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3 Title: Action to Address Illegal Methamphetamine Production
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5 Introduced by: Kaitlyn Dobesh, Gunjan Malhotra, and Tamara Roumayah for the Medical
6 Student Section
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8 Original Author: Gunjan Malhotra
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10 Referred to: Reference Committee B
11
12 House Action: **AMEND**
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14
15 Whereas, although methamphetamine was made illegal in the United States in 1974 by the Drug
16 Control Act, methamphetamine production and use is still a problem throughout our country, especially
17 in rural areas^{1,8}, and
18

19 Whereas, when federal regulations restricting the sale of ephedrine went into effect in the early
20 1990's to combat methamphetamine production, a new avenue of methamphetamine production
21 resulted, which includes producers purchasing over-the-counter (OTC) cold and sinus medications
22 containing pseudoephedrine to manufacture methamphetamine¹, and
23

24 Whereas, the most recent report from the Michigan State Police shows that this "one pot" or
25 "shake-and-bake" method of making methamphetamine with pseudoephedrine is the most prevalent
26 form of methamphetamine production in Michigan, accounting for 55.99 percent of methamphetamine
27 laboratory seizures in 2014², and
28

29 Whereas, methamphetamine production has continued to be an issue across the nation, some
30 states are affected more by illegal production than others - stemming from individual state laws and
31 voluntary measures taken to combat methamphetamine production^{2,3,4}, and
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33 Whereas, according to the SAMHSA national survey on Drug Use and Health, methamphetamine
34 use is continuously on the rise and a 2009 report by the RAND corporation cites the economic cost of
35 methamphetamine to be an estimated \$23.4 - \$48.3 billion annually^{14,15}, and
36

37 Whereas, one approach traditionally has been to require individuals to present their state-
38 issued photo identification at the time of purchase and limit the amount of OTC medication that each
39 individual person is allowed to purchase per day and per month^{5,6}, and
40

41 Whereas, many have found methods to evade this measure. For instance, some individuals will
42 purchase over the counter medications from multiple retailers all in one day before the system is able to
43 catch up to the purchases. Additionally, some methamphetamine producers will pay individuals to buy
44 the product for them under their own name as a method to evade the system^{7,9}, and
45

46 Whereas, NEXAFED and ZEPHREX-D, U.S. Food and Drug Administration (FDA) approved OTC
47 nasal decongestants, are bioequivalent to pseudoephedrine according to FDA standards and are tamper-
48 resistant alternatives that cannot be used in the production of methamphetamine^{11,12,13}, and
49

50 Whereas, several large pharmacy retailers, including Walgreens, CVS, and Rite-Aid, voluntarily
51 stopped selling pseudoephedrine products in West Virginia in August 2013 and since then, the number
52 of methamphetamine-related crimes dropped drastically^{2,10}, and

53 Whereas, Oregon and Mississippi prohibit the OTC sale of pseudoephedrine containing products
54 and experienced marked drops in methamphetamine incidences, which include meth laboratories,
55 chemical/equipment/glassware seizures, and dumpsites^{10,16,17}; therefore be it
56

57 RESOLVED: That MSMS supports the replacement of over-the-counter products containing
58 pseudoephedrine, ephedrine, phenylpropanolamine, and other like products used to produce
59 methamphetamine with their tamper- or meth-resistant counterparts; and be it further
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61 RESOLVED: That the Michigan Delegation to the American Medical Association (AMA) ask our
62 AMA to support a national ban on over-the-counter sales of pseudoephedrine, ephedrine,
63 phenylpropanolamine, that are not tamper or meth-resistant and any other current or future products
64 that are able to be used to produce methamphetamine; and be it further
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66 RESOLVED: That the Michigan Delegation to the American Medical Association (AMA) ask our
67 AMA to support the replacement of over-the-counter products containing pseudoephedrine, ephedrine,
68 phenylpropanolamine, and other like products used to produce methamphetamine with their tamper-
69 or meth-resistant counterparts; and be it further
70

71 RESOLVED: That MSMS work with the pharmaceutical and retail industries to encourage the
72 voluntary removal of or requirement for a prescription for non-tamper-resistant pseudoephedrine,
73 ephedrine, phenylpropanolamine, and other like products from businesses that sell such products over-
74 the-counter until such time as a ban on the sale of these products is implemented; and it be further
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76 RESOLVED: That the Michigan Delegation to the American Medical Association (AMA) ask our
77 AMA to work with the pharmaceutical and retail industries to encourage the voluntary removal of or
78 requirement for a prescription for non-tamper-resistant pseudoephedrine, ephedrine,
79 phenylpropanolamine, and other like products from businesses that sell such products over-the-counter
80 until such time as a ban on the sale of these products is implemented.
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83 WAYS AND MEANS COMMITTEE FISCAL NOTE: NONE

¹ http://www.crystalmethaddiction.org/History_of_Crystal_Meth.htm

² https://www.michigan.gov/documents/msp/Meth_Reporting_Act_Legislative_Report_2015_492848_7.pdf

³ <http://www.mshp.dps.missouri.gov/MSHPWeb/DevelopersPages/DDCC/methLabDisclaimer.html#>

⁴ http://www.mlive.com/lansing-news/index.ssf/2014/03/michigan_is_6th_for_methamphet.html

⁵ MCL 333.7340 and MCL 333.7340(c)

⁶ MCL 333.17766f

⁷ <https://www.whitehouse.gov/ondcp/precursor-chemicals>

⁸ <http://www.wvgazette.com/article/20150914/GZ01/150919752/2005083018>

⁹ http://www.michigan.gov/documents/mdch/4081_4_1_13_416790_7.pdf

¹⁰ <http://www.wvgazette.com/article/20150914/GZ01/150919752/2005083018>

¹¹ http://www.pharmacytimes.com/publications/issue/2015/january2015/r681_january2015

¹² <http://www.forbes.com/sites/davidkroll/2013/09/29/acura-pharmaceuticals-publishes-bioequivalence-data-on-meth-deterring-pseudoephedrine-nexafed/#267d201c6895>

¹³ <http://www.drugstorenews.com/article/independent-study-zephrex-d-effective-thwarting-meth-production>

¹⁴ <http://www.samhsa.gov/data/sites/default/files/NSDUHresultsPDFWHTML2013/Web/NSDUHresults2013.pdf>

¹⁵ <http://www.rand.org/pubs/monographs/MG829.html>

¹⁶ <http://www.namsdl.org/library/5644DAAD-00FF-8D6F-644484FED314EDB4/>

¹⁷ <http://www.cdc.gov/phlp/docs/pseudo-brief112013.pdf>