloroephedrine and chloropseudoephedrine, or
59 phenylpropanolamine, plus any reducing agent

60 (2) Any person who, with the intent to manufacture methamphetamine or any of its
61 analogs, possesses hydriodic acid or a reducing agent or any product containing hydriodic acid or
62 a reducing agent is guilty of a felony and shall be punished by imprisonment in the state prison
63 for 5 years.

64 (c) Any person who possesses the optical, positional, or geometric isomer of any of the
65 compounds listed in this section, with the intent to manufacture any of the following controlled
66 substances, is guilty of a felony and shall be punished by imprisonment in the state prison for 5
67 years:

68 (1) Methamphetamine.

69 (2) Any analog of methamphetamine

70 (3) N-ethylamphetamine.

71 (d) Any person who possesses immediate precursors sufficient for the manufacture of
72 methylamine, ethylamine, phenyl-2-propanone, ephedrine, pseudoephedrine,

73 norpseudoephedrine, N-methylephedrine, N-ethylephedrine, phenylpropanolamine,
74 hydriodic acid or a reducing agent, thionyl chloride, or phosphorus pentachloride, with the intent
75 to manufacture methamphetamine, is guilty of a felony and shall be punished by imprisonment in
76 the state prison for 5 years.

77 (e) Any person who possesses essential chemicals sufficient to manufacture hydriodic
78 acid or a reducing agent, with the intent to manufacture methamphetamine, is guilty of a felony
79 and shall be punished by imprisonment in the state prison for 5 years.

80 (f) Any person who possesses any compound or mixture containing ephedrine,
81 pseudoephedrine, norpseudoephedrine, N-methylephedrine, N-ethylephedrine,
82 phenylpropanolamine, hydriodic acid or a reducing agent, thionyl chloride, or
83 phosphorus pentachloride, with the intent to manufacture methamphetamine, is guilty of
84 a felony and shall be punished by imprisonment in the state prison for 5 years.

85 (g) For purposes of this section, a “reducing agent” for the purposes of manufacturing
86 methamphetamine means an agent that causes reduction to occur by either donating a hydrogen
87 atom to an organic compound or by removing an oxygen atom

88 from an organic compound.

89 (h) This section does not apply to drug manufacturers licensed by this state or persons
90 authorized by regulation of the board of registration in pharmacy to possess those substances or
91 combinations of substances.

92 SECTION 3. (a) Any person who possesses at the same time any of the following
93 combinations, a combination product thereof, or possesses any compound or mixture containing
94 the chemicals listed in the following combinations, with the intent to sell, transfer, or otherwise
95 furnish those chemicals, combinations, or mixtures to another person with the knowledge that
96 they will be used to manufacture phencyclidine (PCP) or any of its analogs is guilty of a
97 misdemeanor and shall be punished by imprisonment in the house of correction for up to 2 and ½
98 years:

99 (1) Piperidine and cyclohexanone.

100 (2) Pyrrolidine and cyclohexanone.

101 (3) Morpholine and cyclohexanone.

102 (b) Any person who possesses the optical, positional, or geometric isomer of any of the
103 compounds listed in this section with the intent to sell, transfer, or otherwise furnish the isomer
104 to another person with the knowledge that they will be used to manufacture these controlled
105 substances is guilty of a misdemeanor and shall be punished by imprisonment in the house of
106 correction for up to 2 and ½ years:

107 (1) Phencyclidine (PCP).

108 (2) Any analog of PCP

109 (c) Any person who possesses any compound or mixture containing piperidine,
110 cyclohexanone, pyrrolidine, morpholine, 1-phenylcyclohexylamine (PCA), 1-
111 piperidinocyclohexanecarbonitrile (PCC), or phenylmagnesium bromide (PMB) with the intent
112 to sell, transfer, or otherwise furnish the compound or mixture to another person with the
113 knowledge that it will be used to manufacture phencyclidine is guilty of a misdemeanor and shall
114 be punished by imprisonment in the house of correction for up to 2 and 1/2 years.

115 (d) Any person who possesses immediate precursors sufficient for the manufacture of
116 piperidine, cyclohexanone, pyrrolidine, morpholine, or phenylmagnesium bromide (PMB) with
117 the intent to sell, transfer or otherwise furnish the immediate precursors to another person with
118 the knowledge that they will be used to manufacture phencyclidine is guilty of a misdemeanor
119 and shall be punished by imprisonment in the house of correction for up to 2 and 1/2 years.

120 (e) This section does not apply to drug manufacturers licensed by this state or persons
121 authorized by regulation of the board of registration in pharmacy to possess those substances or
122 combinations of substances.

123 SECTION 4. (a) Any person who possesses both methylamine and phenyl-2-propanone
124 (phenylacetone) at the same time with the intent to sell, transfer, or otherwise furnish those
125 chemicals to another person with the knowledge that they will be used to manufacture
126 methamphetamine, or who possesses both ethylamine and phenyl-2-propanone (phenylacetone)
127 at the same time with the intent to sell, transfer, or otherwise furnish those chemicals to another
128 person with the knowledge that they will be used to manufacture methamphetamine is guilty of a
129 misdemeanor and shall be punished by imprisonment in the house of correction for up to 2
130 and 1/2 years.

