

CHAPTER NO. 227

HOUSE BILL NO. 500

INTRODUCED BY LORY, SCULLY

IN THE HOUSE

February 1, 1979	Introduced and referred to Committee on Judiciary.
February 7, 1979	Intent statement attached. Committee recommend bill do pass as amended. Report adopted.
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 15, 1979	Printed and placed on members' desks.
February 16, 1979	Second reading, do pass.
February 19, 1979	Considered correctly engrossed. Third reading, passed. Transmitted to second house.

IN THE SENATE

February 20, 1979	Introduced and referred to Committee on Judiciary.
March 6, 1979	Committee recommend bill be concurred in. Report adopted.
March 8, 1979	Second reading, concurred in.
March 12, 1979	Third reading, concurred in.

IN THE HOUSE

March 13, 1979

Returned from second house.
Concurred in. Sent to
'enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 500
2 INTRODUCED BY Log Sull

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE A REPORT ON
5 THE SALE OR TRANSFER OF PRECURSORS TO CONTROLLED
6 SUBSTANCES."

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

9 Section 1. Report required for precursor to controlled
10 substance. (1) A manufacturer, wholesaler, retailer, or
11 other person who sells, transfers, or otherwise furnishes
12 any of the following substances to a person in this state
13 must submit a report to the department of justice detailing
14 all such transactions:

- 15 (a) phenyl-2-propanone;
- 16 (b) methylamine;
- 17 (c) d-lysergic acid;
- 18 (d) ergotamine tartrate;
- 19 (e) diethyl malonate;
- 20 (f) malonic acid;
- 21 (g) ethyl malonate;
- 22 (h) barbituric acid; and
- 23 (i) piperidine.

24 (2) The department of justice may adopt, amend, or
25 repeal rules in accordance with the Montana Administrative

1 Procedure Act that add or delete substances to the list of
2 regulated substances detailed in subsection (1), if the
3 substance is a precursor to a dangerous drug as defined in
4 50-32-101. However, a rule adding or deleting a substance
5 may not have effect beyond March 1 of the year following the
6 calendar year during which the regulation was adopted.

7 (3) This section does not apply to any of the
8 following:

- 9 (a) a pharmacist or other authorized person who sells
10 or furnishes the substance upon the prescription of a
11 physician, dentist, podiatrist, or veterinarian;
- 12 (b) a physician, dentist, podiatrist, or veterinarian
13 who administers or furnishes the substance to his patients;
- 14 (c) a manufacturer or wholesaler licensed by the board
15 of pharmacists who sells, transfers, or otherwise furnishes
16 the substance to a licensed pharmacist, physician, dentist,
17 podiatrist, or veterinarian.

18 Section 2. Reports required -- exceptions. (1) Except
19 as provided in subsection (2), a manufacturer, wholesaler,
20 retailer, or other person who sells, transfers, or otherwise
21 furnishes any substance regulated pursuant to [section 1] to
22 a person in this state must, within 72 hours, submit a
23 report of the transaction to the department of justice.

24 (2) The department may authorize the submission of the
25 reports on a monthly basis for repeated, regular

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1 transactions between the furnisher and the recipient
2 involving the same substance, if the department determines:

3 (a) a pattern of regular supply of the substance
4 exists as between the manufacturer, wholesaler, retailer, or
5 other person who sells, transfers, or otherwise furnishes
6 the substance and the recipient of the substance; and

7 (b) the recipient has established a record of use of
8 the substance for lawful purposes.

9 Section 3. Common reporting form. (1) The department
10 of justice must provide a common reporting form for the
11 report required under [section 1].

12 (2) The form must contain the following information:

13 (a) name of the substance;

14 (b) quantity of the substance sold, transferred, or
15 furnished;

16 (c) the date the substance was sold, transferred, or
17 furnished;

18 (d) the name and address of the person buying or
19 receiving the substance; and

20 (e) the name and address of the manufacturer,
21 wholesaler, or retailer.

22 Section 4. Loss, theft, or other discrepancy to be
23 reported. (1) The theft or loss of a substance regulated in
24 accordance with [section 1] must be reported to the
25 department of justice within 3 days after the theft or loss

1 is discovered.

2 (2) Any difference between the quantity received of
3 any substance regulated as provided in [section 1] and the
4 quantity shipped must be reported to the department of
5 justice within 3 days of the discovery of the discrepancy.

