

Calendar No. 184

109TH CONGRESS
1ST SESSION

S. 103

To respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2005

Mr. TALENT (for himself, Mrs. FEINSTEIN, Mr. BAYH, Mr. NELSON of Nebraska, Mr. DAYTON, Mr. WYDEN, Mr. SALAZAR, Mr. HAGEL, Mr. HARKIN, Mr. SMITH, Mr. COLEMAN, Mr. GRASSLEY, Ms. CANTWELL, Mr. PRYOR, Mrs. LINCOLN, Mr. LOTT, Mr. CHAMBLISS, Mrs. DOLE, Mr. BINGAMAN, Mr. DOMENICI, Mr. NELSON of Florida, Mr. KOHL, Ms. MURKOWSKI, Mr. BAUCUS, Mr. BYRD, Mr. ROCKEFELLER, Mr. JOHNSON, Mrs. BOXER, Mr. CONRAD, Mr. THUNE, Mrs. CLINTON, Mr. SCHUMER, Mr. STEVENS, Mr. INOUE, Mr. OBAMA, Mr. DURBIN, and Mr. COBURN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JULY 28, 2005

Reported by Mr. SPECTER, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Combat Meth Act of
3 2005”.

4 **TITLE I—ENFORCEMENT**5 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS RELATING**
6 **TO COPS GRANTS.**

7 (a) **IN GENERAL.**—In addition to any other funds au-
8 thorized to be appropriated for fiscal year 2006 for grants
9 under part Q of title I of the Omnibus Crime Control and
10 Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.), com-
11 monly known as the COPS program, there are authorized
12 to be appropriated \$15,000,000 for such purpose to pro-
13 vide training to State and local prosecutors and law en-
14 forcement agents for the investigation and prosecution of
15 methamphetamine offenses.

16 (b) **RURAL SET-ASIDE.**—Of amounts made available
17 under subsection (a), \$3,000,000 shall be available only
18 for prosecutors and law enforcement agents for rural com-
19 munities.

20 **SEC. 102. EXPANSION OF METHAMPHETAMINE HOT SPOTS**
21 **PROGRAM TO INCLUDE PERSONNEL AND**
22 **EQUIPMENT FOR ENFORCEMENT, PROSECU-**
23 **TION, AND CLEANUP.**

24 Section 1701(d) of the Omnibus Crime Control and
25 Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amend-
26 ed—

1 (1) in paragraph (11) by striking “and” at the
2 end;

3 (2) in paragraph (12) by striking the period at
4 the end and inserting “; and”; and

5 (3) by adding at the end the following:

6 “~~(13)~~ hire personnel and purchase equipment to
7 assist in the enforcement and prosecution of meth-
8 amphetamine offenses and the cleanup of meth-
9 amphetamine-affected areas.”.

10 **SEC. 103. SPECIAL UNITED STATES ATTORNEYS’ PROGRAM.**

11 (a) **IN GENERAL.**—The Attorney General shall allo-
12 cate any amounts appropriated pursuant to the authoriza-
13 tion under subsection (c) for the hiring and training of
14 special assistant United States attorneys.

15 (b) **USE OF FUNDS.**—The funds allocated under sub-
16 section (a) shall be used to—

17 (1) train local prosecutors in techniques used to
18 prosecute methamphetamine cases, including the
19 presentation of evidence related to the manufacture
20 of methamphetamine;

21 (2) train local prosecutors in Federal and State
22 laws involving methamphetamine manufacture or
23 distribution;

24 (3) cross-designate local prosecutors as special
25 assistant United States attorneys; and

1 (4) hire additional local prosecutors who—

2 (A) with the approval of the United States
3 attorney, shall be cross-designated to prosecute
4 both Federal and State methamphetamine
5 cases;

6 (B) shall be assigned a caseload, whether
7 in State court or Federal court, that gives the
8 highest priority to cases in which—

9 (i) charges related to methamphet-
10 amine manufacture or distribution are sub-
11 mitted by law enforcement for consider-
12 ation; and

13 (ii) the defendant has been previously
14 convicted of a crime related to meth-
15 amphetamine manufacture or distribution.

16 (e) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated \$5,000,000 for each of
18 the fiscal years 2006 and 2007 to carry out the provisions
19 of this section.

20 **SEC. 104. PSEUDOEPHEDRINE AMENDMENTS TO CON-**
21 **TROLLED SUBSTANCES ACT.**

22 (a) ADDITION OF PSEUDOEPHEDRINE TO SCHEDULE
23 V.—Section 202 of the Controlled Substances Act (21
24 U.S.C. 812) is amended by adding at the end the fol-
25 lowing:

1 “(6) Any detectable quantity of
2 pseudoephedrine, its salts or optical isomers, or salts
3 of optical isomers.”.

