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INTRODUCED

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SENATE JOINT MEMORIAL 11-003

101 **MEMORIALIZING CONGRESS TO DESIGNATE PSEUDOEPHEDRINE AND**
102 **EPHEDRINE AS PRESCRIPTION-ONLY DRUGS.**

1 WHEREAS, Methamphetamine is a potentially deadly and highly
2 addictive drug, and its distribution and use is increasing throughout the
3 United States according to the National Survey on Drug Use and Health
4 released in 2010 by the federal Substance Abuse and Mental Health
5 Services Administration; and

6 WHEREAS, The illicit manufacturing, distribution, and use of
7 methamphetamine is fracturing families, adversely affecting state and
8 local resources, and costing taxpayers millions of dollars for health care,
9 treatment programs, and police and fire protection; and

10 WHEREAS, Methamphetamine manufacturing, distribution, and

*Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

1 use result in drug-endangered children, substance-exposed newborns,
2 infants born addicted to methamphetamine, children abused and neglected
3 by methamphetamine-addicted parents or guardians, and children exposed
4 to the toxic chemicals and fumes in the manufacturing of
5 methamphetamine in residential laboratories; and

6 WHEREAS, Pseudoephedrine, or ephedrine, is the key ingredient
7 necessary to make the most potent form of methamphetamine that users
8 seek; and

9 WHEREAS, Pseudoephedrine-based cold medications are used in
10 the manufacture of methamphetamine; and

11 WHEREAS, Methamphetamine is often manufactured in
12 small-scale clandestine laboratories by methamphetamine users who
13 obtain pseudoephedrine from over-the-counter products; and

14 WHEREAS, Methamphetamine precursor drugs such as
15 pseudoephedrine and ephedrine may be purchased in pharmacies
16 throughout Colorado without a prescription; and

17 WHEREAS, Some states have attempted to use electronic tracking
18 machines in pharmacies to separate the legitimate patients and users of
19 pseudoephedrine from methamphetamine producers, but this has not
20 worked due to the increased number of people purchasing legal quantities
21 of pseudoephedrine for production of methamphetamine; and

22 WHEREAS, The Bureau of Narcotic Enforcement within the state
23 of California's Department of Justice estimates that at least fifty percent
24 of legally purchased pseudoephedrine or ephedrine is diverted to a black
25 market for the manufacturing of ephedrine; and

26 WHEREAS, The list of harmful effects of methamphetamine
27 includes not only the effects the drug has on users but also the dangerous
28 effects of the chemicals and wastes involved in manufacturing
29 methamphetamine; and

30 WHEREAS, The residual materials are highly toxic and have
31 caused severe injuries to numerous people, particularly children, who
32 have encountered abandoned methamphetamine laboratories or
33 byproducts; and

1 WHEREAS, In 2005, the United States Congress passed the
2 Combat Methamphetamine Epidemic Act, which has limited retail sales
3 of pseudoephedrine and ephedrine to 3.6 grams per day and 9 grams per
4 month and mandated that pills containing pseudoephedrine or ephedrine
5 be placed behind a counter, that purchasers be required to show
6 identification, and that retailers record each sale of a product containing
7 pseudoephedrine or ephedrine; and

8 WHEREAS, Since the passage of the Combat Methamphetamine
9 Epidemic Act, people have used false identification in pharmacies and
10 other retailers to purchase large quantities of pseudoephedrine to
11 circumvent the Act's intended effects; and

12 WHEREAS, The state of Colorado and other states are taking their
13 own steps to control the sale and illicit use of ingredients for the
14 manufacture of methamphetamine and to prevent the possession and
15 disposal of methamphetamine manufacturing waste; and

16 WHEREAS, On July 1, 2006, the state of Oregon returned
17 pseudoephedrine and ephedrine to the status of a prescription drug to
18 address the diversion of pseudoephedrine to production of
19 methamphetamine; and

20 WHEREAS, The nation of Mexico has since followed Oregon's
21 lead and even gone a step further by prohibiting pseudoephedrine
22 altogether; and

23 WHEREAS, This proactive step by Mexico has unfortunately
24 driven a resurgence in the United States of retail pseudoephedrine
25 diverted to "user" methamphetamine labs across the United States,
26 including to "super labs" in California; and

27 WHEREAS, On July 1, 2010, the state of Mississippi also returned
28 pseudoephedrine to a prescription drug to address the diversion of
29 pseudoephedrine to production of methamphetamine; and

30 WHEREAS, The prescription-only laws for pseudoephedrine and
31 ephedrine in Oregon and Mississippi have reduced the frequency of
32 methamphetamine-related crimes and the associated costs of such crimes
33 for the cities and counties of these states; and

34 WHEREAS, Requiring a person to possess a prescription for the

1 purchase of pseudoephedrine or ephedrine will make it virtually
2 impossible to obtain these precursor drugs and divert them to the black
3 market to be used for the production of methamphetamine; now,
4 therefore,

5 *Be It Resolved by the Senate of the Sixty-eighth General Assembly*
6 *of the State of Colorado, the House of Representatives concurring herein:*

7 (1) That the United States Congress is urged to pass legislation
8 designating pseudoephedrine and ephedrine as prescription drugs in order
9 to provide the entire nation the relief that has been experienced in Oregon
10 and Mississippi and to put a halt to the methamphetamine epidemic that
11 has destroyed far too many American lives, families, and communities;

12 (2) That the United States Congress is urged to work in
13 collaboration with the states to augment state and local initiatives for
14 appropriate training for police and fire department personnel, for
15 research, and for social services and treatment programs to curb
16 methamphetamine manufacturing, distributing, and use;

17 (3) That the United States Congress is urged to work with the
18 states to further restrict access to precursor ingredients of
19 methamphetamine and to avoid passing legislation that would preempt
20 state legislation that further restricts access to precursor ingredients of
21 methamphetamine; and

22 (4) That the United States Congress is urged to work to further
23 restrict the importation of methamphetamine and its precursor ingredients.

24 *Be It Further Resolved*, That a copy of this Joint Memorial be sent
25 to the President of the United States, to the Secretary of State of the
26 United States, and to each member of Colorado's Congressional
27 delegation.