

SENATE BILL REPORT

HB 1072

As Reported By Senate Committee On:
Judiciary, March 30, 2005

Title: An act relating to controlled substances.

Brief Description: Including salts, isomers, and salts of isomers in controlled substances provisions.

Sponsors: Representatives Lovick and Pearson.

Brief History: Passed House: 2/25/05, 95-0.

Committee Activity: Judiciary: 3/17/05, 3/30/05 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, Hargrove, McCaslin, Rasmussen and Thibaudeau.

Staff: Aldo Melchiori (786-7439)

Background: A recent Court of Appeals case, *State v. Morris*, ruled that the crime of possessing or manufacturing methamphetamine does not include possession of the "salts, isomers, and salts of isomers" of methamphetamine. The defendant in the case possessed methamphetamine hydrochloride, a salt of methamphetamine. The court sentenced the offender to a lesser penalty, instead of a sentence for manufacturing, because the plain language of the statute did not cover the salts or isomers of methamphetamine. The court found that the penalty statute only covered methamphetamine in its pure form. 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.

Summary of Bill: The Uniform Controlled Substances Act is amended to include the "salts, isomers, or salts of isomers" of controlled substances with respect to manufacturing, delivering, and possessing with intent to manufacture a controlled substance classified as a Schedule I or II narcotic drug, a controlled substance classified in Schedule IV, amphetamine, methamphetamine, ephedrine, pseudoephedrine, and pressurized ammonia gas (anhydrous ammonia).

The offense of endangerment with a controlled substance is amended to include a person who knowingly or intentionally permits a child or dependent adult to be exposed to the "salts, isomers, or salts of isomers" of methamphetamine, ephedrine, pseudoephedrine, or anhydrous ammonia, that are being used in the manufacture of methamphetamine.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This is a cleanup bill intended to clarify the legislature's intent for the court. Even the impure forms of these drugs are used by people to become intoxicated.

Testimony Against: None.

Who Testified: Representative Lovick, prime sponsor; Tom McBride, WAPA.