
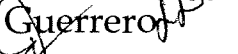



I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN  
2005 (FIRST) Regular Session

Bill No. 140(EC)

Introduced by:

Mike Cruz, M.D.   
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AN ACT TO AMEND SECTION 67.100, ARTICLE 1, CHAPTER 67, TITLE 9 OF THE GUAM CODE ANNOTATED AND ADD SECTION 67.401.2.2, ARTICLE 4, CHAPTER 67, TITLE 9 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE DISPENSING, SALE, OR DISTRIBUTION AT RETAIL OF ANY COMPOUND, MIXTURE, OR PREPARATION CONTAINING A DETECTABLE QUANTITY OF PSEUDOEPHEDRINE SHALL BE SUBJECT TO SPECIFIED ADDITIONAL REQUIREMENTS, TO BE KNOWN AS THE "METHAMPHETAMINE MANUFACTURING CHEMICAL RETAIL SALE CONTROL ACT."

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Purpose and Legislative Intent. *I Liheslaturan Guåhan* finds  
3 that methamphetamine, commonly known as 'ice,' 'speed,' 'crystal meth,' or  
4 'crank' is a very dangerous and harmful drug. It is highly addictive and is  
5 associated with permanent brain damage in long-term users. In the United  
6 States, the abuse of methamphetamine has increased dramatically since 1990.  
7 According to substance abuse counselors, methamphetamine drug use on  
8 Guam has actually decreased the past three years largely in part to law

1 enforcement, substance abuse treatment, and education. However, it still  
2 remains a serious problem on Guam.

3         Since the arrest of several drug lords, methamphetamine has become  
4 difficult to import to Guam, but drug users found it easier and cheaper to  
5 manufacture it locally. Within the past two years, local Drug Enforcement  
6 Administration (DEA) officials cracked down two drug labs. DEA officials  
7 claim these homemade drug labs have the potential to produce up to 100  
8 grams of methamphetamine per day.

9         The processing required to make methamphetamine from immediate  
10 precursor substances is easier and more accessible than ever. Immediate  
11 precursors are substances that, in nature, might be inactive. However, when  
12 combined with another chemical the result is a new product.  
13 Methamphetamine starts with an inactive or marginally inactive compound  
14 (ephedrine or pseudoephedrine) and other chemicals are added to produce  
15 the drug. There are over a dozen recipes and ample information about  
16 making methamphetamine on the Internet. An investment of a few hundred  
17 dollars in over-the-counter medications and chemicals can produce thousands  
18 of dollars worth of methamphetamine.

19         Methamphetamine can be cooked from a variety of household products,  
20 but all recipes have one common ingredient: pseudoephedrine, an effective  
21 nasal decongestant, found in cold and sinus medications right on the shelf of  
22 your local pharmacy. A deputy from San Diego Police Department states, "If  
23 you want to make methamphetamine, you need this. It can't be substituted."

24         Sudafed is the only single source over-the-counter medication. In other  
25 words, it is the only medicine that has pseudoephedrine as the single active

1 ingredient. Some local pharmacies, such as Megadrug, Cruz Pharmacy and  
2 KMart Pharmacy, have already taken precautionary measures by placing  
3 Sudafed behind the counter and/or limiting the quantities of drugs containing  
4 pseudoephedrine. In the U.S., Target, Wal-Mart, K-Mart, Albertson's, Longs  
5 Drugs and Rite Aid made recent moves for medicines containing  
6 pseudoephedrine less accessible.

7 Methamphetamine use on Guam has had devastating effects on  
8 individuals and the community, including displaced children and families,  
9 financial problems, marital problems, child and spousal abuse, sexual abuse,  
10 and long-term neglect from parents obsessed with their drug habit.  
11 Therefore, it is the intent of *I Liheslaturan Guåhan* to make it more difficult for  
12 persons engaged in the manufacturing of methamphetamine by placing  
13 regulatory measures on the retail sale of pseudoephedrine.

14 **Section 3. A new Subsection 33 through 38, Section 67.100, Article 1,**  
15 **Chapter 67, Title 9 of the Guam Code Annotated and all following**  
16 **subsections are renumbered accordingly:**

17 **§ 67.100. Definitions.**

18 (33) Retailer or Retail Distributor means a grocery store, general  
19 merchandise store, drug store, other merchandise store, or other entity or  
20 person whose activities as a distributor relating to pseudoephedrine products  
21 are limited exclusively or almost exclusively to sales for personal use, both in  
22 number of sales and volume of sales, either directly to walk-in customers or in  
23 face-to-face transactions by direct sales.

24 **Section 4. A new Section 67.401.2.2, Article 4, Chapter 67, Title 9 of**  
25 **the Guam Code Annotated is hereby added to read as follows:**

1           § 67.401.2.2    Pseudoephedrine: Retail Sale. The dispensing, sale, or  
2 distribution at retail of pseudoephedrine, or any derivative of  
3 pseudoephedrine, shall be subject to the following requirements:

4           (a) Any medication containing pseudoephedrine, or any derivative of  
5 pseudoephedrine, shall be placed behind the sales counter, stored  
6 or displayed in a locked cabinet or locked area in such a manner  
7 that the product is accessible to the public only with the assistance  
8 of a pharmacist, retailer or employee of the retailer;

9           (b) The dispensing, sale, or distribution at retail of pseudoephedrine, or  
10 any derivative of pseudoephedrine, shall be made only by a  
11 practitioner, retailer, or employee of a retailer who shall at all times  
12 act to prevent the theft or diversion of the product;

13           (c) A pharmacy or retail distributor shall provide notification in a clear  
14 and conspicuous manner in a location where a pseudoephedrine  
15 product is offered for sale stating the following: Guam law  
16 prohibits the over-the-counter purchase of more than two (2)  
17 packages of a product containing pseudoephedrine in a twenty-four  
18 (24) hour period;

19           (d) It is unlawful for a practitioner, retailer, or employee of a retailer to  
20 sell in a single transaction medicines containing pseudoephedrine  
21 in excess of two packages at a maximum of 1,440 milligrams within  
22 a twenty-four hour period and no more than 9 grams of  
23 pseudoephedrine from a pharmacy or retailer in a 30-day period,  
24 unless dispensed by a licensed pharmacist pursuant to a valid  
25 prescription;

1           (e) It is unlawful for a practitioner, retailer, or employee of a retailer, to  
2           distribute package(s) containing pseudoephedrine with knowledge  
3           that they will be used to manufacture methamphetamine or with  
4           reckless disregard of the likely use of such package or packages to  
5           manufacture methamphetamine;

6           (f) Any practitioner, retailer, or employee of a retailer who violates  
7           items (a), (b), (c), (d), or (e) of this Section commits a third degree  
8           felony;

9           (g) A purchaser who violates item (d) of this Section is guilty of a petty  
10           misdemeanor; and

11           (h) This section shall not apply to the following:

- 12           1.       Any product in liquid, liquid capsule, or dissolvable strip  
13           form in which pseudoephedrine, or any derivative of  
14           pseudoephedrine is the active ingredient; or
- 15           2.       Where possession was by a person authorized by law to  
16           dispense, prescribe, manufacture, or possess the  
17           immediate precursor substance in question.

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