

HOUSE No. 1774

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:	DISTRICT/ADDRESS:
Steven M. Walsh	11th Essex
Brian P. Wallace	4th Suffolk
Jennifer M. Callahan	18th Worcester
Bruce E. Tarr	First Essex and Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3880 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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 2006 Official Edition, is hereby
2 amended by adding the following section:-

3 Section 32L

4 Section 1. (a) Any person who possesses at the same time any of the following combinations, a combination product
5 thereof, or possesses any compound or mixture containing the chemicals listed in the following combinations, with
6 the intent to

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

9 (1) Piperidine and cyclohexanone.

10 (2) Pyrrolidine and cyclohexanone.

11 (3) Morpholine and cyclohexanone.

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

15 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, cyclohexanone, pyrrolidine,
19 morpholine, 1-phenylcyclohexylamine (PCA),

20 1-piperidinocyclohexanecarbonitrile (PCC), or phenylmagnesium bromide (PMB) with the intent to manufacture
21 phencyclidine, is guilty of a felony and shall be punished by imprisonment in the state prison for 5 years.

22 (d) Any person who possesses immediate precursors sufficient for the manufacture of piperidine, cyclohexanone,
23 pyrrolidine, morpholine, or phenylmagnesium bromide (PMB) with the intent to manufacture phencyclidine, is
24 guilty of a felony and shall be

25 punished by imprisonment in the state prison for 5 years.

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

28 **SECTION 2.** (a) Any person who possesses both methylamine and phenyl-2-propanone (phenylacetone) at the same
29 time with the intent to manufacture methamphetamine, or who possesses both ethylamine and phenyl-2-propanone
30 (phenylacetone) at the

31 same time with the intent to manufacture N-ethylamphetamine, is guilty of a felony and shall be punished by
32 imprisonment in the state prison for 5 years.

33 (b) (1) Any person who, with the intent to manufacture methamphetamine or any of its analogs, possesses ephedrine
34 or pseudoephedrine, or any salts, isomers, or salts of isomers of ephedrine or pseudoephedrine, or who possesses a
35 substance containing

36 ephedrine or pseudoephedrine, or any salts, isomers, or salts of isomers of ephedrine or pseudoephedrine, or who
37 possesses at the same time any of the following, or a combination product thereof, is guilty of a felony and shall be
38 punished by

39 imprisonment in the state prison for 5 years:

40 (A) Ephedrine, pseudoephedrine, norpseudoephedrine,

41 N-methylephedrine, N-ethylephedrine,

42 N-methylpseudoephedrine, N-ethylpseudoephedrine, or

43 phenylpropanolamine, plus hydriodic acid.

44 (B) Ephedrine, pseudoephedrine, norpseudoephedrine,

45 N-methylephedrine, N-ethylephedrine,

46 N-methylpseudoephedrine, N-ethylpseudoephedrine, or

47 phenylpropanolamine, thionyl chloride and hydrogen gas.

48 (C) Ephedrine, pseudoephedrine, norpseudoephedrine,

49 N-methylephedrine, N-ethylephedrine,

50 N-methylpseudoephedrine, N-ethylpseudoephedrine, or

51 phenylpropanolamine, plus phosphorus pentachloride and
52 hydrogen gas.

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

58 (2) Any person who, with the intent to manufacture methamphetamine or any of its analogs, possesses hydriodic
59 acid or a reducing agent or any product containing hydriodic acid or a reducing agent is guilty of a felony and shall
60 be punished by imprisonment

61 in the state prison for 5 years.

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

65 (1) Methamphetamine.

66 (2) Any analog of methamphetamine

67 (3) N-ethylamphetamine.

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

70 norpseudoephedrine, N-methylephedrine, N-ethylephedrine, phenylpropanolamine, hydriodic acid or a reducing
71 agent, thionyl chloride, or phosphorus pentachloride, with the intent to manufacture methamphetamine, is guilty of a
72 felony and shall be

73 punished by imprisonment in the state prison for 5 years.

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

77 (f) Any person who possesses any compound or mixture containing ephedrine, pseudoephedrine,
78 norpseudoephedrine, N-methylephedrine, N-ethylephedrine, phenylpropanolamine, hydriodic acid or a reducing
79 agent, thionyl chloride, or

80 phosphorus pentachloride, with the intent to manufacture methamphetamine, is guilty of a felony and shall be
81 punished by imprisonment in the state prison for 5 years.

82 (g) For purposes of this section, a "reducing agent" for the purposes of manufacturing methamphetamine means an
83 agent that causes reduction to occur by either donating a hydrogen atom to an organic compound or by removing an
84 oxygen atom

85 from an organic compound.

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

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

94 (1) Piperidine and cyclohexanone.

95 (2) Pyrrolidine and cyclohexanone.

96 (3) Morpholine and cyclohexanone.