4 (b) PRESCRIPTIONS.—Section 309(e) of the Con-
5 trolled Substances Act (21 U.S.C. 829(e)) is amended—

6 (1) by inserting “(1)” before “No controlled
7 substance”; and

8 (2) by adding at the end the following:

9 “(2) If the substance described in paragraph (6) of
10 Schedule V of section 202 is dispensed, sold, or distributed
11 in a pharmacy—

12 “(A) the substance shall be dispensed, sold, or
13 distributed only by a licensed pharmacist or a li-
14 censed pharmacy technician; and

15 “(B) any person purchasing, receiving, or other-
16 wise acquiring any such substance shall—

17 “(i) produce a photo identification showing
18 the date of birth of such person; and

19 “(ii) sign a written log or receipt show-
20 ing—

21 “(I) the date of the transaction;

22 “(II) the name of the person; and

23 “(III) the name and the amount of
24 the substance purchased, received, or oth-
25 erwise acquired.

1 “(3)(A) No person shall purchase, receive, or other-
2 wise acquire more than 9 grams of the substance described
3 in paragraph (6) of Schedule V of section 202 within any
4 30-day period.

5 “(B) The limit described in subparagraph (A) shall
6 not apply to any quantity of such substance dispensed
7 under a valid prescription.

8 “(4)(A) The Director of the Federal Drug Adminis-
9 tration, by rule, may exempt a product from Schedule V
10 of section 202 if the Director determines that the product
11 is not used in the illegal manufacture of methamphet-
12 amine or other controlled dangerous substance.

13 “(B) The Director of the Federal Drug Administra-
14 tion, upon the application of a manufacturer of a drug
15 product, may exempt the product from Schedule V of sec-
16 tion 202 if the Director determines that the product has
17 been formulated in such a way as to effectively prevent
18 the conversion of the active ingredient into methamphet-
19 amine.

20 “(C) The Director of the Federal Drug Administra-
21 tion, by rule, may authorize the sale of the substance de-
22 scribed in paragraph (6) of Schedule V of section 202 by
23 persons other than licensed pharmacists or licensed phar-
24 macy technicians if—

1 “(i) the Director finds evidence that the ab-
2 sence of a pharmacy creates a hardship for a com-
3 munity; and

4 “(ii) the authorized personnel follow the proce-
5 dure set forth in this Act.”.

6 **TITLE II—EDUCATION,**
7 **PREVENTION, AND TREATMENT**

8 **SEC. 201. GRANTS FOR SERVICES FOR CHILDREN OF SUB-**
9 **STANCE ABUSERS.**

10 Section 519 of the Public Health Service Act (42
11 U.S.C. 290bb-25) is amended—

12 (1) in subsection (b), by inserting after para-
13 graph (8) the following:

14 “(9) Development of drug endangered children
15 rapid response teams that will intervene on behalf of
16 children exposed to methamphetamine as a result of
17 residing or being present in a home-based clandestine
18 drug laboratory.”; and

19 (2) in subsection (c)—

20 (A) by striking “For the purpose” and in-
21 serting the following:

22 “(1) IN GENERAL.—For the purpose”; and

23 (B) by adding at the end the following:

24 “(2) DRUG ENDANGERED CHILDREN RAPID RE-
25 SPONSE TEAMS.—There are authorized to be appro-

1 priated \$2,500,000 for each of the fiscal years 2006
2 and 2007 to carry out the provisions of subsection
3 (b)(9).”.

4 **SEC. 202. LOCAL GRANTS FOR TREATMENT OF METH-**
5 **AMPHETAMINE ABUSE AND RELATED CONDI-**
6 **TIONS.**

7 Subpart 1 of part B of title V of the Public Health
8 Service Act (42 U.S.C. 290bb et seq.) is amended—

9 (1) by redesignating the section 514 that re-
10 lates to methamphetamine and appears after section
11 514A as section 514B;

12 (2) in section 514B, as redesignated—

13 (A) by amending subsection (a)(1) to read
14 as follows:

15 “(1) GRANTS AUTHORIZED.—The Secretary
16 may award grants to States, political subdivisions of
17 States, American Indian Tribes, and private, non-
18 profit entities to provide treatment for methamphet-
19 amine abuse.”;

20 (B) by amending subsection (b) to read as
21 follows:

22 “(b) PRIORITY FOR RURAL AREAS.—In awarding
23 grants under subsection (a), the Secretary shall give pri-
24 ority to entities that will serve rural areas experiencing
25 an increase in methamphetamine abuse.”; and

1 (C) in subsection (d)(1), by striking
2 “2000” and all that follows and inserting
3 “2005 and such sums as may be necessary for
4 each of fiscal years 2006 through 2009”; and
5 (3) by inserting after section 514B, as redesignated,
6 the following:

7 **“SEC. 514C. METHAMPHETAMINE RESEARCH, TRAINING,**
8 **AND TECHNICAL ASSISTANCE CENTER.**

9 “(a) PROGRAM AUTHORIZED.—The Secretary, acting
10 through the Administrator, and in consultation with the
11 Director of the National Institutes of Health, shall award
12 grants to, or enter into contracts with, public or private,
13 nonprofit entities to establish a research, training, and
14 technical assistance center to carry out the activities de-
15 scribed in subsection (d).

