



NEW YORK STATE SENATOR

Thomas F. O'Mara

Senate unanimously approves legislation co-sponsored by O'Mara to help local police, DAs track and prosecute meth-related crimes ~ O'Mara calls it key part of broad effort targeting meth labs

THOMAS F. O'MARA June 10, 2015

| ISSUE: **CONTROLLED SUBSTANCES**



Albany, N.Y., June 10—The New York State Senate today unanimously approved legislation co-sponsored by Senator Tom O'Mara (R-C, Big Flats) to enhance the ability of local police and district attorneys to track and prosecute violations of restrictions on over-the-counter sales of cold medications that are key ingredients used in the manufacturing of methamphetamine.

The legislation has bipartisan support in the Legislature. It's sponsored in the Assembly by Assemblyman Steven Cymbrowitz (D-Brooklyn) and is currently in the Consumer Affairs

and Protection Committee.

O'Mara has been highlighting the dramatic rise in meth-related arrests and other incidents across the Southern Tier and Finger Lakes regions over the past few years. He said that today's legislation (S.627/A.468) targets the manufacturing of the dangerous and highly addictive drug.

"This legislation is an important part of what must be a broader and ongoing effort to deter, prosecute and punish meth crimes, as well as raise public awareness of the danger," said O'Mara. "We need to send a strong message that we're not going to tolerate the operation of meth labs. These labs pose unacceptable risks to our neighborhoods, threaten the safety of police officers and first responders, and burden local systems of health care, criminal justice and social services."

If enacted into law, the measure would, within state law, limit the sale of cold medicines containing pseudoephedrine to behind the counter, limit the amount of pseudoephedrine that an individual can purchase each month, and require that an individual present photo identification to purchase products containing pseudoephedrine. A federal law enacted nine years ago, the Combat Methamphetamine Epidemic Act of 2005 (CMEA), already regulates retail over-the-counter sales of these products because of their use in manufacturing meth. But while the CMEA has been helpful to law enforcement when investigating persons suspected of making meth, since no similar provisions exist directly in state law, local police and district attorneys are limited in their ability to fully pursue violations of purchase limits.

The U.S. Department of Justice has reported that states which have enacted similar or more restrictive retail regulations have seen a dramatic drop in the operation of small clandestine meth labs. Specific provisions of S.627 would:

- > limit over-the-counter sales to packages containing not more than 3.6 grams of one or more methamphetamine precursor drugs, not to exceed 9 grams within a 30-day period;
- > require that all packages of drugs be displayed behind a checkout counter and only be sold by a licensed pharmacist, registered pharmacy technician, or pharmacy clerk;
- > require purchasers to present a valid, government-issued photo ID and sign a written logbook that will be maintained by the retailer and be open to inspection by law enforcement; and
- > require retailers, before completing a sale, to electronically submit the required information to the National Precursor Log Exchange (NPLEx) administered by the National Association of Drug Diversion Investigators (NADDI).

The NPLEx system is fully funded by the Consumer Healthcare Products Association (CHPA), a member-based organization of manufacturers and distributors of non-prescription, over-the-counter medicine and supplements. O'Mara noted that under this legislation retailers are only required to participate as long as the system is provided free of charge.

Today's action follows the Senate's approval earlier this session of two other pieces of legislation O'Mara sponsors to combat meth. **In early March, the Senate approved O'Mara's legislation (S.1150/A.5577)** to increase the criminal penalties for the possession and/or sale of the drug by implementing an increasingly severe set of felony offenses. If enacted, state penalties in response to meth would be brought more in line with the penalties for possessing and selling cocaine and heroin. **Last month, the Senate approved O'Mara's proposal (S.1440/A.5617)** to increase the criminal penalties for the possession of meth manufacturing material and the unlawful manufacture of meth, implementing a series of increasingly severe felony offenses. Both measures are sponsored by Assemblyman Sean Ryan (D-Erie County) and remain in committee in the Assembly.