6 (3) A report made pursuant to this section shall also
7 include the name of the common carrier or person who
8 transported the substance and the date of shipment.

9 Section 5. Violation -- penalties. (1) A person
10 commits the offense of failure to report sale or transfer of
11 a precursor to a controlled substance if he purposely or
12 knowingly fails to report the sale, transfer, or other
13 furnishing of a substance regulated by [section 1].

14 (2) A person convicted of failing to report the sale
15 or transfer of a precursor to a controlled substance shall
16 be fined not more than \$10,000 or imprisoned in the state
17 prison for not more than 10 years, or both.

-End-

1 STATEMENT OF INTENT RE: HB 500

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4 Those substances listed in section 1 can be procured
5 from most commercial chemical warehouses just as numerous
6 other chemicals can be obtained. However, those substances
7 listed in section 1 can be used in the manufacture of
8 several different dangerous drugs, including amphetamine,
9 methamphetamine and phencyclidine. The intent of the
10 legislation requiring reporting is to monitor commercial
11 sales of those chemicals that can be readily used to produce
12 dangerous drugs. Two purposes will be served by mandatory
13 reporting. First of all, it will deter those who do not have
14 a legitimate need for the chemicals from making purchases,
15 knowing that the purchase will be reported. Secondly, by
16 monitoring the sales the Department of Justice will be
17 "tipped" to large purchases by illegitimate purchasers
18 thereby preventing the possible manufacture and consumption
19 of a controlled drug.

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

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 24 (2) The department of justice may adopt, amend, or
 25 repeal rules in accordance with the Montana Administrative

1 Procedure Act that add or delete substances to the list of
 2 regulated substances detailed in subsection (1), if the
 3 substance is a precursor to a dangerous drug as defined in
 4 50-32-101. ~~However,--a--rule-adding-or-deleting-a-substance~~
 5 ~~may-not-have-effect-beyond-March-31-of-the-year-following-the~~
 6 ~~calendar-year-during-which-the-regulation-was-adopted.~~
 7 (3) This section does not apply to any of the
 8 following:
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 10 or furnishes the substance upon the prescription of a
 11 physician, dentist, podiatrist, or veterinarian;
 12 (b) a physician, dentist, podiatrist, or veterinarian
 13 who administers or furnishes the substance to his patients;
 14 (c) a manufacturer or wholesaler licensed by the board
 15 of pharmacists who sells, transfers, or otherwise furnishes
 16 the substance to a licensed pharmacist, physician, dentist,
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3 any substance regulated as provided in [section 1] and the
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7 include the name of the common carrier or person who
8 transported the substance and the date of shipment.

9 Section 5. Violation -- penalties. (1) A person
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Approved by Committee
on Judiciary

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(2) The department of justice may adopt, amend, or repeal rules in accordance with the Montana Administrative

Procedure Act that add or delete substances to the list of regulated substances detailed in subsection (1), if the substance is a precursor to a dangerous drug as defined in 50-32-101. ~~However--a--rule--adding--or--deleting--a--substance--may--not--have--effect--beyond--March--1--of--the--year--following--the--calendar--year--during--which--the--regulation--was--adopted.~~

(3) This section does not apply to any of the following:

- (a) a pharmacist or other authorized person who sells or furnishes the substance upon the prescription of a physician, dentist, podiatrist, or veterinarian;
- (b) a physician, dentist, podiatrist, or veterinarian who administers or furnishes the substance to his patients;
- (c) a manufacturer or wholesaler licensed by the board of pharmacists who sells, transfers, or otherwise furnishes the substance to a licensed pharmacist, physician, dentist, podiatrist, or veterinarian;

~~(D) TRANSFERS OF THE SUBSTANCES LISTED IN SUBSECTION (1) WITHIN ANY COLLEGE OR UNIVERSITY TO AN EMPLOYEE OR STUDENT OF THE COLLEGE OR UNIVERSITY FOR THE PURPOSE OF TEACHING OR RESEARCH AUTHORIZED BY THE COLLEGE OR UNIVERSITY.~~

Section 2. Reports required -- exceptions. (1) Except as provided in subsection (2), a manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise

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 2 a person in this state must, within 72 hours, submit a
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