16 “(b) APPLICATION.—A public or private, nonprofit
17 entity seeking a grant or contract under subsection (a)
18 shall submit an application to the Secretary at such time,
19 in such manner, and containing such information as the
20 Secretary may require.

21 “(c) CONDITION.—In awarding grants or entering
22 into contracts under subsection (a), the Secretary shall en-
23 sure that not less than 1 of the centers will focus on meth-
24 amphetamine abuse in rural areas.

1 “(d) AUTHORIZED ACTIVITIES.—Each center estab-
2 lished under this section shall—

3 “(1) engage in research and evaluation of the
4 effectiveness of treatment modalities for the treat-
5 ment of methamphetamine abuse;

6 “(2) disseminate information to public and pri-
7 vate entities on effective treatments for methamphet-
8 amine abuse;

9 “(3) provide direct technical assistance to
10 States, political subdivisions of States, and private
11 entities on how to improve the treatment of meth-
12 amphetamine abuse; and

13 “(4) provide training on the effects of meth-
14 amphetamine use and on effective ways of treating
15 methamphetamine abuse to substance abuse treat-
16 ment professionals and community leaders.

17 “(e) REPORTS.—Each grantee or contractor under
18 this section shall annually submit a report to the Adminis-
19 trator that contains—

20 “(1) a description of the previous year’s activi-
21 ties of the center established under this section;

22 “(2) effective treatment modalities undertaken
23 by the center; and

24 “(3) evidence to demonstrate that such treat-
25 ment modalities were successful.

1 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated to carry out this section
 3 \$3,000,000 for fiscal year 2006 and such sums as may
 4 be necessary for each of fiscal years 2007 and 2008.”.

5 **SEC. 203. METHAMPHETAMINE PRECURSOR MONITORING**
 6 **GRANTS.**

7 (a) GRANTS AUTHORIZED.—The Attorney General,
 8 acting through the Bureau of Justice Assistance, may
 9 award grants to States to establish methamphetamine pre-
 10 cursor monitoring programs.

11 (b) PURPOSE.—The purpose of the grant program es-
 12 tablished under this section is to—

13 (1) prevent the sale of methamphetamine pre-
 14 cursors, such as pseudoephedrine, to individuals in
 15 quantities so large that the only reasonable purpose
 16 of the purchase would be to manufacture meth-
 17 amphetamine;

18 (2) educate businesses that legally sell meth-
 19 amphetamine precursors of the need to balance the
 20 legitimate need for lawful access to medication with
 21 the risk that those substances may be used to manu-
 22 facture methamphetamine; and

23 (3) recalibrate existing prescription drug moni-
 24 toring programs designed to track the sale of con-
 25 trolled substances to also track the sale of

1 pseudoephedrine in any amount greater than 6
2 grams.

3 (c) USE OF GRANT FUNDS.—Grant funds awarded
4 to States under this section may be used to—

5 (1) implement a methamphetamine precursor
6 monitoring program, including hiring personnel and
7 purchasing computer hardware and software de-
8 signed to monitor methamphetamine precursor pur-
9 chases;

10 (2) expand existing methamphetamine pre-
11 cursor or prescription drug monitoring programs to
12 accomplish the purposes described in subsection (b);

13 (3) pay for training and technical assistance for
14 law enforcement personnel and employees of busi-
15 nesses that lawfully sell substances, which may be
16 used as methamphetamine precursors;

17 (4) improve information sharing between adja-
18 cent States through enhanced connectivity; or

19 (5) make grants to subdivisions of the State to
20 implement methamphetamine precursor monitoring
21 programs.

22 (d) APPLICATION.—Any State seeking a grant under
23 this section shall submit an application to the Attorney
24 General at such time, in such manner, and containing
25 such information as the Attorney General may require.

1 (e) ~~AUTHORIZATION OF APPROPRIATIONS.~~—There
 2 are authorized to be appropriated \$5,000,000 for each of
 3 the fiscal years 2006 and 2007 to carry out the provisions
 4 of this section.

5 **SECTION 1. SHORT TITLE.**

6 *This Act may be cited as the “Combat Meth Act of*
 7 *2005”.*

8 **TITLE I—ENFORCEMENT**
 9 **Subtitle A—Amendments to**
 10 **Controlled Substances Act**

11 **SEC. 101. PSEUDOEPHEDRINE AND EPHEDRINE AMEND-**
 12 **MENTS TO CONTROLLED SUBSTANCES ACT.**

13 (a) *ADDITION OF PSEUDOEPHEDRINE AND EPHED-*
 14 *RINE TO SCHEDULE V.*—*The matter under schedule V in*
 15 *section 202(c) of the Controlled Substances Act (21 U.S.C.*
 16 *812(c)) is amended by adding at the end the following:*

17 “(6) *Any detectable quantity of pseudoephedrine*
 18 *or ephedrine, their salts or optical isomers, or salts of*
 19 *optical isomers.”.*

