
Judiciary Committee

SSB 6233

Title: An act relating to possession of ephedrine, pseudoephedrine, and ammonia.

Brief Description: Clarifying references to ephedrine, pseudoephedrine, and ammonia.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Rasmussen, Long, Shin, Kastama, Franklin, Winsley, Spanel, Swecker, Regala and McAuliffe).

Brief Summary of Substitute Bill

- Includes possession of the salts, isomers, and salts of isomers of ephedrine or pseudoephedrine within the crime of possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine.
- Changes "anhydrous ammonia" references to "pressurized ammonia gas" in the crime of possession of anhydrous ammonia with intent to manufacture methamphetamine.

Hearing Date: 2/26/02

Staff: Edie Adams (786-7180).

Background:

It is a crime for a person to possess ephedrine, pseudoephedrine or anhydrous ammonia with the intent to manufacture methamphetamine. This crime is a class B felony ranked at seriousness level VIII under the Sentencing Reform Act, which would result in a sentencing range of 21-27 months for an offender with no prior convictions. If a finding is made that the crime was committed when a person under the age of 18 was present in or on the premises of the place where the methamphetamine was being manufactured, then an additional two-year enhancement is added to the offender's presumptive sentence.

A recent Court of Appeals case, *State v. Halsten*, ruled that the crime of possessing ephedrine or pseudoephedrine with intent to manufacture methamphetamine does not include possession of the salts or isomers of ephedrine or pseudoephedrine. The defendant in the case possessed pseudoephedrine hydrochloride, which is a salt of pseudoephedrine. The court reversed his conviction because the plain language of the statute does not cover the salts of pseudoephedrine. The court relied in part on the fact that the Legislature, in other

areas of the drug laws, has specifically referenced the salts and isomers of drugs.

A law enforcement agency is required to notify the Department of Social and Health Services if the agency discovers a child present at a site where the agency is conducting an investigation of possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine.

Anhydrous ammonia is ammonia that does not contain any water. Anhydrous ammonia readily absorbs water and improper storage can result in it no longer being "anhydrous."

Summary of Bill:

The crime of possession of ephedrine, pseudoephedrine and anhydrous ammonia with intent to manufacture methamphetamine is amended to include possession of the salts, isomers, or salts of isomers of ephedrine or pseudoephedrine and to change "anhydrous ammonia" to "pressurized ammonia gas."

References to this crime in the Sentencing Reform Act are amended to conform to this change. In addition, the provision requiring a law enforcement agency to notify the Department of Social and Health Services whenever a child is found at a methamphetamine site is also amended to conform to this change and to specifically include possession of pressurized ammonia gas.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.