

Meth Free Tennessee Act of 2005

With the Meth Free Tennessee Act of 2005, the state maintains a public list of exempted products, and pharmacies are prohibited from selling more than three individual packages of any non-exempt product to the same person.

In addition, customers purchasing a precursor of meth are required to present a government-issued I.D., and the pharmacist maintains a record of the sale. Pharmacists also have to store meth precursors behind the pharmacy counter or locked in a case that is within view of and within 25 feet of the counter.

The Meth Act toughens criminal offenses from a Class E felony to a Class B felony (for manufacturing meth) or Class D felony (for promoting meth manufacture). The law closes the “personal-use loophole” that provided lighter sentences for a person who manufactured meth for personal use versus a person with the intention to sell.

Products affected include cold and sinus pills containing pseudoephedrine, a decongestant which is the vital ingredient in methamphetamine manufacturing. The only products exempt from the new limits are those in the form of liquids or soft-gelatin- or liquid-filled capsules, which currently are not deemed viable in the meth manufacturing process. Exempt products remain on store shelves everywhere.

In addition to moving cold and sinus products behind the pharmacy counter, the new law made several other changes including:

- Closing the so-called “personal-use loophole” in criminal law, which allowed meth cooks to secure lighter penalties by claiming they manufactured the drug only for personal use.
- Requiring health professionals to report meth lab-related burns and injuries to local law enforcement, similar to the existing requirement to report gun-shot and knife wounds.
- Creating an online registry within the Department of Environment and Conservation listing properties quarantined by law enforcement due to meth lab contamination. A separate registry will be created within the Tennessee Bureau of Investigation listing names and offenses of convicted meth cooks.

Separate from the legislation, the Governor’s FY05-06 budget proposal includes nearly \$7 million to attack the meth problem in Tennessee. Among other items, the budget includes:

- \$2.4 million for increased criminal penalties for meth-related crimes, including closure of the personal-use loophole.
- \$1.7 million to launch a drug court pilot project endorsed by the White House Office of National Drug Control Policy

- White House Office of National Drug Control Policy to test the effectiveness of a combination of treatment and light incarceration.
- \$1.5 million to launch a statewide education and public awareness campaign.
- \$600,000 to provide meth-lab response training to law enforcement and other first responders.