20 (b) *PRESCRIPTIONS.*—*Section 309(c) of the Controlled*
 21 *Substances Act (21 U.S.C. 829(c)) is amended—*

22 (1) *by striking “No controlled substance” and in-*
 23 *serting the following:*

24 “(1) *IN GENERAL.*—*No controlled substance”;*
 25 *and*

1 (2) *by adding at the end the following:*

2 “(2) *RETAIL DISTRIBUTORS AND PHARMACIES.—*
3 *If a controlled substance described in paragraph (6)*
4 *of schedule V is dispensed or sold at retail by a retail*
5 *distributor or a pharmacy, the retail distributor or*
6 *pharmacy shall ensure the following:*

7 “(A) *QUALIFICATIONS OF DISPENSER.—The*
8 *substance shall be dispensed or sold at retail only*
9 *by practitioner, pharmacist, or an individual*
10 *under the supervision of a pharmacist as per-*
11 *mitted by the State.*

12 “(B) *REQUIREMENTS FOR PURCHASER.—*
13 *Any person purchasing, receiving, or otherwise*
14 *acquiring any such substance shall, prior to tak-*
15 *ing possession—*

16 “(i) *provide an approved Federal or*
17 *State-issued photo identification or an al-*
18 *ternative form of identification authorized*
19 *by the Attorney General; and*

20 “(ii) *sign or make an entry in a writ-*
21 *ten or electronic log that conforms with the*
22 *regulations under paragraph (4) docu-*
23 *menting—*

24 “(I) *the date of the transaction;*

25 “(II) *the name of the person; and*

1 “(III) the name and the amount
2 of the controlled substance described in
3 paragraph (6) of schedule V purchased,
4 received, or otherwise acquired.

5 “(C) LIMITATION ON AMOUNT OF PUR-
6 CHASE.—No person shall purchase, receive, or
7 otherwise acquire more than 7.5 grams of a con-
8 trolled substance described in paragraph (6) of
9 schedule V within any 30-day period.

10 “(3) EXEMPTIONS.—

11 “(A) IN GENERAL.—The Attorney General,
12 by rule, may exempt a product from paragraph
13 (6) of schedule V if the Attorney General deter-
14 mines that the product cannot be used in the ille-
15 gal manufacture of methamphetamine or any
16 other controlled dangerous substance.

17 “(B) DIFFERENT FORMULATION.—

18 “(i) IN GENERAL.—The Attorney Gen-
19 eral, upon the application of a manufac-
20 turer of a drug product, may exempt a
21 product from paragraph (6) of schedule V if
22 the Attorney General determines that the
23 product has been formulated in such a way
24 as to effectively prevent the conversion of the
25 active ingredient into methamphetamine.

1 “(i) *SENSE OF CONGRESS.—It is the*
 2 *sense of Congress that the Secretary of*
 3 *Health and Human Services should con-*
 4 *sider a product under clause (i) to be sub-*
 5 *ject to the performance goals established by*
 6 *the Commissioner of Food and Drugs for*
 7 *priority drugs.*

8 “(C) *SPECIAL EXCEPTIONS.—The Attorney*
 9 *General, by rule, may authorize the sale of a*
 10 *controlled substance described in paragraph (6)*
 11 *of schedule V by persons other than a practi-*
 12 *tioner, and at a location other than a pharmacy*
 13 *if—*

14 “(i) *the Attorney General—*

15 “(I) *determines that the retail fa-*
 16 *cility is located within a commercial*
 17 *service airport, and sells the substance*
 18 *packaged in liquid and liquid filled*
 19 *gelcaps only, each single sales package*
 20 *containing not more than 360 mg, per*
 21 *person, in a 24 hour period; or*

22 “(II) *has issued an alternate place*
 23 *of sale license to the retail location and*
 24 *has issued an alternate dispenser li-*
 25 *cence to the person authorized to make*

1 *the sale under subsections (i) and (j) of*
2 *section 303, respectively;*

3 *“(ii) the person dispensing the con-*
4 *trolled substance described in paragraph (6)*
5 *of schedule V follows the procedures set forth*
6 *in this Act; and*

7 *“(iii) the person authorized under sec-*
8 *tion 303(i) dispensing the controlled sub-*
9 *stance described in paragraph (6) of sched-*
10 *ule V provides notification, in writing, of*
11 *the intention to dispense such substance*
12 *pursuant to a special exception under this*
13 *subparagraph to each State and local law*
14 *enforcement authority with jurisdiction to*
15 *investigate crimes involving controlled sub-*
16 *stances at such location.*

17 *“(D) PRESCRIPTIONS.—The limit described*
18 *in paragraph (2)(C) shall not apply to any*
19 *quantity of such substance dispensed under a*
20 *valid prescription.*

21 *“(4) REGULATIONS.—*

22 *“(A) RULES FOR LOGS.—*

23 *“(i) IN GENERAL.—The Attorney Gen-*
24 *eral shall promulgate rules and regula-*
25 *tions—*

1 “(I) prescribing the content and
2 format of the log required in para-
3 graph (2)(B)(ii);

4 “(II) establishing the manner in
5 which the information in the log re-
6 quired in paragraph (2)(B)(ii) shall be
7 reported to law enforcement authori-
8 ties; and

9 “(III) prohibiting accessing,
10 using, or sharing the information in
11 the log for any purpose other than to
12 ensure compliance with this Act or to
13 facilitate a product recall necessary to
14 protect public health and safety.

