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HOUSE JOINT RESOLUTION NO. 62

Offered January 11, 2012

Prefiled January 10, 2012

Directing the Virginia State Crime Commission to study the effectiveness of the current scheme of regulation of the methamphetamine precursors ephedrine and pseudoephedrine and ephedrine. Report.

Patron—McClellan

Referred to Committee on Rules

WHEREAS, because methamphetamine is a stimulant that is frequently abused, causing devastating effects on users, their families and communities, concern about the abuse and availability of methamphetamine has arisen across the country; and

WHEREAS, ephedrine and pseudoephedrine, which are used in legitimate medicines, particularly decongestants, can also be used to manufacture methamphetamine; and

WHEREAS, in 2006 the General Assembly enacted Va. Code § 18.2-248.8 regulating the sale of the methamphetamine precursors ephedrine and pseudoephedrine; and

WHEREAS, the provisions of § 18.2-248.8 of the Code of Virginia, which regulates the sale of the methamphetamine precursors ephedrine and pseudoephedrine, are required by federal law, specifically the Combat Methamphetamine Act of 2005, which is codified at 21 U.S.C. § 830(e); and

WHEREAS, § 18.2-248.8 of the Code of Virginia and federal law require ephedrine and pseudoephedrine products for retail sale to be placed behind the store counter or in a locked cabinet; limit the quantities that an individual can buy within a prescribed period of time, require the purchaser to present photo identification, and require the seller to maintain the purchaser's name and address and the date and time of sale in a logbook; and

WHEREAS, retail sellers of ephedrine and pseudoephedrine products are required to maintain records of all sales, including identifying information about the purchaser, for two years; although sellers are permitted to release the information in the log only for authorized reasons, sellers are required to report the information in the log to law-enforcement personnel upon request, and federal law requires that certain suspicious sales be reported to the United States Attorney General; and

WHEREAS, the current regulatory scheme requires the collection and retention of personal information about consumers, presents an inconvenience to legitimate retail consumers, and is a burden to retailers, and it should be determined whether the current regulatory scheme is effectively curtailing the sale of ephedrine and pseudoephedrine to those persons who use them to manufacture methamphetamine; and

WHEREAS, it is not clear whether and how often law enforcement requests the information in the log, how helpful the information is to law enforcement, or whether it provides a significant law-enforcement benefit; and

WHEREAS, it should be determined whether the methamphetamine problem can be addressed in a way that is not so intrusive on citizens who are buying ephedrine and pseudoephedrine products for legitimate health-related reasons; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime Commission be directed to study the effectiveness of the current regulatory scheme for the sale of ephedrine and pseudoephedrine and whether there are ways of combating methamphetamine manufacture that are less intrusive on legitimate consumers. In conducting its study, the Virginia State Crime Commission shall examine whether there are steps that Virginia can take within the constraints of federal law.

Technical assistance shall be provided to the Commission by the Virginia Department of State Police and the Virginia Board of Pharmacy. All agencies of the Commonwealth shall provide assistance to the Virginia State Crime Commission for this study, upon request.

The Virginia State Crime Commission shall complete its meetings by November 30, 2012, and the Chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2013 Regular Session of the General Assembly. The executive summary shall state whether the Virginia State Crime Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

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