131 (b) (1) Any person who possesses ephedrine or pseudoephedrine, or any salts, isomers, or
132 salts of isomers of ephedrine or pseudoephedrine, or who possesses a substance containing
133 ephedrine or pseudoephedrine, or any salts, isomers, or salts of isomers of ephedrine or
134 pseudoephedrine, or who possesses at the same time any of the following, or a combination
135 product thereof, with the intent to sell, transfer, or otherwise furnish those chemicals, substances,
136 or products to another person with the knowledge that they will be used to manufacture
137 methamphetamine or any of its analogs is guilty of a misdemeanor and shall be punished by
138 imprisonment in the house of correction for up to 2 and 1/2 years:

139 (A) Ephedrine, pseudoephedrine, norpseudoephedrine,

140 N-methylephedrine, N-ethylephedrine,

141 N-methylpseudoephedrine, N-ethylpseudoephedrine, or

142 phenylpropanolamine, plus hydriodic acid.
143 (B) Ephedrine, pseudoephedrine, norpseudoephedrine,
144 N-methylephedrine, N-ethylephedrine,
145 N-methylpseudoephedrine, N-ethylpseudoephedrine, or
146 phenylpropanolamine, thionyl chloride and hydrogen gas.

147 (C) Ephedrine, pseudoephedrine, norpseudoephedrine,
148 N-methylephedrine, N-ethylephedrine,
149 N-methylpseudoephedrine, N-ethylpseudoephedrine, or
150 phenylpropanolamine, plus phosphorus pentachloride and
151 hydrogen gas.

152 (D) Ephedrine, pseudoephedrine, norpseudoephedrine,
153 N-methylephedrine, N-ethylephedrine,
154 N-methylpseudoephedrine, N-ethylpseudoephedrine,
155 chloroephedrine and chloropseudoephedrine, or
156 phenylpropanolamine, plus any reducing agent.

157 (2) Any person who possesses hydriodic acid or a reducing agent or any product
158 containing hydriodic acid or a reducing agent with the intent to sell, transfer, or otherwise furnish
159 that chemical, product, or substance to another person with the knowledge that they will be used
160 to manufacture methamphetamine or any of its analogs is guilty of a misdemeanor and shall be
161 punished by imprisonment in the house of correction for up to 2 and ½ years.

162 (c) Any person who possesses the optical, positional, or geometric isomer of any of the
163 compounds listed in this section with the intent to sell, transfer, or otherwise furnish any of the
164 compounds to another person with the knowledge that they will be used to manufacture these
165 controlled substances is guilty of a misdemeanor and shall be punished by imprisonment in the
166 house of correction for up to 2 and ½ years:

167 (1) Methamphetamine.

168 (2) Any analog of methamphetamine

169 (3) N-ethylamphetamine.

170 (d) Any person who possesses immediate precursors sufficient for the manufacture of
171 methylamine, ethylamine, phenyl-2-propanone, ephedrine, pseudoephedrine,
172 norpseudoephedrine, N-methylephedrine, N-ethylephedrine, phenylpropanolamine,
173 hydriodic acid or a reducing agent, thionyl chloride, or phosphorus pentachloride, with the intent
174 to sell, transfer, or otherwise furnish these substances to another person
175 with the knowledge that they will be used to manufacture methamphetamine is guilty of a
176 misdemeanor and shall be punished by imprisonment in the house of correction for up to 2 and ½
177 years.

178 (e) Any person who possesses essential chemicals sufficient to manufacture hydriodic
179 acid or a reducing agent with the intent to sell, transfer, or otherwise furnish those chemicals to
180 another person with the knowledge that they will be used to manufacture methamphetamine is
181 guilty of a misdemeanor and shall be punished by imprisonment in the house of correction for up
182 to 2 and ½ years.

183 (f) Any person who possesses any compound or mixture containing ephedrine,
184 pseudoephedrine, norpseudoephedrine, N-methylephedrine, N-ethylephedrine,
185 phenylpropanolamine, hydriodic acid or a reducing agent, thionyl chloride, or
186 phosphorus pentachloride, with the intent to sell, transfer, or otherwise furnish that
187 compound or mixture to another person with the knowledge that they will be used to
188 manufacture methamphetamine is guilty of a misdemeanor and shall be punished by
189 imprisonment in the house of correction for up to 2 and ½ years.

190 (g) For purposes of this section, a “reducing agent” for the purposes of manufacturing
191 methamphetamine means an agent that causes reduction to occur by either donating a hydrogen
192 atom to an organic compound or by removing an oxygen atom from an organic compound.

193 (h) This section does not apply to drug manufacturers licensed by this state or persons
194 authorized by regulation of the board of registration in pharmacy to possess those substances or
195 combinations of substances.