15 “(ii) **MISREPRESENTATION WARNING.**—The rules and regulations under
16 clause (i) shall require that the log explain
17 the potential consequences of false state-
18 ments or misrepresentations, including re-
19 quiring that the following statement is
20 prominently presented: **NOTE: PENALTY**
21 **FOR MISREPRESENTATION** – Any mis-
22 representation (by omission or concealment,
23 or by misleading, false, or partial answers
24 may result in prosecution pursuant to sec-
25

1 *tion 1001 of title 18, United States Code,*
2 *which makes it a criminal offense, punish-*
3 *able by a maximum of 5 years imprison-*
4 *ment, \$10,000 fine, or both, knowingly and*
5 *willfully to make a false statement or rep-*
6 *resentation to any Department or Agency of*
7 *the United States as to any matter within*
8 *the jurisdiction of any Department or Agen-*
9 *cy of the United States.’*

10 “(B) *ALTERNATE IDENTIFICATION.*—*The*
11 *Attorney General shall promulgate rules and reg-*
12 *ulations authorizing the acceptance of an alter-*
13 *nate form of identification under paragraph*
14 *(2)(B)(i) to be used electronically.*

15 “(5) *GOOD FAITH PROTECTION.*—*A retailer who*
16 *in good faith releases information maintained under*
17 *this subsection for purposes of compliance with this*
18 *Act to a law enforcement or regulatory authority es-*
19 *tablished pursuant to Federal or State law is immune*
20 *from civil liability unless the release constitutes gross*
21 *negligence or intentional, wanton, or willful mis-*
22 *conduct.”.*

23 (c) *ALTERNATE PLACE OF SALES AND DISPENSERS.*—
24 *Section 303 of the Controlled Substances Act (21 U.S.C.*
25 *823) is amended by adding at the end the following:*

1 “(i) *ALTERNATE PLACE OF SALES LICENSES.*—

2 “(1) *IN GENERAL.*—*The Attorney General shall*
3 *register an applicant to dispense a controlled sub-*
4 *stance described in paragraph (6) of schedule V at a*
5 *location other than a pharmacy if the Attorney Gen-*
6 *eral determines that such registration is consistent*
7 *with the public interest.*

8 “(2) *CONSIDERATIONS.*—*In determining the pub-*
9 *lic interest, the Attorney General shall consider—*

10 “(A) *the applicant’s maintenance of effec-*
11 *tive controls against diversion of the controlled*
12 *substance described in paragraph (6) of schedule*
13 *V into other than legitimate channels equivalent*
14 *to that of a pharmacy;*

15 “(B) *the applicant’s compliance with appli-*
16 *cable State and local law, including holding a*
17 *valid license issued by an appropriate State au-*
18 *thority evidencing compliance with subpara-*
19 *graph (A);*

20 “(C) *the applicant’s prior conviction record*
21 *under Federal and State laws; and*

22 “(D) *such other factors as may be relevant*
23 *to and consistent with the public health and safe-*
24 *ty, including accessibility to rural consumers.*

1 “(3) *STATE LICENSES.*—If an applicant under
 2 paragraph (1) does not have a valid State license as
 3 described in paragraph (2)(B), the Attorney General
 4 shall not register the applicant for a license under
 5 this subsection.

6 “(j) *ALTERNATE DISPENSER LICENSES.*—

7 “(1) *IN GENERAL.*—The Attorney General shall
 8 register an applicant, other than a practitioner, to
 9 dispense a controlled substance described in para-
 10 graph (6) of schedule V at a location other than a
 11 pharmacy if the Attorney General determines that
 12 such registration is consistent with the public interest.

13 “(2) *CONSIDERATIONS.*—In determining the pub-
 14 lic interest, the Attorney General shall consider—

15 “(A) the applicant’s compliance with appli-
 16 cable State and local law, including holding a li-
 17 cense issued by an appropriate State authority
 18 evidencing a degree of suitability to dispense the
 19 controlled substance described in paragraph (6)
 20 of schedule V equivalent to that of a practitioner;

21 “(B) the applicant’s prior conviction record
 22 under Federal and State laws; and

23 “(C) such other factors as may be relevant
 24 to and consistent with the public health and safe-
 25 ty, including accessibility to rural consumers.

1 “(3) *STATE LICENSES.*—If an applicant under
 2 paragraph (1) does not have a valid State license as
 3 described in paragraph (2)(B), the Attorney General
 4 shall not register the applicant for a license under
 5 this subsection.”.

