



May 8, 2007

COPY

Written Testimony
of Rob Bovett before the
Senate Judiciary Committee
Regarding HB 2782

Dear Chair Burdick, Vice-Chair Beyer, and Senators Kruse, Prozanski, and Walker,

House Bill 2782

House Bill 2782 is a minor technical correction to our precursor control statutes, involving the intricacies of organic chemistry. I personally find organic chemistry fascinating, but that probably makes me a certifiable weirdo, so I'll keep my explanation of this bill very brief.

Our current law requires that transactions involving certain precursor chemicals *and their isomers* be reported to the Oregon State Police. Isomers are molecules that share the same chemical formula, but have their atoms arranged in a different configuration. It is important to make sure that isomers of certain precursors be treated the same as the precursor. However, that is only true if the isomer is an *optical* isomer.

Let me use a simple analogy: Let's say your *left* hand represents a precursor molecule, and your hand without a thumb represents the controlled substance for which it is a precursor. Your *right* hand would therefore be on optical isomer (non-superimposable mirror image) of your left hand, and it likewise reduces to the controlled substance (a hand without a thumb). But let's say we have another molecule that looks like your hand, except the four fingers come out of your palm. That molecule is also an isomer of your hand, but not an optical isomer, and does not reduce to the controlled substance.

The smart scientists at Hewlett-Packard pointed this out to OSP Lt Mike Dingeman and I, and indicated they had lots of odd chemicals associated with ink jet printers that are isomers of certain precursors, but not optical isomers, and do we really want them to report all of those transactions to OSP? The answer was of course "no, please don't flood OSP with those reports." We also agreed to interpret the reporting statute according to its intent (*i.e.*, confined to optical isomers), until such time as we could fix the statute. Thus, we have proposed House Bill 2782. By the way, Congress had to make a similar adjustment to federal precursor statutes.

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Oregon Meth Labs

I thought I would also take this opportunity to explain why I have not proposed any substantive precursor legislation for the first time in many legislative sessions.

As you know, last session you enacted our Nation's most aggressive anti-meth precursor laws (HB 2485). Among other things, HB 2485 moved pseudo/ephedrine, the key meth precursor, to Schedule III (prescription). This effort was in response to our analysis of the source of pseudo/ephedrine for the remaining Oregon meth labs following moving pseudo/ephedrine to Schedule V (behind the pharmacy counter). HB 2485 was designed to get rid of the remaining labs where the source of the pseudo/ephedrine was "group smurfing." We also developed a plan to get rid of the remaining labs where the source of the pseudo/ephedrine was "interstate smurfing." That plan called for nationalizing the Oklahoma and Oregon successes, and was entitled the Combat Meth Act. Congress enacted that legislation, but unfortunately the pharmaceutical lobby was successful in watering it down somewhat to Schedule V lite (behind the counter, but not the pharmacy counter). Combat Meth Epidemic Act (CMEA), Subtitle A.

The result of those efforts has been quite dramatic in Oregon. I've attached our latest meth lab statistics. What's even more amazing is when you take into consideration the following additional information: Since July 1, 2006 (the date the prescription requirement for pseudo/ephedrine went into effect), there have been a total of 19 meth lab incidents reported by Oregon law enforcement authorities. Of those, 12 were incomplete labs without any pseudo/ephedrine present, or were old dump sites. Of the remaining 7, here is the suspected source of the pseudo/ephedrine:

Mail order prior to CMEA Subtitle A going into effect (9/30/06):	3 (all in same location)
Interstate smurfing in Idaho:	1
Acquired prior to prescription requirement (7/1/06):	2
Unknown	1

Furthermore, those 7 occurred prior to October of 2006. Thus, we have not had a complete meth lab incident in Oregon for over 6 months!

In a report issued last November by the federal government, Oregon was recognized as not only taking the strongest action to control pseudo/ephedrine, but also as the state with the largest reduction in meth lab incidents in the Nation. We have virtually eliminated small toxic meth labs in Oregon.

Our plans also called for controlling international pseudo/ephedrine (CMEA Subtitle B, UN Resolution 60/178, etc). The results have been plummeting meth purity and increasing meth price. That success may drive a possible resurgence in local toxic meth labs. However, I believe any resurgence will occur in those states that have not gone beyond the federal CMEA Subtitle A baseline. Therefore, I do not have any request for further Oregon precursor controls at this time.

I would like to extend my deep and sincere thanks to you for your strong leadership and action last session. The dramatic results are great news for officers, drug endangered children, property owners, and the environment!

Sincerely,

Rob Bovett
Legal Counsel
Oregon Narcotics Enforcement Association

enc: Updated Oregon meth lab statistics
Updated PowerPoint slides regarding economic cost avoidance due to meth lab reductions

pc (w/enc): Senator Joanne Verger and Representative Jean Cowan