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

101 (1) Phencyclidine (PCP).

102 (2) Any analog of PCP

103 (c) Any person who possesses any compound or mixture containing piperidine, cyclohexanone, pyrrolidine,
104 morpholine, 1-phenylcyclohexylamine (PCA),

105 1-piperidinocyclohexanecarbonitrile (PCC), or phenylmagnesium bromide (PMB) with the intent to sell, transfer, or
106 otherwise furnish the compound or mixture to another person with the knowledge that it will be used to manufacture
107 phencyclidine is guilty of a misdemeanor and shall be punished by imprisonment in the house of correction for up to
108 2 and 1/2 years.

109 (d) Any person who possesses immediate precursors sufficient for the manufacture of piperidine, cyclohexanone,
110 pyrrolidine, morpholine, or phenylmagnesium bromide (PMB) with the intent to sell, transfer or otherwise furnish
111 the immediate precursors to

112 another person with the knowledge that they will be used to manufacture phencyclidine is guilty of a misdemeanor
113 and shall be punished by imprisonment in the house of correction for up to 2 and 1/2 years.

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

116 **SECTION 4.** (a) Any person who possesses both methylamine and phenyl-2-propanone (phenylacetone) at the same
117 time with the intent to sell, transfer, or otherwise furnish those chemicals to another person with the knowledge that
118 they will be used to

119 manufacture methamphetamine, or who possesses both ethylamine and phenyl-2-propanone (phenylacetone) at the
120 same time with the intent to sell, transfer, or otherwise furnish those chemicals to another person with the

121 knowledge that they will be used to manufacture methamphetamine is guilty of a misdemeanor and shall be
122 punished by imprisonment in the house of correction for up to 2 and 1/2 years.

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

130 (A) Ephedrine, pseudoephedrine, norpseudoephedrine,

131 N-methylephedrine, N-ethylephedrine,

132 N-methylpseudoephedrine, N-ethylpseudoephedrine, or

133 phenylpropanolamine, plus hydriodic acid.

134 (B) Ephedrine, pseudoephedrine, norpseudoephedrine,

135 N-methylephedrine, N-ethylephedrine,

136 N-methylpseudoephedrine, N-ethylpseudoephedrine, or

137 phenylpropanolamine, thionyl chloride and hydrogen gas.

138 (C) Ephedrine, pseudoephedrine, norpseudoephedrine,

139 N-methylephedrine, N-ethylephedrine,

140 N-methylpseudoephedrine, N-ethylpseudoephedrine, or

141 phenylpropanolamine, plus phosphorus pentachloride and

142 hydrogen gas.

143 (D) Ephedrine, pseudoephedrine, norpseudoephedrine,

144 N-methylephedrine, N-ethylephedrine,

145 N-methylpseudoephedrine, N-ethylpseudoephedrine,

146 chloroephedrine and chloropseudoephedrine, or

147 phenylpropanolamine, plus any reducing agent.

148 (2) Any person who possesses hydriodic acid or a reducing agent or any product containing hydriodic acid or a
149 reducing agent with the intent to sell, transfer, or otherwise furnish that chemical, product, or substance to another
150 person with the knowledge that they will be used to manufacture methamphetamine or any of its analogs is guilty of
151 a misdemeanor and shall be punished by imprisonment in the house of correction for up to 2 and 1/2 years.

152

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

157 (1) Methamphetamine.

158 (2) Any analog of methamphetamine

159 (3) N-ethylamphetamine.

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

162 norpseudoephedrine, N-methylephedrine, N-ethylephedrine, phenylpropanolamine, hydriodic acid or a reducing
163 agent, thionyl chloride, or phosphorus pentachloride, with the intent to sell, transfer, or otherwise furnish these
164 substances to another person

165 with the knowledge that they will be used to manufacture methamphetamine is guilty of a misdemeanor and shall be
166 punished by imprisonment in the house of correction for up to 2 and ½ years.

167 (e) Any person who possesses essential chemicals sufficient to manufacture hydriodic acid or a reducing agent with
168 the intent to sell, transfer, or otherwise furnish those chemicals to another person with the knowledge that they will
169 be used to manufacture

170 methamphetamine is guilty of a misdemeanor and shall be punished by

171 imprisonment in the house of correction for up to 2 and ½ years.

172 (f) Any person who possesses any compound or mixture containing ephedrine, pseudoephedrine,
173 norpseudoephedrine, N-methylephedrine, N-ethylephedrine, phenylpropanolamine, hydriodic acid or a reducing
174 agent, thionyl chloride, or

175 phosphorus pentachloride, with the intent to sell, transfer, or otherwise furnish that compound or mixture to another
176 person with the knowledge that they will be used to manufacture methamphetamine is guilty of a misdemeanor and
177 shall be punished by

178 imprisonment in the house of correction for up to 2 and ½ years.

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

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