6 (d) *THEFT PREVENTION.*—Notwithstanding para-
 7 graph (6) of schedule V of section 202 of the Controlled Sub-
 8 stances Act (21 U.S.C. 812), as added by subsection (a),
 9 persons registered with the Drug Enforcement Administra-
 10 tion to manufacture or distribute controlled substances shall
 11 maintain adequate security and provide effective controls
 12 and procedures to guard against theft and diversion, but
 13 shall not otherwise be required to meet the meet the storage,
 14 reporting, recordkeeping, or physical security control re-
 15 quirements (such as a cage or vault) for controlled sub-
 16 stances in schedule V containing pseudoephedrine or ephed-
 17 rine.

18 (e) *STATE PENALTIES AND PEDIATRIC PRODUCTS.*—
 19 Nothing in this Act shall be construed to—

20 (1) prevent a State or political subdivision of a
 21 State from adopting and enforcing penalties that are
 22 different from, in addition to, or otherwise not iden-
 23 tical with, the penalties that apply under the Con-
 24 trolled Substances Act (28 U.S.C. 801 et seq.); or

1 (2) *prevent a State or political subdivision of a*
2 *State from permitting the sale of pediatric products*
3 *containing pseudoephedrine or ephedrine, their salts*
4 *or optical isomers, or salts of optical isomers where*
5 *the pediatric product—*

6 (A) *is primarily intended for administra-*
7 *tion, according to label instructions, to children*
8 *under 12 years of age and either—*

9 (i) *in solid dosage form, individual*
10 *dosage units do not exceed 15 milligrams of*
11 *ephedrine or pseudoephedrine; or*

12 (ii) *in liquid form, recommended dos-*
13 *age units, according to label instructions, do*
14 *not exceed 15 milligrams of ephedrine or*
15 *pseudoephedrine per 5 milliliters of liquid*
16 *product; or*

17 (B) *is in liquid form—*

18 (i) *primarily intended for administra-*
19 *tion to children under 2 years of age;*

20 (ii) *the recommended dosage of which*
21 *does not exceed 2 milliliters; and*

22 (iii) *the total package content is not*
23 *more than 1 fluid ounce.*

24 (f) *EFFECTIVE DATES.—*

1 (1) *ONLY ACTIVE INGREDIENT.*—*This section and*
 2 *the amendments made by this section shall take effect*
 3 *with regard to any substance in which ephedrine or*
 4 *pseudoephedrine is the only active ingredient 90 days*
 5 *after the date of enactment of this Act.*

6 (2) *OTHER PRODUCTS.*—*This section and the*
 7 *amendments made by this section shall take effect*
 8 *with regard to any substance other than a substance*
 9 *described in paragraph (1) on January 1, 2007.*

10 **SEC. 102. EMPLOYER SCREENING OF EMPLOYEES WORKING**
 11 **WITH CONTROLLED SUBSTANCES.**

12 *Part C of the Controlled Substances Act (21 U.S.C.*
 13 *821 et seq.) is amended by adding at the end the following:*

14 “*APPLICANTS AND EMPLOYEES*
 15 “*SEC. 311. Persons registered with the Drug Enforce-*
 16 *ment Administration to manufacture, deliver, distribute, or*
 17 *dispense controlled substances shall take reasonable steps to*
 18 *guard against hiring persons who may, as a result of their*
 19 *employment, have access to and become involved in the theft*
 20 *and diversion of controlled substances, including, notwith-*
 21 *standing State law, asking applicants for employment*
 22 *whether they have been convicted of any crime involving*
 23 *or related to controlled substances.*”.

1 **TITLE II—EDUCATION,**
 2 **PREVENTION, AND TREATMENT**

3 **SEC. 201. GRANTS FOR SERVICES FOR CHILDREN OF SUB-**
 4 **STANCE ABUSERS.**

5 *Section 519 of the Public Health Service Act (42*
 6 *U.S.C. 290bb–25) is amended—*

7 (1) *in subsection (b), by inserting after para-*
 8 *graph (8) the following:*

9 “*(9) Development of drug endangered children*
 10 *rapid response teams that will intervene on behalf of*
 11 *children exposed to methamphetamine as a result of*
 12 *residing or being present in a home-based clandestine*
 13 *drug laboratory.*”; and

14 (2) *in subsection (o)—*

15 (A) *by striking “For the purpose” and in-*
 16 *serting the following:*

17 “*(1) IN GENERAL.—For the purpose*”; and

18 (B) *by adding at the end the following:*

19 “*(2) DRUG ENDANGERED CHILDREN RAPID RE-*
 20 *SPONSE TEAMS.—There are authorized to be appro-*
 21 *priated \$2,500,000 for each of the fiscal years 2006*
 22 *and 2007 to carry out the provisions of subsection*
 23 *(b)(9).*”.

