

HOUSE BILL NO. 422

INTRODUCED BY LORY, PORTER, MAGONE, SCULLY

IN THE HOUSE

January 26, 1979	Introduced and referred to Committee on Judiciary.
February 7, 1979	Committee recommend bill do pass as amended. Report adopted.  Intent statement attached.
February 8, 1979	Printed and placed on members' desks.
February 9, 1979	On motion taken from second reading and referred to Committee on Judiciary.
February 13, 1979	Committee recommend bill do pass as amended. Report adopted.
February 14, 1979	Printed and placed on members' desks.
February 15, 1979	Second reading, do pass.
February 16, 1979	Considered correctly engrossed.
February 17, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 19, 1979	Introduced and referred to Committee on Judiciary.
March 3, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 6, 1979	Second reading, pass consideration.

March 7, 1979

Second reading, concurred in.

March 10, 1979

Third reading, concurred in  
as amended.

IN THE HOUSE

March 12, 1979

Returned from second house.  
Concurred in as amended.

March 14, 1979

Second reading, amendments  
adopted.

March 15, 1979

Third reading, amendments adopted.  
Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 422  
 2 INTRODUCED BY Larry Howard Magyone Sullivan  
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO DEFINE CRIMINAL  
 5 POSSESSION OF PRECURSORS TO CERTAIN DANGEROUS DRUGS,  
 6 INCLUDING AMPHETAMINE, METHAMPHETAMINE, AND PHENCYCLIDINE;  
 7 PROVIDING CRIMINAL SANCTIONS; PROVIDING CERTAIN EXEMPTIONS;  
 8 AND AUTHORIZING RULEMAKING AUTHORITY FOR THE BOARD OF  
 9 PHARMACISTS TO GRANT EXEMPTIONS."

10  
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Criminal possession of precursors to  
 13 dangerous drugs. (1) A person commits the offense of  
 14 criminal possession of precursors to dangerous drugs if he  
 15 possesses:

16 (a) both phenyl-2-propanone (phenylacetone) and  
 17 formamide or hydroxylamine at the same time with the intent  
 18 to manufacture amphetamine;

19 (b) both phenyl-2-propanone (phenylacetone) and  
 20 methylamine or N-methylformamide at the same time with the  
 21 intent to manufacture methamphetamine;

22 (c) both piperidine and cyclohexanone at the same  
 23 time, or a combination product thereof, with the intent to  
 24 manufacture phencyclidine (PCP).

25 (2) A person convicted of criminal possession of

1 precursors to a dangerous drug shall be imprisoned in the  
 2 state prison for a term not to exceed 20 years.

3 (3) For the purposes of this section, possession of  
 4 immediate precursors sufficient for manufacture of  
 5 methylamine, phenyl-2-propanone (phenylacetone), piperidine,  
 6 cyclohexanone, N-methylformamide, or formamide or possession  
 7 of any compound or mixture containing piperidine or  
 8 cyclohexanone is possession of precursors to a dangerous  
 9 drug.

10 Section 2. Exemptions. The provisions of [section 1]  
 11 do not apply to:

- 12 (1) a drug manufacturer licensed by the state;
- 13 (2) a person authorized by rules adopted by the board  
 14 of pharmacists to possess the combination of substances;
- 15 (3) a person employed by a college or university  
 16 within the state who possesses any combination of substances  
 17 listed in [section 1] for the purposes of teaching or  
 18 research which is authorized by the college or university.

19 Section 3. Rulemaking authorized. The board of  
 20 pharmacy shall adopt, amend, or repeal rules in accordance  
 21 with the Montana Administrative Procedure Act to authorize  
 22 the processing of any combination of the substances listed  
 23 in [section 1] whenever it determines that there is a  
 24 legitimate need and that the substances will be used for a  
 25 lawful purpose.

-End-  
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 INTRODUCED BILL

1                   STATEMENT OF INTENT RE: HB 422

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4           A statement of intent is required for this bill in that  
5 in section 3 it delegates authority to the Board of Pharmacy  
6 to adopt rules.

7           House Bill 422 defines the offense of criminal  
8 possession of precursors to certain dangerous drugs. The  
9 bill provides that its provisions do not apply to those  
10 persons or businesses which have a legitimate reason for  
11 possessing the precursors. It is possible that certain  
12 persons, businesses or research facilities may now or at a  
13 later date have a legitimate need for these precursors. The  
14 purpose for giving rulemaking authority to the Board of  
15 Pharmacy is that it can best determine whether a person,  
16 business or research facility has a legitimate need for the  
17 precursors. It will also alleviate having to amend the  
18 statute in future sessions if it appears that someone is  
19 entitled to be exempted from the criminal provisions of the  
20 statute.

