

108TH CONGRESS  
1ST SESSION

# S. 1784

To eliminate the safe-harbor exception for certain packaged pseudoephedrine products used in the manufacture of methamphetamine.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 23, 2003

Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, Mr. KOHL, Mr. BIDEN, Mr. KYL, and Mr. HARKIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To eliminate the safe-harbor exception for certain packaged pseudoephedrine products used in the manufacture of methamphetamine.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Methamphetamine  
5 Blister Pack Loophole Elimination Act of 2003”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) methamphetamine is a dangerous drug dis-  
9 tributed throughout the United States;

1           (2) the manufacture, distribution, and use of  
2 methamphetamine results in increased crime, dam-  
3 age to the environment, hazardous waste that en-  
4 dangers the public, expensive cleanup costs often  
5 borne by Federal, State, and local government agen-  
6 cies, and broken families;

7           (3) Congress has acted many times to limit the  
8 availability of chemicals and equipment used in the  
9 manufacturing of methamphetamine;

10           (4) pseudoephedrine is 1 of the basic precursor  
11 chemicals used in the manufacture of methamphet-  
12 amine;

13           (5) the United States Drug Enforcement Ad-  
14 ministration has indicated that methamphetamine  
15 manufacturers often obtain pseudoephedrine from  
16 retail and wholesale distributors, in both bottles and  
17 “blister packs”, and that the use of pseudoephedrine  
18 tablets in blister packs is pervasive in the illicit pro-  
19 duction of methamphetamine in both small and large  
20 clandestine methamphetamine laboratories;

21           (6) while current law establishes a retail sales  
22 limit of 9 grams for most pseudoephedrine products,  
23 including common cold medicine, there is no such  
24 limit on the sale of blister-packed pseudoephedrine  
25 products;

1           (7) the 9 gram limit on bottled pseudoephedrine  
2 allows an individual to purchase approximately 366  
3 thirty-milligram tablets at 1 time, which is more  
4 than enough for a typical consumer in 1 transaction;

5           (8) the United States Drug Enforcement Ad-  
6 ministration recommended in March 2002 that retail  
7 distribution of pseudoephedrine tablets in blister  
8 packages should not be exempt from the 9 gram re-  
9 tail sales limit; and

10           (9) in recommending legislation to correct the  
11 current disparity in the law between bottled and blis-  
12 ter-packed pseudoephedrine tablets, the United  
13 States Drug Enforcement Administration stated  
14 that “The removal of this difference would signifi-  
15 cantly prevent illicit access to this methamphetamine  
16 precursor and would be easier for both the govern-  
17 ment and the industry to monitor and would in-  
18 crease compliance by retailers”.

19 **SEC. 3. ELIMINATION OF BLISTER PACK EXEMPTION.**

20           (a) **REGULATED TRANSACTION.**—Section  
21 102(39)(A)(iv)(I)(aa) of the Controlled Substances Act  
22 (21 U.S.C. 802(39)(A)(iv)(I)(aa)) is amended by striking  
23 “(except that” and all that follows through “1996”).

24           (b) **RULE OF LAW.**—To the extent that there exists  
25 a conflict between the amendment made by subsection (a)

1 and section 401(d) of the Comprehensive Methamphet-  
2 amine Control Act of 1996 (21 U.S.C. 802 note), the  
3 amendment shall control.

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