1 **SEC. 202. LOCAL GRANTS FOR TREATMENT OF METH-**
 2 **AMPHETAMINE ABUSE AND RELATED CONDI-**
 3 **TIONS.**

4 *Subpart 1 of part B of title V of the Public Health*
 5 *Service Act (42 U.S.C. 290bb et seq.) is amended—*

6 *(1) by redesignating section 514 that relates to*
 7 *methamphetamine and appears after section 514A as*
 8 *section 514B;*

9 *(2) in section 514B, as redesignated—*

10 *(A) by amending subsection (a)(1) to read*
 11 *as follows:*

12 *“(1) GRANTS AUTHORIZED.—The Secretary may*
 13 *award grants to States, political subdivisions of*
 14 *States, American Indian Tribes, and private, non-*
 15 *profit entities to provide treatment for methamphet-*
 16 *amine abuse.”;*

17 *(B) by amending subsection (b) to read as*
 18 *follows:*

19 *“(b) PRIORITY FOR HIGH NEED STATES.—In award-*
 20 *ing grants under subsection (a), the Secretary shall give*
 21 *priority to entities that will serve rural or urban areas ex-*
 22 *periencing an increase in methamphetamine abuse in*
 23 *States with addiction rates in excess of the national rate.”;*
 24 *and*

25 *(C) in subsection (d)(1), by striking “2000”*
 26 *and all that follows and inserting “2005 and*

1 *such sums as may be necessary for each of fiscal*
2 *years 2006 through 2009”; and*

3 *(3) by inserting after section 514B, as redesign-*
4 *ated, the following:*

5 **“SEC. 514C. METHAMPHETAMINE RESEARCH, TRAINING,**
6 **AND TECHNICAL ASSISTANCE CENTER.**

7 *“(a) PROGRAM AUTHORIZED.—The Secretary, acting*
8 *through the Administrator, and in consultation with the*
9 *Director of the National Institutes of Health, shall award*
10 *grants to, or enter into contracts with, public or private,*
11 *nonprofit entities to establish a research, training, and tech-*
12 *nical assistance center to carry out the activities described*
13 *in subsection (d).*

14 *“(b) APPLICATION.—A public or private, nonprofit en-*
15 *tity seeking a grant or contract under subsection (a) shall*
16 *submit an application to the Secretary at such time, in*
17 *such manner, and containing such information as the Sec-*
18 *retary may require.*

19 *“(c) CONDITION.—In awarding grants or entering into*
20 *contracts under subsection (a), the Secretary shall ensure*
21 *that not less than 1 of the centers will focus on methamphet-*
22 *amine abuse in rural areas.*

23 *“(d) AUTHORIZED ACTIVITIES.—Each center estab-*
24 *lished under this section shall—*

1 “(1) engage in research and evaluation of the ef-
2 fectiveness of treatment modalities for the treatment of
3 methamphetamine abuse;

4 “(2) disseminate information to public and pri-
5 vate entities on effective treatments for methamphet-
6 amine abuse;

7 “(3) provide direct technical assistance to States,
8 political subdivisions of States, and private entities
9 on how to improve the treatment of methamphetamine
10 abuse; and

11 “(4) provide training on the effects of meth-
12 amphetamine use and on effective ways of treating
13 methamphetamine abuse to substance abuse treatment
14 professionals and community leaders.

15 “(e) *REPORTS.*—Each grantee or contractor under this
16 section shall annually submit a report to the Administrator
17 that contains—

18 “(1) a description of the previous year’s activi-
19 ties of the center established under this section;

20 “(2) effective treatment modalities undertaken by
21 the center; and

22 “(3) evidence to demonstrate that such treatment
23 modalities were successful.

24 “(f) *AUTHORIZATION OF APPROPRIATIONS.*—There are
25 authorized to be appropriated to carry out this section

1 \$3,000,000 for fiscal year 2006 and such sums as may be
2 necessary for each of fiscal years 2007 and 2008.”.

3 **SEC. 203. METHAMPHETAMINE PRECURSOR MONITORING**
4 **GRANTS.**

5 (a) *GRANTS AUTHORIZED.*—The Attorney General,
6 acting through the Bureau of Justice Assistance, may
7 award grants to States to establish methamphetamine pre-
8 cursor monitoring programs.

9 (b) *PURPOSE.*—The purpose of the grant program es-
10 tablished under this section is to—

11 (1) prevent the sale of methamphetamine precur-
12 sors, such as pseudoephedrine and ephedrine, to indi-
13 viduals in quantities so large that the only reasonable
14 purpose of the purchase would be to manufacture
15 methamphetamine;

16 (2) educate businesses that legally sell meth-
17 amphetamine precursors of the need to balance the le-
18 gitimate need for lawful access to medication with the
19 risk that those substances may be used to manufacture
20 methamphetamine; and

21 (3) recalibrate existing prescription drug moni-
22 toring programs designed to track the sale of con-
23 trolled substances to also track the sale of
24 pseudoephedrine or ephedrine in any amount greater
25 than 6 grams.