21           First adopted by the HOUSE COMMITTEE ON JUDICIARY on  
22 February 6, 1979.

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Approved by Committee  
on Judiciary

HOUSE BILL NO. 422

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A BILL FOR AN ACT ENTITLED: "AN ACT TO DEFINE CRIMINAL POSSESSION OF PRECURSORS TO CERTAIN DANGEROUS DRUGS, INCLUDING AMPHETAMINE, METHAMPHETAMINE, AND PHENCYCLIDINE; PROVIDING CRIMINAL SANCTIONS; PROVIDING CERTAIN EXEMPTIONS; AND AUTHORIZING RULEMAKING AUTHORITY FOR THE BOARD OF PHARMACISTS TO GRANT EXEMPTIONS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Criminal possession of precursors to dangerous drugs. (1) A person commits the offense of criminal possession of precursors to dangerous drugs if he possesses:

(a) both phenyl-2-propanone (phenylacetone) and formamide or hydroxylamine at the same time with the intent to manufacture amphetamine;

(b) both phenyl-2-propanone (phenylacetone) and methylamine or N-methylformamide at the same time with the intent to manufacture methamphetamine;

(c) both piperidine and cyclohexanone at the same time, or a combination product thereof, with the intent to manufacture phencyclidine (PCP).

(2) A person convicted of criminal possession of

precursors to a dangerous drug ~~DRUGS~~ shall be imprisoned in the state prison for a term not to exceed LESS THAN 2 YEARS OR MORE THAN 20 years.

(3) For the purposes of this section, possession of immediate precursors sufficient for manufacture of methylamine, phenyl-2-propanone (phenylacetone), piperidine, cyclohexanone, N-methylformamide, or formamide or possession of any compound or mixture containing piperidine or cyclohexanone is possession of precursors to a dangerous drug.

Section 2. Exemptions. The provisions of [section 1] do not apply to:

- (1) a drug manufacturer licensed by the state;
- (2) a person authorized by rules adopted by the board of pharmacists to possess the combination of substances;
- (3) a person employed by a college or university within the state who possesses any combination of substances listed in [section 1] for the purposes of teaching or research which is authorized by the college or university.

Section 3. Rulemaking authorized. The board of pharmacy shall adopt, amend, or repeal rules in accordance with the Montana Administrative Procedure Act to authorize the processing of any combination of the substances listed in [section 1] whenever it determines that there is a legitimate need and that the substances will be used for a

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1 lawful purpose.

-End-

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on Judiciary

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1 legitimate need and that the substances will be used for a  
2 lawful purpose.

-End-

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A statement of intent is required for this bill in that in section 3 it delegates authority to the Board of Pharmacy to adopt rules.

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House Bill 422 defines the offense of criminal possession of precursors to certain dangerous drugs. The bill provides that its provisions do not apply to those persons or businesses which have a legitimate reason for possessing the precursors. It is possible that certain persons, businesses or research facilities may now or at a later date have a legitimate need for these precursors. The purpose for giving rulemaking authority to the Board of Pharmacy is that it can best determine whether a person, business or research facility has a legitimate need for the precursors. It will also alleviate having to amend the statute in future sessions if it appears that someone is entitled to be exempted from the criminal provisions of the statute.

First adopted by the HOUSE COMMITTEE ON JUDICIARY on February 6, 1979.

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24 manufacture phencyclidine (PCP).

25 (2) A person convicted of criminal possession of

1 precursors to a dangerous drug ~~DRUGS~~ shall be imprisoned in  
2 the state prison for a term not to exceed LESS THAN 2 YEARS  
3 OR MORE THAN 20 years.

4 (3) For the purposes of this section, possession of  
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19 purposes of teaching or research which is authorized by the  
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25 (2) A person convicted of criminal possession of

1 precursors to a dangerous drug DRUGS shall be imprisoned in  
2 the state prison for a term not to exceed LESS THAN 2 YEARS  
3 OR MORE THAN 70 years.

4 (3) ~~For the purposes of this section, possession of~~  
5 ~~immediate precursors sufficient for manufacture of~~  
6 ~~methylaminy-phenyl-2-propanone (phenylacetone), piperidine,~~  
7 ~~cyclohexanone, N-methylformamide, or formamide, or possession~~  
8 ~~of any compound or mixture containing piperidine, or~~  
9 ~~cyclohexanone is possession of precursors to a dangerous~~  
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- 1 legitimate need and that the substances will be used for a
- 2 lawful purpose.

-End-

March 3, 1979

SENATE STANDING COMMITTEE REPORT  
(Judiciary)

That House Bill No. 422 be amended as follows:

1. Page 2, lines 4 through 10.  
Strike: subsection (3) in its entirety