

SENATE BILL REPORT

SSB 6233

As Passed Senate, February 13, 2002

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 History:

Committee Activity: Judiciary: 1/21/02 [DPS].

Passed Senate: 2/13/02, 46-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6233 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Hargrove, Johnson, Long, McCaslin, Poulsen, Roach, Thibaudeau and Zarelli.

Staff: Aldo Melchiori (786-7439)

Background: It is unlawful to possess ephedrine, pseudoephedrine, or anhydrous ammonia with the intent to manufacture methamphetamine. In *State v. Halsten*, the Court of Appeals held that the statute does not specifically make it unlawful to possess the salts or isomers of these substances with the intent to manufacture methamphetamine. The defendant's conviction was reversed because he possessed a salt of pseudoephedrine. Most states and the federal statutes specifically include salts or isomers.

"Anhydrous ammonia" is ammonia that does not contain any water. If it is exposed to the air, as it often is when it is stored improperly, its chemical composition changes and it is no longer anhydrous. Anhydrous ammonia also undergoes chemical modification during the manufacture of methamphetamine. Chemists at the state crime laboratory have expressed concern that the present law is unnecessarily specific.

Summary of Bill: It is unlawful to possess ephedrine or any of its salts or isomers, or salts of isomers, pseudoephedrine or any of its salts or isomers, or salts of isomers, or pressurized ammonia gas with the intent to manufacture methamphetamine. The language change applies to the sentence enhancement and Department of Social and Health Services notification procedures when a special allegation regarding the presence of children is proved. References in the sentencing grid are also corrected.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill corrects a technical loophole in the law. The outcomes of criminal prosecutions should not be based upon a technical oversight by the Legislature.

Testimony Against: None.

Testified: PRO: Senator Rasmussen, prime sponsor; Tom McBride, WA Assn. of Prosecuting Attorneys.

House Amendment(s): Possession of pressurized ammonia gas solution with the intent to manufacture methamphetamine is added as an element to the crime and the reporting requirements when a child is found in a methamphetamine laboratory.