1 (c) *USE OF GRANT FUNDS.*—Grant funds awarded to
2 States under this section may be used to—

3 (1) *implement a methamphetamine precursor*
4 *monitoring program, including hiring personnel and*
5 *purchasing computer hardware and software designed*
6 *to monitor methamphetamine precursor purchases;*

7 (2) *expand existing methamphetamine precursor*
8 *or prescription drug monitoring programs to accom-*
9 *plish the purposes described in subsection (b);*

10 (3) *pay for training and technical assistance for*
11 *law enforcement personnel and employees of busi-*
12 *nesses that lawfully sell substances, which may be*
13 *used as methamphetamine precursors;*

14 (4) *improve information sharing between adja-*
15 *cent States through enhanced connectivity; or*

16 (5) *make grants to subdivisions of the State to*
17 *implement methamphetamine precursor monitoring*
18 *programs.*

19 (d) *APPLICATION.*—Any State seeking a grant under
20 this section shall submit an application to the Attorney
21 General at such time, in such manner, and containing such
22 information as the Attorney General may require.

23 (e) *AUTHORIZATION OF APPROPRIATIONS.*—There are
24 authorized to be appropriated \$5,000,000 for each of the

1 *fiscal years 2006 and 2007 to carry out the provisions of*
 2 *this section.*

3 **SEC. 204. AUTHORIZATION OF APPROPRIATIONS RELATING**
 4 **TO COPS GRANTS.**

5 (a) *IN GENERAL.*—*In addition to any other funds au-*
 6 *thorized to be appropriated for fiscal year 2006 for grants*
 7 *under part Q of title I of the Omnibus Crime Control and*
 8 *Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.), com-*
 9 *monly known as the COPS program, there are authorized*
 10 *to be appropriated \$15,000,000 for such purpose to provide*
 11 *training to State and local prosecutors and law enforcement*
 12 *agents for the investigation and prosecution of methamphet-*
 13 *amine offenses.*

14 (b) *RURAL SET-ASIDE.*—*Of amounts made available*
 15 *under subsection (a), \$3,000,000 shall be available only for*
 16 *prosecutors and law enforcement agents for rural commu-*
 17 *nities.*

18 **SEC. 205. EXPANSION OF METHAMPHETAMINE HOT SPOTS**
 19 **PROGRAM TO INCLUDE PERSONNEL AND**
 20 **EQUIPMENT FOR ENFORCEMENT, PROSECU-**
 21 **TION, AND CLEANUP.**

22 *Section 1701(d) of the Omnibus Crime Control and*
 23 *Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amend-*
 24 *ed—*

1 (1) *in paragraph (11) by striking “and” at the*
2 *end;*

3 (2) *in paragraph (12) by striking the period at*
4 *the end and inserting “; and”; and*

5 (3) *by adding at the end the following:*

6 “(13) *hire personnel and purchase equipment to*
7 *assist in the enforcement and prosecution of meth-*
8 *amphetamine offenses and the cleanup of meth-*
9 *amphetamine-affected areas.”.*

10 **SEC. 206. SPECIAL UNITED STATES ATTORNEYS’ PROGRAM.**

11 (a) *IN GENERAL.*—*The Attorney General shall allocate*
12 *any amounts appropriated pursuant to the authorization*
13 *under subsection (c) for the hiring and training of special*
14 *assistant United States attorneys.*

15 (b) *USE OF FUNDS.*—*The funds allocated under sub-*
16 *section (a) shall be used to—*

17 (1) *train local prosecutors in techniques used to*
18 *prosecute methamphetamine cases, including the pres-*
19 *entation of evidence related to the manufacture of*
20 *methamphetamine;*

21 (2) *train local prosecutors in Federal and State*
22 *laws involving methamphetamine manufacture or dis-*
23 *tribution;*

24 (3) *cross-designate local prosecutors as special*
25 *assistant United States attorneys; and*

1 (4) *hire additional local prosecutors who—*

2 (A) *with the approval of the [United States*
3 *attorney,]* *shall be cross-designated to prosecute*
4 *both Federal and State methamphetamine cases;*

5 (B) *shall be assigned a caseload, whether in*
6 *State court or Federal court, that gives the high-*
7 *est priority to cases in which—*

8 (i) *charges related to methamphet-*
9 *amine manufacture or distribution are sub-*
10 *mitted by law enforcement for consider-*
11 *ation; and*

12 (ii) *the defendant has been previously*
13 *convicted of a crime related to methamphet-*
14 *amine manufacture or distribution.*

15 (c) *AUTHORIZATION OF APPROPRIATIONS.—There are*
16 *authorized to be appropriated \$5,000,000 for each of the*
17 *fiscal years 2006 and 2007 to carry out the provisions of*
18 *this section.*

Calendar No. 184

109TH CONGRESS
1ST Session

S. 103

A BILL

To respond to the illegal production, distribution,
and use of methamphetamine in the United
States, and for other purposes.

JULY 28, 2005

Reported with an amendment