

HOUSE No.

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

[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 amended
2 by adding the following section:-

3

4 Section 32L

5

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

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

11

12 (1) Piperidine and cyclohexanone.

13 (2) Pyrrolidine and cyclohexanone.

14 (3) Morpholine and cyclohexanone.

15

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

19 state prison for 5 years:

20

21 (1) Phencyclidine (PCP).

22 (2) Any analog of PCP

23

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

26 1-piperidinocyclohexanecarbonitrile (PCC), or phenylmagnesium bromide (PMB) with the intent to manufacture
27 phencyclidine, is guilty of a felony and shall be punished by imprisonment in the state prison for 5 years.

28

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

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

33

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

36

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38

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

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

44

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

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

51 imprisonment in the state prison for 5 years:

52

53 (A) Ephedrine, pseudoephedrine, norpseudoephedrine,

54 N-methylephedrine, N-ethylephedrine,

55 N-methylpseudoephedrine, N-ethylpseudoephedrine, or

56 phenylpropanolamine, plus hydriodic acid.

57 (B) Ephedrine, pseudoephedrine, norpseudoephedrine,

58 N-methylephedrine, N-ethylephedrine,

59 N-methylpseudoephedrine, N-ethylpseudoephedrine, or

60 phenylpropanolamine, thionyl chloride and hydrogen gas.

61 (C) Ephedrine, pseudoephedrine, norpseudoephedrine,

62 N-methylephedrine, N-ethylephedrine,

63 N-methylpseudoephedrine, N-ethylpseudoephedrine, or

64 phenylpropanolamine, plus phosphorus pentachloride and

65 hydrogen gas.

66 (D) Ephedrine, pseudoephedrine, norpseudoephedrine,

67 N-methylephedrine, N-ethylephedrine,

68 N-methylpseudoephedrine, N-ethylpseudoephedrine,

69 chloroephedrine and chloropseudoephedrine, or

70 phenylpropanolamine, plus any reducing agent

71 .

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

75 in the state prison for 5 years.

76

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

80 (1) Methamphetamine.

81 (2) Any analog of methamphetamine

82 (3) N-ethylamphetamine.

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

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

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

89

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

93

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

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

99

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

103 from an organic compound.

104

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

107

108 **SECTION 3.** (a) Any person who possesses at the same time any of the following combinations, a combination
109 product thereof, or possesses any compound or mixture containing the chemicals listed in the following

110 combinations, with the intent to sell, transfer, or otherwise furnish those chemicals, combinations, or mixtures to
111 another person with the knowledge that they will be used to manufacture phencyclidine (PCP) or any of its analogs
112 is guilty of a misdemeanor and shall be punished by imprisonment in the house of correction for up to 2 and ½
113 years:

114

115 (1) Piperidine and cyclohexanone.

116 (2) Pyrrolidine and cyclohexanone.

117 (3) Morpholine and cyclohexanone.

118

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

123

124 (1) Phencyclidine (PCP).

125 (2) Any analog of PCP

126

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

129 1-piperidinocyclohexanecarbonitrile (PCC), or phenylmagnesium bromide (PMB) with the intent to sell, transfer, or
130 otherwise furnish the compound or mixture to another person with the knowledge that it will be used to
131 manufacture phencyclidine is guilty of a misdemeanor and shall be punished by imprisonment in the house of
132 correction for up to 2 and 1/2 years.

133

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

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

139

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

142

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

146 manufacture methamphetamine, or who possesses both ethylamine and phenyl-2-propanone (phenylacetone) at
147 the same time with the intent to sell, transfer, or otherwise furnish those chemicals to another person with the
148 knowledge that they will be used to manufacture methamphetamine is guilty of a misdemeanor and shall be
149 punished by imprisonment in the house of correction for up to 2 and 1/2 years.

150

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

158

159 (A) Ephedrine, pseudoephedrine, norpseudoephedrine,

160 N-methylephedrine, N-ethylephedrine,

161 N-methylpseudoephedrine, N-ethylpseudoephedrine, or

162 phenylpropanolamine, plus hydriodic acid.

163 (B) Ephedrine, pseudoephedrine, norpseudoephedrine,

164 N-methylephedrine, N-ethylephedrine,

165 N-methylpseudoephedrine, N-ethylpseudoephedrine, or

166 phenylpropanolamine, thionyl chloride and hydrogen gas.

167 (C) Ephedrine, pseudoephedrine, norpseudoephedrine,

168 N-methylephedrine, N-ethylephedrine,

169 N-methylpseudoephedrine, N-ethylpseudoephedrine, or

170 phenylpropanolamine, plus phosphorus pentachloride and

171 hydrogen gas.

172 (D) Ephedrine, pseudoephedrine, norpseudoephedrine,

173 N-methylephedrine, N-ethylephedrine,

174 N-methylpseudoephedrine, N-ethylpseudoephedrine,

175 chloroephedrine and chloropseudoephedrine, or
176 phenylpropanolamine, plus any reducing agent.

177

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

183

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

188

189 (1) Methamphetamine.

190 (2) Any analog of methamphetamine

191 (3) N-ethylamphetamine.

192

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

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

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

200

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

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

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

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

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

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

213

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

217

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

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